



Queensland

Fisheries Act 1994

Fisheries Regulation 1995

**Reprinted as in force on 25 February 2005
(includes commenced amendments up to 2005 SL No. 23)**

Reprint No. 7K revised edition

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

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

Also see endnotes for information about—

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

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

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



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Fisheries Regulation 1995

[as amended by all amendments that commenced on or before 25 February 2005]

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) Unless otherwise provided under this section, latitudes and longitudes mentioned in this regulation or a management plan are worked out using AGD 66.
- (2) Latitudes and longitudes mentioned in schedule 2, section 193A,¹ are worked out using GD A94.

¹ Schedule 2 (Closed waters—commercial fishing), section 193A (Hervey Bay scallop ranching areas)

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- (3) Latitudes and longitudes mentioned in any of the following provisions of this regulation are worked out using WGS 84—
- (a) schedule 2, part 1, divisions 2 and 3;
 - (b) schedule 2, part 4, division 5;
 - (c) schedule 3, sections 40B to 40E;
 - (d) schedule 5B;
 - (e) schedule 17, part 2, definition *western Flat Rock protection area*.²
- (4) Subsection (1) does not apply for a management plan, or a provision of a management plan, if the plan or provision provides for another system for working out latitudes and longitudes.
- (5) In this section—

AGD 66 means the ‘Australian Geodetic Datum 1966’ (commonly called ‘AGD 66’) notified in the Commonwealth Government Gazette No. 84 on 6 October 1966, at page 4984.

GDA 94 means the ‘Geocentric Datum of Australia 1994’ (commonly called ‘GDA 94’) notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

2 Schedule 2 (Closed waters—commercial fishing), part 1 (Taking or possessing any fish) , divisions 2 (Fish taken under fishery symbol C1, L1, L6, L7, N1, N2, N6, N7, N8, SM or T4) and 3 (Fish taken under fishery symbol A1 or A2)

Schedule 2 (Closed waters—commercial fishing), part 4 (Taking or possessing any fish and using or possessing certain fishing apparatus), division 5 (Fish taken under fishery symbol A1 or A2)

Schedule 3 (Closed waters—recreational fishing)

Schedule 5B (Special provisions for spanish mackerel commercial fishery)

Schedule 17 (Definitions), part 2 (Dictionary)

WGS 84 means 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.³

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.

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.

3 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>.

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, estuary cod, grass emperor (grass sweetlip), great white shark, grey nurse shark, malabar grouper, 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;⁴ 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

4 The catalog is also available at—
<www.calacademy.org/research/ichthyology/catalog/>.

- (l) for coral reef fin fish not mentioned in paragraph (j) or (k), estuary cod, grass emperor (grass sweetlip) and malabar grouper—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, Crawford House Publishing Pty Ltd, Bathurst, Australia.

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 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.

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.⁵

14AA Closed season for tropical spiny rock lobster

- (1) The period from midnight on 1 October to midnight on 31 January is a closed season for tropical spiny rock lobster for the crayfish and rock lobster fishery area.

⁵ Note there is also a closed season declaration for Australian bass under the *Fisheries (Freshwater) Management Plan 1999*, section 6.

(2) In this section—

crayfish and rock lobster fishery area means the area mentioned in schedule 15, section 31.

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—

- (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.⁶

⁶ Schedules 2 (Closed waters—commercial fishing) and 3 (Closed waters—recreational fishing)

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- (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) 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.

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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 and weight of fish

The size or weight of fish mentioned in schedule 4A must be decided in the way stated in schedule 4A for the fish.

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 applies to reef fish other than coral reef fin fish.

- (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 (2) applies only if the fisher ensures a square area, with sides of 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.⁷

⁷ See however section 98A (Prohibition for prawns taken by recreational fishers).

Part 5A Declared diseases

25C Declared diseases—Act, s 94

- (1) Each of the following is declared to be a declared disease for the Act—
 - (a) a bacteria, fungus, parasite, pest or virus mentioned in schedule 5;
 - (b) a residue of BHC that has a concentration greater than 0.01 mg/kg for the residue in fisheries resources.
- (2) In this section—

BHC means a chemical that is the sum of isomers of 1, 2, 3, 4, 5, 6-hexachlorocyclohexane, other than lindane.

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 5C Quota and authority for spanish mackerel commercial fishery

Division 1 General provision about SM units

25E Nature of an SM unit

Each SM unit is—

- (a) an authority, the entitlement for which is provided for under division 2; and
- (b) a quota for the spanish mackerel commercial fishery established under schedule 11A.⁸

Division 2 SM unit entitlement and use

25F Meaning of *entitlement* of SM unit holder

- (1) The holder of an SM unit, or a person acting under the SM unit, may take, in an SM year, the prescribed weight of spanish mackerel for the SM unit.
- (2) The authorisation for each SM year is the holder's *entitlement* under the SM unit for that SM year.
- (3) However, the entitlement applies only—
 - (a) while—
 - (i) the holder holds the SM fishery licence identified in the SM unit certificate issued to the holder for the SM year; and
 - (ii) the licence is in force; and
 - (b) for the SM fishery area.
- (4) In this section—

prescribed weight, for spanish mackerel, is—

 - (a) 1 kg of (whole weight) spanish mackerel; or
 - (b) if schedule 5B, part 3, division 4 applies—the amount, of kilograms of (whole weight) spanish mackerel, worked out under schedule 5B, section 58.⁹

8 For the issue of SM units, see schedule 5B (Special provisions for spanish mackerel commercial fishery), part 3 (Issue of SM units).

9 Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 3 (Issue of SM units), division 4 (Reduction in weight equivalent of SM units), section 58 (Adjusted weight equivalent of SM unit)

25G When SM unit entitlement is *used* for an SM year

- (1) The entitlement of an SM unit held by a person is *used* for an SM year—
 - (a) when the holder, or a person acting under the SM unit, has taken, in that SM year under the holder's SM fishery licence, an amount of (whole weight) spanish mackerel for the SM unit equalling the holder's entitlement under the SM unit; or
 - (b) if section 25H applies.
- (2) The *unused entitlement* of a holder's SM unit for an SM year is the amount of (whole weight) spanish mackerel for the SM unit that has not been taken, for the SM year, under the holder's SM fishery licence.

25H No carrying forward of unused entitlement

- (1) This section applies if, in an SM year, an SM unit holder takes, under the holder's SM fishery licence, an amount of spanish mackerel for the SM units that is less than the total entitlements under the holder's SM units.
- (2) The holder is taken, at the end of the SM year, to have used all the entitlements under the SM units held by the holder for the SM year.

25I SM unit certificates

- (1) The chief executive must, as soon as practicable before the start of each SM year, issue to each SM unit holder a certificate (a *SM unit certificate*), for the SM year, in relation to each SM fishery licence held by the holder.
- (2) The certificate must state each of the following—
 - (a) the certificate number;
 - (b) the holder's name;
 - (c) the licence number of the licence;
 - (d) the boat mark of the primary commercial fishing boat identified on the licence;

- (e) the licence number of any tender commercial fishing boat licence identifying a tender commercial fishing boat of the primary commercial fishing boat;
- (f) the SM year to which the certificate applies;
- (g) how many SM units the holder has in relation to the licence;
- (h) the amount of (whole weight) spanish mackerel that may be taken in the SM year for each SM unit;
- (i) if the chief executive has imposed conditions on the SM units—the conditions;
- (j) if the chief executive has suspended any of the SM units—
 - (i) the number of SM units suspended; and
 - (ii) the period of the suspension.

25J Evidentiary provision for SM unit certificate

An SM unit certificate is evidence of—

- (a) the number of SM units held, at the time the certificate was issued, by the holder in relation to the SM fishery licence identified in the certificate; and
- (b) the conditions, if any, imposed on the SM units.

Division 3 Evidentiary aids for use of entitlement

25K Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder, or another person acting for the holder, of SM units gives the chief executive an unloaded fish notice for spanish mackerel for the SM units.
- (2) The notice is evidence that the holder has taken, under the SM units, the whole weight equivalent of the amount of spanish mackerel stated in the notice.

- (3) For subsection (2), the whole weight equivalent of the amount of spanish mackerel stated in the notice is—
- (a) for an amount stated for whole spanish mackerel—the amount stated; or
 - (b) for an amount stated for spanish mackerel that is not whole—the amount worked out in the way stated in schedule 17, part 1, section 14.

25KA Particular notice is evidence of unused entitlement

- (1) This section applies if a holder of SM units has obtained a written notice from the chief executive stating the amount of unused entitlement under the SM units for a stated SM year on a stated date.
- (2) The notice is evidence of the amount of unused entitlement under the SM units for the stated SM year on the stated date.¹⁰

Division 4 Transfer of SM units

25L Purpose and application of div 4

This division—

- (a) prescribes, for section 65(4)(a)¹¹ of the Act, conditions for the granting, by the chief executive, of an application to transfer SM units; and
- (b) provides for the entitlement of the transferee under transferred SM units.

25M Only whole SM units may be transferred

A part of an SM unit can not be transferred.

¹⁰ For information obtained using the AIVR system, see section 110F (Record kept by AIVR system is evidence of particular information).

¹¹ Section 65 (Transfer of authority (other than permit)) of the Act

25N Eligibility of transferee

An SM unit may be transferred only by the holder of an SM fishery licence to another person who holds an SM fishery licence.

25O Application for SM unit certificate changes required

- (1) The proposed transferor and proposed transferee must apply to the chief executive for SM unit certificate changes that reflect the proposed transfer of the SM units, and their entitlement.
- (2) The application must state, for the SM year in which the transfer is proposed to take effect, whether the entitlements of the SM units to be transferred are used or unused.
- (3) Subsection (1) does not apply to a temporary transfer of SM units.

25P Requirement if application for transfer of all SM units

- (1) This section applies if the application is for the transfer of all the SM units held by the transferor in relation to an SM fishery licence.
- (2) The chief executive can approve the application only if the transferor has also applied to the chief executive to amend the transferor's SM fishery licence to remove the fishery symbol 'SM' from the licence.

25Q When transfer of SM units takes effect

- (1) If the chief executive approves the application, the transfer takes effect for the rest of the SM year in which the approval is given.
- (2) As soon as practicable after the chief executive approves the application, the chief executive must ensure the AIVR system is updated to reflect the transfer.

25QA Issue of fisher PIN for particular transferees

- (1) This section applies if—

- (a) the chief executive has approved an application for a transfer of SM units; and
 - (b) the transferee did not hold any SM units immediately before the transfer.
- (2) The chief executive must, immediately after the approval is given, issue the transferee a 4-digit identity number (a *fisher PIN*) for the SM units transferred to the transferee.

25R Entitlement of transferee

- (1) The entitlement of the transferee under transferred SM units is—
- (a) for the SM year in which the transfer takes effect—the entitlement of the transferor under the units immediately before the chief executive approved the transfer; and
 - (b) for a later SM year—the entitlement the transferor would have had under the units, had the transfer not taken place, at the beginning of the SM year.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred SM unit is used, the whole entitlement of the transferee under the transferred SM unit is taken to be used.

Division 5 Substituting SM fishery licence to which SM units relate

25S Application to substitute SM fishery licence to which SM units relate

- (1) An SM unit holder may apply to the chief executive for SM unit certificate changes to substitute the SM fishery licence held by the holder to which the SM units relate.
- (2) The application must state whether the entitlements of the SM units to which the substitution is to apply are used or unused.

25T How chief executive must deal with application

- (1) If the application states that the entitlements of the SM units to which the substitution applies are unused, and the chief executive is not reasonably satisfied the entitlements of the SM units are unused when the application is approved, the chief executive may approve the application on the condition that the entitlements of the SM units are used.
- (2) If the chief executive approves the application, the chief executive must replace the relevant SM unit certificates issued to the holder for the SM year in which the application is made to reflect the substitution of the SM fishery licence to which the SM units relate.

Division 6 Change of PINs**25U Change of unit PIN**

- (1) The holder of SM units may, by written notice, ask the chief executive to change the unit PIN for the SM units.
- (2) On receiving the notice, the chief executive must—
 - (a) change the unit PIN for the SM units to another 4-digit number decided by the chief executive; and
 - (b) give the holder a written notice stating that the unit PIN has been changed.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2) is given to the holder.

25V Change of fisher PIN

- (1) The holder of SM units may change the fisher PIN for the SM units by using the AIVR system.
- (2) The change of the fisher PIN for the SM units takes effect when the holder is given a transaction number for the change.¹²

12 See section 110E (Requirements for AIVR system) and 110I (Procedure if AIVR system not working properly).

Part 6 **Quotas generally**

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.
- (4) The quota provided for in part 5C applies to spanish mackerel taken in the spanish mackerel commercial fishery established under schedule 11A.

27 **Notice of filling of particular quotas**

- (1) This section applies to a quota other than the following—
 - (a) a daily or time quota;
 - (b) an SM unit issued under schedule 5B;
 - (c) an CT line unit, RTE line unit or OS line unit issued under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.
- (2) Immediately after the chief executive becomes aware that a quota has been filled on a particular day, or is likely to be filled within the next month, the chief executive must give each relevant holder a written notice stating that the quota has been filled on the particular day, or is likely to be filled within the next month.
- (3) A holder of an authority who is given a notice under subsection (2) must ensure that every person acting under the authority is also aware of the matters mentioned in the notice.
- (4) If a notice is given to a holder under subsection (2), the person in control of a boat that is intended to be used to take fish, to which the quota applies, under the holder's authority must—
 - (a) if the notice states the quota has been filled—immediately stop taking the fish and ensure each

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- other person acting under the authority immediately stops taking the fish; or
- (b) if the notice states the quota is likely to be filled within the next month—
- (i) by using the AIVR system, obtain on each relevant day information as to whether the quota has been filled before any person starts taking the fish from the boat on that day; and
- (ii) if the person finds out that the quota was filled on that day or an earlier day—immediately stop, and ensure each other person acting under the authority immediately stops, taking the fish.
- (5) A person in control of a boat complies with subsection (4)(b)(i) if—
- (a) another person obtains the information, in compliance with the subsection, for the person in control of the boat; and
- (b) the other person tells the person in control of the boat the information obtained from the AIVR system.
- (6) In this section—
- relevant day***, in relation to a notice given under subsection (2), means a day—
- (a) after the notice is given; and
- (b) on which a boat is intended to be used to take fish to which the notice applies under the authority to which the notice applies.

relevant holder, in relation to a quota, means a person who holds—

- (a) an authority for taking fish to which the quota applies; or
- (b) an authority that is the quota.

Examples of an authority that is a quota—

1. An effort unit issued under the East Coast Trawl Plan.
2. An ITQ unit issued under the *Fisheries (Spanner Crab) Management Plan 1999*.

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 not more 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 generally

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 or more 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 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);

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- (iii) possessing a purse seine net;¹³ 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.
- (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.

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

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 for 1 or more of the following purposes—

- (a) maintaining an existing facility;
- (b) restoring the fish habitat or natural processes in the area;
- (c) the management, use or enjoyment of the area;
- (d) education or research;
- (e) public health or safety;
- (f) providing public infrastructure to facilitate fishing;

Example of public infrastructure—

A boat ramp or jetty for public use.

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- (g) providing subterranean public infrastructure if the chief executive is also satisfied the surface of the area can be restored, after the completion of the works or activity, to its condition before the performance of the works or activity;
 - (h) constructing a temporary structure;
 - (i) if the application for the permit is for a management B area—
 - (i) constructing a permanent structure on tidal land or within the area; or
 - (ii) depositing material for beach replenishment.
- (3) Further, before deciding whether to issue the permit, the chief executive must have regard to—
- (a) the effect of the works or activity on the maintenance of the community use of the area, in particular, in relation to fishing activities; and
 - (b) if the application for the permit is for a management A area—the effect of the works or activity on the maintenance of the natural condition of fish habitats and natural processes in the area; and
 - (c) if the application for the permit is for a management B area—the effect of the works or activity on the maintenance of the current fish habitat values and functions of the area.
- (4) In this section—

management A area means an area within a fish habitat area identified as *management A* on a plan mentioned in schedule 7 for the fish habitat area.

management B area means an area within a fish habitat area identified as *management B* on a plan mentioned in schedule 7 for the fish habitat area.

structure includes a bridge, boat ramp, bund, jetty, mooring, power pole, silt curtain and storm water outlet.

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.¹⁴

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.

¹⁴ See also part 5C (Quota and authority for spanish mackerel commercial fishery).

- (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.¹⁵
- (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;¹⁶ 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.

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

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

41B Fishery symbol 'SM' may authorise surface trolling in western Flat Rock protection area

- (1) Subsection (2) applies to an SM fishery licence only if it is amended by the chief executive under schedule 5B, part 2A.¹⁷
- (2) An SM fishery licence may state that the holder of, or a person acting under, the licence may take fish by surface trolling in the western Flat Rock protection area from 6 a.m. to 6 p.m. on any day if the fish are taken—
 - (a) under the fishery symbol 'L1', 'L6', 'L7' or 'SM'; and
 - (b) in accordance with any conditions stated in the licence.

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

¹⁷ Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 2A (Amending SM fishery licence to allow surface trolling in western Flat Rock protection area)

- (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.¹⁸
- (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.
- (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’.
- (4) Also, the persons may take the following fish at the same time—
 - (a) spanish mackerel under fishery symbol ‘SM’;
 - (b) fin fish, other than spanish mackerel, under fishery symbol ‘L1’, ‘L2’, ‘L3’, ‘L6’, ‘L7’ or ‘L8’.

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

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.¹⁹
- (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).
- (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—

¹⁹ For the fishery symbol ‘L7’ see schedule 12, part 7 (Line fishery (south Queensland)).

- (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

Subdivision 1 General authorisations and conditions

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.
- (3) A buyer licence is subject to the condition that the holder of the licence or a person acting under the licence (the *buyer*) must sign the relevant part of a catch disposal record for a relevant licence if—
 - (a) the buyer has bought coral reef fin fish or spanish mackerel from the holder of, or a person acting under, the relevant licence; and
 - (b) the holder or person has asked the buyer to sign the relevant part of the record; and

- (c) the buyer is reasonably satisfied the record is accurate to the extent the record relates to the coral reef fin fish or spanish mackerel bought by the buyer from the holder or person.
- (4) In this section—
 - catch disposal record*, for a relevant licence, means the approved form for recording the sale of coral reef fin fish or spanish mackerel under the licence.
 - relevant licence* means—
 - (a) an SM fishery licence; or
 - (b) a licence with the fishery symbol ‘RQ’ written on it.

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 licence²⁰ 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.
- (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.

²⁰ See however section 32 (Restriction on issue of crew licences).

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 5.²¹

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.

²¹ East Coast Trawl Plan, chapter 3, part 5 (VMS Equipment and manual reporting conditions)

Subdivision 2 Conditions for SM units

58A Purpose of sdiv 2

This subdivision prescribes conditions to which the following are subject—

- (a) SM units;
- (b) for a commercial fisher or assistant fisher acting under SM units held by another person—the fisher's commercial fisher or assistant fisher licence.

58B Definitions for sdiv 2

In this subdivision—

amending notice deadline, for an amending notice for a prior notice, means—

- (a) for an amending notice amending the landing period or landing place mentioned in the prior notice—the earlier of the following—
 - (i) when the first authorised boat, for the SM unit holder by or for whom the prior notice was given, enters the area within 0.5 n miles of the landing place mentioned in the prior notice;
 - (ii) if the landing place mentioned in the prior notice is at or north of latitude 15°50.30' south²²—3 hours before the landing period mentioned in the prior notice ends; or
 - (iii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or
- (b) for another amending notice—the earlier of the following—
 - (i) when the first authorised boat, for the SM unit holder by or for whom the prior notice was given,

22 Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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enters the area within 0.5 n miles of the landing place mentioned in the prior notice;

- (ii) 1 hour before the landing period mentioned in the prior notice ends.

authorised boat, for an SM unit holder, means—

- (a) the primary commercial fishing boat identified in the holder's SM unit certificate for an SM year; and
- (b) a tender commercial fishing boat, the licence number for which is stated in the SM unit certificate, of the primary commercial fishing boat.

authorised unloading time, for unloading spanish mackerel for which a prior notice or transshipment notice has not been given, means—

- (a) if the person unloading the spanish mackerel has been given permission, by an inspector, to unload the spanish mackerel on or after a stated time—the stated time; or
- (b) otherwise—
 - (i) if the authorised boat or transport vessel on which the spanish mackerel are on board landed at or north of latitude 15°50.30' south²³ and an unnotifiable landing notice for the landing was given before 9 a.m. on the day the boat or vessel landed—3 p.m. on the day the boat or vessel landed; or
 - (ii) if the authorised boat or transport vessel on which the spanish mackerel are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9 a.m. and 4 p.m. on the day the boat or vessel landed—6 hours after the boat or vessel landed; or
 - (iii) if the authorised boat or transport vessel on which the spanish mackerel are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was

23 Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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given after 4 p.m. on the day the boat or vessel landed—3 p.m. on the day after the boat or vessel landed; or

- (iv) if the authorised boat or transport vessel on which the spanish mackerel are on board landed south of latitude 15°50.30' south—3 hours after the boat or vessel landed.

complying number means—

- (a) for the total number of spanish mackerel, or total number of spanish mackerel that are not filleted, on board all the authorised boats for an SM unit holder—
 - (i) if the total number of the spanish mackerel on board the boats is more than 100—a number that is—
 - (A) more than the number worked out by taking the corresponding total number of spanish mackerel mentioned in the prior notice given for the spanish mackerel and subtracting the number that is 1% of the corresponding total number, rounded down to the nearest whole number; but
 - (B) not more than the number worked out by taking the corresponding total number of spanish mackerel mentioned in the prior notice given for the spanish mackerel and adding the number that is 1% of the corresponding total number, rounded down to the nearest whole number; or
 - (ii) otherwise—the corresponding total number of spanish mackerel mentioned in the prior notice given for the spanish mackerel; or
- (b) for the total number of containers containing filleted spanish mackerel on board all the authorised boats for an SM unit holder—the corresponding total number of containers mentioned in the prior notice given for the spanish mackerel.

identification code, for a transport vessel, means the sequence of numbers that is to be used to identify the vessel and is—

- (a) nominated by the chief executive; and
- (b) published on the department's website.²⁴

landing period, for a prior notice, see definition *prior notice particulars*, paragraph (f).

landing place—

- (a) for a prior notice—see definition *prior notice particulars*, paragraph (c); or
- (b) for a transshipment notice—see definition *transshipment notice particulars*, paragraph (d)(i); or
- (c) for an unnotifiable landing notice—see definition *unnotifiable landing notice particulars*, paragraph (c)(i).

notifying period, in relation to a prior notice or transshipment notice, means the period—

- (a) starting when the first authorised boat, for the SM unit holder who is required to give the prior notice or transshipment notice, leaves for a fishing trip; and
- (b) ending—
 - (i) for a prior notice—when the prior notice deadline for the notice has passed; or
 - (ii) for a transshipment notice—immediately before the transport vessel, to which the spanish mackerel on board the authorised boats for the holder were transferred, lands.

prescribed numerical code, for a place, means the sequence of numbers that may be used identify the latitude and longitude coordinates for the place and is—

- (a) nominated by the chief executive; and
- (b) published on the department's website.

²⁴ At 1 July 2004, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

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prescribed person means each of the following—

- (a) the holder of SM units;
- (b) a commercial fisher or assistant fisher acting under SM units held by another person.

prescribed reason, for not giving a prior notice or transshipment notice, means either of the following—

- (a) the notice could not be given because all the relevant equipment on board the authorised boats for the SM unit holder who was required to give the notice—
 - (i) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (ii) was not, and could not reasonably have been, replaced or made usable during the notifying period;
- (b) for not giving a prior notice—
 - (i) the authorised boats for the SM unit holder who was required to give the notice landed because of an unforeseeable and uncontrollable event, including, for example, a medical emergency, fire and extreme weather conditions; and
 - (ii) the notice could not be given because of the event.

prior notice area means any of the following—

- (a) a defined port area;
- (b) another area that is within 0.5 n miles of a part of the State where landing of a boat is practicable.

prior notice deadline, for a prior notice, means the earlier of the following times—

- (a) the time the first authorised boat, for the SM unit holder by or for whom the notice is given, enters the prior notice area;
- (b) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south²⁵ and the landing period

25 Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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mentioned in the notice ends during the period starting at 3 p.m. and ending at 10 p.m. on a day—6 hours before the first of the authorised boats, for the SM unit holder by or for whom the notice is given, that will be landed at the place will land at the place;

- (c) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10 p.m. on a day (the *first day*) and ending at 3 p.m. on the following day—4 p.m. on the first day;
- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—3 hours before the first of the authorised boats, for the SM unit holder by or for whom the notice is given, that will be landed at the place will land at the place.

prior notice particulars, for a prior notice, means each of the following—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number of the SM fishery licence to which the SM units relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the SM unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload spanish mackerel from or by using 1 or more of the authorised boats before the boats leave the unloading area for the landing place;
- (e) if the person giving the prior notice is prompted by the AIVR system to enter whether all or only part of the spanish mackerel on board the authorised boats will be unloaded before the boats leave the unloading area for the landing place—whether all or only part of the spanish mackerel on board all the authorised boats will be unloaded;

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- (f) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
- (g) the total number of each of the following on board all the authorised boats when the notice is given—
 - (i) spanish mackerel;
 - (ii) containers containing filleted spanish mackerel;
 - (iii) spanish mackerel that are not filleted.

relevant equipment means equipment that can be used—

- (a) to use the AIVR system; or
- (b) to contact a person on land or on board a boat.

retained fish conditions, for a prior notice, means each of the following—

- (a) the landing period mentioned in the notice ends within the period starting on 1 October and ending on 30 November of a year;
- (b) the landing place mentioned in the notice is on the mainland between latitude 17°58.60' south and latitude 18°40.00' south;
- (c) the notice states that only part of the spanish mackerel on board all the authorised boats, for the holder by or for whom the notice was given, will be unloaded before the boats leave the unloading area for the landing place;
- (d) before the first authorised boat leaves the unloading area, the holder, or another person acting for the holder, gives the chief executive a notice (a *retained fish notice*) stating the retained fish notice particulars for the spanish mackerel to be kept on board all the authorised boats for the holder after the authorised boats landed at the place leave the unloading area.

retained fish notice see definition *retained fish conditions*, paragraph (d).

retained fish notice particulars, for a retained fish notice, means each of the following—

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- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number of the SM fishery licence to which the SM units relate;
- (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
- (d) the total number of each of the following that will be on board all the authorised boats, for the SM unit holder by or for whom the notice is given, immediately after the boats leave the unloading area for the landing place mentioned in the prior notice in relation to which the retained fish notice is given—
 - (i) spanish mackerel;
 - (ii) containers containing filleted spanish mackerel;
 - (iii) spanish mackerel that are not filleted.

transshipment notice particulars, for a transshipment notice, means each of the following—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number for the SM fishery licence to which the SM units relate;
- (c) the identification code for the transport vessel to which the notice relates;
- (d) the prescribed numerical code or the latitude and longitude coordinates for the places—
 - (i) at which the vessel will be landed (the ***landing place***); and
 - (ii) at which the spanish mackerel that were transferred from the authorised boats, for the SM unit holder by or for whom the notice is given, to the vessel will be unloaded;
- (e) the date on which the spanish mackerel that were transferred from the authorised boats to the vessel will be unloaded;

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- (f) the total number of each of the following that were transferred from the authorised boats to the vessel—
- (i) spanish mackerel;
 - (ii) containers containing filleted spanish mackerel;
 - (iii) spanish mackerel that are not filleted.

unloaded fish notice particulars, for an unloaded fish notice, means each of the following—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number for the SM fishery licence to which the SM units relate;
- (c) if the person giving the unloaded fish notice is prompted by the AIVR system to enter the transaction number for a prior notice, transshipment notice or unnotifiable landing notice given in relation to the spanish mackerel mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of each of the following that were unloaded by or for the holder—
 - (i) whole spanish mackerel;
 - (ii) gilled and gutted spanish mackerel;
 - (iii) trunked spanish mackerel;
 - (iv) filleted spanish mackerel.

unloading area, for a landing place, means—

- (a) if the landing place is within a defined port area—the defined port area; or
- (b) if the landing place is not within a defined port area—an area within 0.5 n miles of the landing place.

unloading particular, for a prior notice, means the information mentioned in the notice about whether or not it is proposed to unload spanish mackerel from or by using 1 or more authorised boats, for the SM unit holder by or for whom the notice is given, before the boats leave the unloading area for the landing place mentioned in the notice.

unnotifiable landing notice see section 58J(2)(b).

unnotifiable landing notice particulars, for an unnotifiable landing notice, means each of the following—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number for the SM fishery licence to which the SM units relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the places—
 - (i) at which the authorised boats or transport vessel to which the notice relates have been landed (the *landing place*); and
 - (ii) at which the spanish mackerel on board the boats or vessel will be unloaded;
- (d) the total number of each of the following that are on board the boats or vessel when the notice is given—
 - (i) spanish mackerel;
 - (ii) containers containing filleted spanish mackerel;
 - (iii) spanish mackerel that are not filleted.

58C Requirements for taking or possessing spanish mackerel on authorised boat

- (1) A prescribed person may take spanish mackerel from, or possess spanish mackerel on board, an authorised boat for an SM unit holder in an SM year only if the holder holds SM units with unused entitlements for the SM year.
- (2) Also, a prescribed person must not take spanish mackerel for a recreational purpose from, or possess spanish mackerel taken for a recreational purpose on board, an authorised boat for an SM unit holder if spanish mackerel taken under an SM fishery licence are also on board the boat.
- (3) Subsection (2) does not apply if—
 - (a) the spanish mackerel taken for a recreational purpose—

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- (i) are taken or possessed for consumption by persons on board the boat; and
 - (ii) are not unloaded from the boat; and
 - (b) if a prior notice under section 58D or 58E has been given for the spanish mackerel taken under the SM fishery licence—the spanish mackerel taken for a recreational purpose are not possessed by the prescribed person less than 1 hour before the landing period mentioned in the notice ends; and
 - (c) not more than the prescribed number of spanish mackerel taken for a recreational purpose are on board the boat at the same time.
- (4) In this section—

prescribed number, for spanish mackerel taken for a recreational purpose from, or possessed for a recreational purpose on board, an authorised boat, means the lower of the following—

- (a) the number in excess of which spanish mackerel become regulated by number for recreational fishers under a regulated fish declaration;
- (b) the number of persons who are on board the boat when the spanish mackerel are taken or possessed.

58D Requirement to give prior notice

- (1) This section applies if—
 - (a) spanish mackerel are on board an authorised boat for an SM unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and
 - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) The holder must give notice (*prior notice*) of the prior notice particulars to the chief executive before the prior notice deadline for the notice has passed.

- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) This section does not apply if—
 - (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—
 - (i) north of latitude 15°16.57' south;²⁶ or
 - (ii) on an island other than Bribie Island, Fraser Island, Magnetic Island, Moreton Island, North Stradbroke Island or South Stradbroke Island; and
 - (b) it is not proposed to unload spanish mackerel at the place.

58E Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for an SM unit holder under section 58D; and
 - (b) the notice stated that spanish mackerel were not to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload spanish mackerel before the boats leave the unloading area.
- (2) The holder must give another notice (also a *prior notice*) to the chief executive stating that spanish mackerel will be unloaded before the boats leave the unloading area.
- (3) The notice must—
 - (a) state all the prior notice particulars; and
 - (b) be given before the prior notice deadline for the notice has passed.

²⁶ Latitude 15°16.57' south runs through South Cape Bedford.

- (4) A prior notice given under this section replaces the prior notice given under section 58D.
- (5) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection and subsection (3), for the holder.

58F Amendment or withdrawal of prior notice

- (1) This section—
 - (a) applies if a prior notice has been given by or for an SM unit holder; and
 - (b) states the only circumstances in which the notice may be amended or withdrawn.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person acting for the holder, may by notice (*amending notice*) to the chief executive amend the prior notice to reflect the change.
- (3) An amending notice must be given before the amending notice deadline for the notice has passed.
- (4) Also, the holder, or a person acting for the holder, may, by notice to the chief executive, withdraw the prior notice at any time before spanish mackerel are taken from any authorised boat for the holder.

58G General requirements after prior notice given

- (1) This section applies if a prior notice has been given by or for an SM unit holder.
- (2) The person in control of a relevant authorised boat must ensure that—
 - (a) the boat lands—
 - (i) at the landing place mentioned in the notice; and
 - (ii) not more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) the total number of each of the following on board all the authorised boats for the holder when the relevant authorised boat lands is a complying number—

- (i) spanish mackerel;
 - (ii) containers containing filleted spanish mackerel;
 - (iii) spanish mackerel that are not filleted.
- (3) Also, if a relevant authorised boat lands at the landing place mentioned in the notice before the landing period mentioned in the notice ends, the person in control of the boat must ensure the boat stays at the landing place until after the landing period has ended.
- (4) Subsection (2)(a) does not apply if the relevant authorised boat does not land at the place, or does not land within the period, mentioned in that subsection because of a reason beyond the control of the person in control of the boat.
- (5) Subsection (3) does not require the person in control of the relevant authorised boat to be on board the boat after the boat has landed.
- (6) In this section—
relevant authorised boat, in relation to a prior notice, means an authorised boat, for the SM unit holder by or for whom the notice was given, that is proposed to be landed at the landing place mentioned in the notice.

58H Additional requirements if prior notice stated spanish mackerel will be unloaded

- (1) This section applies if—
 - (a) a prior notice has been given by or for an SM unit holder; and
 - (b) the notice stated that spanish mackerel were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take spanish mackerel from an authorised boat for the holder after the prescribed time unless—
 - (a) all the spanish mackerel on board all the authorised boats for the holder have been unloaded; and

- (b) an unloaded fish notice has been given, as required under section 58M, for the spanish mackerel that have been unloaded.
- (3) Subsection (2)(a) does not apply if the retained fish conditions are satisfied.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
 - (a) the place (the ***unloading place***) where the spanish mackerel on board the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the ***unloading time***) at which the spanish mackerel are to be unloaded.
- (5) If subsection (4) applies, a prescribed person must not unload, or allow to be unloaded, the spanish mackerel on board the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—

prescribed time, in relation to a prior notice, means the earlier of the following—

 - (a) the time the first authorised boat, for the holder by or for whom the notice is given, enters the area within 0.5 n miles of the landing place mentioned in the notice;
 - (b) 1 hour before the landing period mentioned in the prior notice ends.

58I Requirement to give transhipment notice

- (1) This section applies if spanish mackerel are—
 - (a) taken from an authorised boat for an SM unit holder; and
 - (b) transferred, before the spanish mackerel are unloaded, to a following vessel (a ***transport vessel***)—
 - (i) a boat identified in a carrier boat licence;
 - (ii) a commercial ship registered under the *Transport Operations (Marine Safety) Act 1994*; and

- (c) proposed to be unloaded from or by using the vessel.
- (2) As soon as practicable after the spanish mackerel are transferred to the vessel, the holder must give notice (***transshipment notice***) of the transshipment notice particulars to the chief executive.
- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) In this section—
commercial ship see the *Transport Operations (Marine Safety) Regulation 2004*, schedule 15.

58J General requirement for unloading spanish mackerel

- (1) A prescribed person must not unload, or allow to be unloaded, spanish mackerel taken from an authorised boat for an SM unit holder unless—
 - (a) a prior notice as required under section 58D or 58E has been given by or for the holder and the notice stated the spanish mackerel were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
 - (b) a transshipment notice as required under section 58I has been given by or for the holder for the spanish mackerel.
- (2) It is a defence to an offence relating to non-compliance with subsection (1) if the prescribed person proves—
 - (a) the prior notice or transshipment notice was not given by or for the holder because of a prescribed reason; and
 - (b) the holder or another person acting for the holder gave the chief executive a notice (an ***unnotifiable landing notice***) for the landing of the authorised boats for the holder, or the transport vessel to which spanish mackerel taken from the authorised boats were transferred—
 - (i) immediately after the first of the boats, or the vessel, lands; and

- (ii) stating the unnotifiable landing notice particulars; and
- (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the boats or vessel to a place more than 200 m from, or not visible to a person at, the landing place mentioned in the unnotifiable landing notice; or
 - (ii) move, or allow to be moved, the spanish mackerel from the boats or vessel.

58K Additional requirements for unloading spanish mackerel if prior notice given

- (1) This section applies if—
 - (a) a prior notice has been given by or for an SM unit holder; and
 - (b) the notice stated that spanish mackerel were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the spanish mackerel unless section 58G has been complied with in relation to the notice.
- (3) Also, a prescribed person may unload, or allow to be unloaded, the spanish mackerel—
 - (a) only after the landing period mentioned in the notice has ended; and
 - (b) if the spanish mackerel are to be unloaded from or by using a tender commercial fishing boat of a primary commercial fishing boat for the holder—only if the tender commercial fishing boat is attached to, or is within 200 m of, the primary commercial fishing boat; and
 - (c) only at a place that is open for entry, under the Act, by an inspector and is any of the following—
 - (i) the landing place mentioned in the notice;

- (ii) if the landing place is within a defined port area—another place that is within the defined port area;
 - (iii) if the landing place is not within a defined port area—another place that is within 0.5 n miles of the landing place.
- (4) Subsection (3)(a) does not apply if—
 - (a) the spanish mackerel are unloaded by moving the boat carrying the spanish mackerel to a place on land and, until the landing period has ended—
 - (i) the spanish mackerel are kept on board the boat; and
 - (ii) the boat is kept at a place that is within 200 m of, and visible to a person at, the landing place; or
 - (b) an inspector supervises the person unloading the spanish mackerel.

58L Requirements for weighing unloaded spanish mackerel

- (1) This section applies if spanish mackerel taken by or for an SM unit holder have been unloaded from or by using an authorised boat for the holder or a transport vessel.
- (2) The holder—
 - (a) must weigh, or cause to be weighed, the spanish mackerel as soon as practicable after the spanish mackerel have been unloaded; and
 - (b) may weigh, or allow to be weighed, the spanish mackerel only at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the spanish mackerel must be worked out using a scale that is verified or certified under the *Trade Measurement Act 1990*.

58M Requirement to give unloaded fish notice

- (1) This section applies if spanish mackerel—

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- (a) were taken from an authorised boat for a SM unit holder; and
 - (b) are unloaded from or by using the boat or a transport vessel.
- (2) The holder must give notice (*unloaded fish notice*) of the unloaded fish notice particulars to the chief executive—
- (a) as soon as practicable after the first time the spanish mackerel on board the boat or vessel are unloaded from or by using the boat or vessel; and
 - (b) if the spanish mackerel are first unloaded by moving the boat or vessel carrying the spanish mackerel to a place on land—as soon as practicable after the spanish mackerel are first moved from the boat or vessel.
- (3) Also, the holder, or a commercial fisher acting for the holder, must retain possession of the spanish mackerel until the unloaded fish notice is given.
- (4) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.

58N Notices to chief executive under this subdivision

- (1) This section applies to a notice given to the chief executive under section 58B, definition *retained fish conditions*, paragraph (d), or section 58D, 58E, 58F, 58I, 58J(2)(b) or 58M.
- (2) The notice must be given to the chief executive by using the AIVR system.²⁷

²⁷ See part 12 (Miscellaneous), division 3 (Automated interactive voice response system).

Division 5A Prescribed suspension and cancellation criteria for SM units

580 Criteria for suspending SM units

- (1) This section prescribes criteria under section 68B(4)(b)(i)²⁸ of the Act for a court suspending SM units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in an SM year—
 - (a) the SM unit holder takes, under the holder's SM fishery licence, an amount of spanish mackerel for the SM units that exceeds the holder's total entitlements under the SM units; or
 - (b) the holder's SM fishery licence is suspended.
- (3) The prescribed criteria are—
 - (a) for subsection (2)(a)—suspension for the following SM year of the number of SM units with entitlements equal to the amount by which the entitlements were exceeded; or
 - (b) for subsection (2)(b)—suspension for the SM year of all the holder's SM units with unused entitlements.

58P Criteria for cancelling SM units

- (1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court cancelling SM units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in an SM year, an SM unit holder is convicted of a serious fisheries offence involving taking or possessing an amount of spanish mackerel that exceeds the holder's unused SM unit entitlements for the SM year by 500 kg (whole weight) or more.
- (3) The prescribed criteria is cancellation of the number of the holder's SM units with an entitlement equivalent to the

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

amount of spanish mackerel unlawfully taken or possessed by the holder.

Division 6 Transfer of authorities

59 Authorities that are not transferable

Each of the following authorities is not transferable—

- (a) a crew licence;
- (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.

60A Restriction on transfer of SM (Flat Rock) fishery licences

The chief executive may approve an application (a *transfer application*) for the transfer of an SM (Flat Rock) fishery licence only if—

- (a) the transfer application is accompanied by an application by the holder to amend the licence to remove the authorisation of the holder, or a person acting under the licence, to take fish by surface trolling in the western Flat Rock protection area; and
- (b) the licence is amended to remove the authorisation before or when the chief executive approves the transfer application.

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) the holder's postal address;
- (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;

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- (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 following²⁹—

- (a) the holder's name;
- (b) if the holder is an individual—the holder's residential, business or mailing address;
- (c) if the holder is a corporation—the address of the holder's registered office in Queensland;
- (d) if the holder is a corporation—the corporation's directorship or nominees;
- (e) third party interests notified to the chief executive;
- (f) 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
- (b) taking or possessing fish for stocking waters; or
- (c) releasing fish; or

²⁹ See section 73(3) (Registers of authorities) of the Act.

- (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 m²; 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 2³⁰ 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
- (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

30 Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 2 (Obtaining fishery symbol ‘SM’)

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.³¹
- (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 great white or grey nurse shark under a great white or grey nurse shark fishing contract;
 - (c) a person who possesses or sells a shark fin, other than a fin of a great white or grey nurse shark, if—
 - (i) the person did not take or possess the shark, from which the fin was taken, under a shark fishing contract; and
 - (ii) the person either—

³¹ See also section 78 of the Act (Prohibited acts about regulated fish) and part 5, division 1, subdivision 3 (Exemptions) of this regulation.

- (A) also possesses the body of the shark from which the fin was taken; or
 - (B) 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 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) jaggging;
- (b) using underwater breathing apparatus (other than a snorkel);
- (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.³²

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.³³

³² See also section 80 (Fish not to be taken in prohibited way) of the Act.

³³ See also section 82 (Offence to do prescribed act) of the Act.

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.³⁴

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
 - (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.

³⁴ See also section 85 (Sale etc. of commercial fishing apparatus prohibited in certain circumstances) of the Act.

- (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 3.³⁵

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 17°52' south³⁶ 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—

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

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

- (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
 - (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.³⁷
- (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

³⁷ East Coast Trawl Plan, section 233 (Restrictions on processing scallops on commercial fishing boat)

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.
- (4) Subsection (3)(b) does not apply to filleting coral reef fin fish on board a commercial fishing boat.

74 Storing fish

A person may store fish for trade or commerce at a place only if—

- (a) the person holds an authority allowing the person to store the fish at the place; or
- (b) another person holds an authority allowing that other person to store the fish at the place and that other person has allowed the person to store the fish at the place.

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.³⁸
- (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.

³⁸ See also section 86 (Dockets for wholesale sale of fisheries resources etc.) of the Act.

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.³⁹
- (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.
- (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.

³⁹ See also section 86 (Dockets for wholesale sale of fisheries resources etc.) of the Act.

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.

Fisheries Regulation 1995

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.⁴⁰

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.

⁴⁰ See also sections 79 (Quota offences) and 80 (Fish not to be taken in prohibited way) of the Act.

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.

- (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.

90A Possessing spanish mackerel without pectoral fin

- (1) The following persons must not possess, on board a boat, a dead spanish mackerel unless a pectoral fin has been removed from the spanish mackerel—

(a) a person conducting a commercial fishing tour or a crew member for the tour;

(b) a recreational fisher.

Maximum penalty—20 penalty units.

- (2) This section does not apply to a person possessing spanish mackerel before 1 March 2005.

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.⁴¹

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;
 - (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.

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

- (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.⁴²

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.

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.

⁴² Copies of the plans are available for inspection at the department's office at 80 Ann Street, Brisbane on business days during office hours.

Part 11 Recreational fishing

Division 1 General

96 Things recreational fishers may do—tidal waters

- (1) This section applies only to tidal waters.⁴³
- (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.

- (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.

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

- (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.
- (5) This section does not apply to a recreational fisher for coral reef fin fish.

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 Authority⁴⁴ 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 44,⁴⁵ to issue a permit to fish in a stocked impoundment to—
 - (i) a government entity under the *Public Service Act 1996*;⁴⁶ or
 - (ii) a body corporate that carries on a business or provides a service relating to fishing, whether or not for trade or commerce; or
 - (iii) an association incorporated under the *Associations Incorporation Act 1981*, if some or all of the members of the association are involved in fishing; or
 - (iv) a person who owns or manages a—

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

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

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

- (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.
 - (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 154⁴⁷ of the Act applies.

100A Threshold percentage for declared fisheries resources

- (1) The threshold percentage for declared fisheries resources under section 154⁴⁸ of the Act is 5%.
- (2) This section does not apply to fisheries resources to which the East Coast Trawl Plan applies.⁴⁹

⁴⁷ Section 154 (Seizure of fisheries resources in heap etc.) of the Act

⁴⁸ Section 154 (Seizure of fisheries resources in heap etc.) of the Act

⁴⁹ 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.

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.⁵⁰

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

⁵⁰ See also section 78 (Prohibited acts about regulated fish) of the Act.

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- (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)⁵¹ 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 70C⁵²—

- (a) aquaculture licence;
- (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;⁵³
- (f) ITQ unit issued under the *Fisheries (Spanner Crab) Management Plan 1999*, section 23 and part 10, division 1;⁵⁴

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

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

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

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

- (g) line unit issued under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, chapter 3, part 2, division 3;⁵⁵
- (h) an SM unit.

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;⁵⁶
- (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;

⁵⁵ *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, chapter 3 (Commercial fishery), part 2 (Line units), division 3 (Issue of line units)

⁵⁶ See section 154 (Seizure of fisheries resources in heap etc.) of the Act.

- (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.

Division 2 Statistical returns and other information

108AA Definitions for div 2

In this division—

authorised boat means—

- (a) for a holder of a commercial fishing boat licence—the primary commercial fishing boat identified in the licence; or
- (b) for a holder of another relevant fishing authority—
 - (i) a boat identified in the authority; or
 - (ii) if a type of boat is identified in the authority—a boat of the type.

buying and selling particulars, for a person who has bought (the *buyer*) or sold (the *seller*) spanish mackerel, means each of the following—

- (a) the date on which the buyer started possessing the spanish mackerel sold by the seller to the buyer;
- (b) the name of the buyer and the number of the authority under which the buyer is acting or, if the buyer is not acting under an authority, the address of the buyer;
- (c) the name of the seller and the number of the authority under which the seller is acting or, if the seller is not acting under an authority, the address of the seller;
- (d) the weight of any of the following sold by the seller to the buyer—
 - (i) whole spanish mackerel;
 - (ii) gilled and gutted spanish mackerel;

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- (iii) trunked spanish mackerel;
- (iv) filleted spanish mackerel;
- (v) spanish mackerel in a form not mentioned in subparagraphs (i) to (iv).

coral reef fin fish particulars means—

- (a) the weight of the following—
 - (i) whole coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (ii) gilled and gutted coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (iii) filleted coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (iv) coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way) in a form not mentioned in subparagraphs (i) to (iii);
- (b) the number of live coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way).

group of species, of coral reef fin fish, means all of the species of coral reef fin fish identified under a heading in schedule 16A.

prescribed way, for recording the weight or number of coral reef fin fish other than coral trout and red throat emperor, means recording the weight or number of the fish—

- (a) as a total weight or number for all species of the fish; or
- (b) as a weight or number for—
 - (i) each individual species of the fish; or
 - (ii) each group of species of the fish; or
 - (iii) a combination of individual species and groups of species of the fish.

relevant fishing authority means—

- (a) a commercial fishing boat licence; or

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- (b) another authority that allows the holder of the authority to take or possess fish for trade or commerce; or
- (c) a commercial fishing tour permit.

relevant species particulars means—

- (a) for coral reef fin fish—the coral reef fin fish particulars; or
- (b) for spanish mackerel—the spanish mackerel particulars; or
- (c) for other fish—the estimated quantity, by weight or number, of the fish.

spanish mackerel particulars means the weight of the following—

- (a) whole spanish mackerel;
- (b) gilled and gutted spanish mackerel;
- (c) trunked spanish mackerel;
- (d) filleted spanish mackerel;
- (e) spanish mackerel in a form not mentioned in paragraphs (a) to (d).

taking particulars, for a person who has taken spanish mackerel, means—

- (a) the date the person took the spanish mackerel; and
- (b) the number of spanish mackerel taken by the person.

108A 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 name of the buyer and the number of the authority under which the buyer is acting or, if the buyer is not acting under an authority, the address of the buyer;
- (b) the name of the seller and the number of the authority under which the seller is acting or, if the seller is not acting under an authority, the address of the seller;

- (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 relevant species particulars for each species of fish sold;
- (f) the estimated total quantity, by weight or number, of all fish sold;
- (g) how the fish are sold.

Examples of paragraph (g)—

- live
- whole, or in fillets.

109 Statistical returns to be kept—general

- (1) The following persons must keep and give to the chief executive the records, documents or other information 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;
 - (g) a holder of an authority that is a quota.

Examples of an authority that is a quota—

1. An SM unit issued under schedule 5B.
 2. An CT line unit, RTE line unit or OS line unit issued under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.
- (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.

109B Requirements about particular persons keeping returns for holders—using holder's boat

- (1) This section applies if—
 - (a) the chief executive has required a holder of a relevant fishing authority to keep and give to the chief executive information relating to the daily use of an authorised boat for the holder; and
 - (b) the holder is not the person in control of the boat on a day or a number of days (the *relevant period*) for which the boat is being used; and
 - (c) another person is in control of the boat during the relevant period.
- (2) The person in control of the authorised boat during the relevant period must—
 - (a) fill in the relevant part of the form approved by the chief executive for keeping the information for each day during the relevant period; and
 - (b) ensure the form is kept on board the boat, and is available for immediate inspection, at all times while the person is in control of the boat during the relevant period; and

- (c) at the end of the relevant period—
 - (i) if the holder has requested the person to give the form to the holder at the end of the relevant period—give the form to the holder; or
 - (ii) otherwise—ensure the form is left on board the boat.
- (3) The holder must—
 - (a) ensure the form is on board the authorised boat at the time the person who is to be in control of the boat during the relevant period starts to be in control of the boat; and
 - (b) give the form to the chief executive at the time required by the chief executive.
- (4) For subsection (2)(a), the person must fill in the relevant part of the form as soon as practicable after the boat stops being used for fishing under the authority on the day.
- (5) Subsection (2)(b) does not apply if the authorised boat is used—
 - (a) in a commercial fishery to which a quota does not apply; and
 - (b) for a period of not more than 24 hours.
- (6) A holder of a relevant fishing authority complies with subsection (3) if another person complies with the subsection for the holder.

109C Requirements about particular persons keeping returns for holders—fishing under holder’s authority

- (1) This section applies if—
 - (a) the chief executive has required a holder of a relevant fishing authority to keep and give to the chief executive information relating to the daily fishing activities under the authority; and
 - (b) the holder is not fishing under the authority on a day or a number of days (the *relevant period*); and
 - (c) another person (the *relevant person*) is fishing under the authority during the relevant period.

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- (2) The relevant person must—
 - (a) fill in the relevant part of the form approved by the chief executive for keeping the information for each day of the relevant period; and
 - (b) ensure the form is kept at or near the place where the person is fishing under the authority, and is available for immediate inspection, at all times while the person is fishing under the authority during the relevant period; and
 - (c) give the form to the holder as soon as practicable after the end of the relevant period.
- (3) The holder must—
 - (a) give the form to the relevant person before the person starts fishing under the authority during the relevant period; and
 - (b) give the form to the chief executive at the time required by the chief executive.
- (4) For subsection (2)(a), the relevant person must fill in the relevant part of the form as soon as practicable after fishing under the authority ends on the day.
- (5) A holder of a relevant fishing authority complies with subsection (3) if another person complies with the subsection for the holder.

109D Records to be kept about wholesale sales of spanish mackerel

- (1) This section applies if a person (the *seller*) sells spanish mackerel by wholesale to a person (the *buyer*) in the State.
- (2) The seller and buyer must keep a written record of the buying and selling particulars for the spanish mackerel sold by the seller to the buyer.
- (3) The seller must keep the record for 5 years after the day the seller stopped possessing the spanish mackerel.
- (4) The buyer must keep the record for 5 years after the day the buyer stopped possessing the spanish mackerel.

109E Records to be kept about imports of spanish mackerel

- (1) This section applies if a person—
 - (a) has taken spanish mackerel from waters outside the State and brings the spanish mackerel into the State for trade or commerce; or
 - (b) has bought spanish mackerel from a person outside the State and brings the spanish mackerel into the State for trade or commerce; or
 - (c) has taken, for trade or commerce, spanish mackerel from Queensland waters other than waters within the ‘SM’ fishery area and unloads the spanish mackerel in the State.
- (2) The person must keep a written record of—
 - (a) if the person took the spanish mackerel—the taking particulars for the spanish mackerel taken by the person; or
 - (b) if the person bought the spanish mackerel from another person—the buying and selling particulars for the spanish mackerel bought by the person.
- (3) The person must keep the record for the following period—
 - (a) starting—
 - (i) for a person mentioned in subsection (1)(a) or (b)—when the person brings the spanish mackerel into the State; or
 - (ii) for a person mentioned in subsection (1)(c)—immediately before the person unloads the spanish mackerel in the State;
 - (b) ending 5 years after the day the person stops possessing the spanish mackerel.
- (4) For subsection (1)(c), a person conducting a commercial fishing tour who takes spanish mackerel during the tour does not take the spanish mackerel for trade or commerce.
- (5) In this section—

the State includes Queensland waters.

109F Records to be kept about commercial carriage of spanish mackerel

- (1) This section applies if a person in control of a boat or vehicle is transporting, on the boat or in the vehicle, spanish mackerel for another person and for trade or commerce.
- (2) The person must ensure, at all times while the spanish mackerel are on board the boat or in the vehicle—
 - (a) a written record of the carriage information is kept on board the boat or in the vehicle; and
 - (b) the record is available for immediate inspection.
- (3) In this section—

carriage information, for a person transporting spanish mackerel for another person, means each of the following—

- (a) the name of the other person for whom the person is transporting the spanish mackerel;
- (b) the address of the place where the spanish mackerel were collected by the person;
- (c) the address of the place where the spanish mackerel are to be delivered by the person.

109G Records to be kept about commercial storage of spanish mackerel

- (1) This section applies if a person stores, at a place, spanish mackerel for another person and for trade or commerce.
- (2) The person must ensure, at all times while the spanish mackerel are stored at the place—
 - (a) a written record of the name of the person for whom the person is storing the spanish mackerel is kept at the place; and
 - (b) the record is available for immediate inspection.

109H Notice requirement for bringing spanish mackerel into 'SM' fishery area

- (1) This section applies if a commercial fishing boat on which spanish mackerel, taken from waters other than waters within

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the 'SM' fishery area, are on board enters the 'SM' fishery area.

- (2) The person in control of the boat must notify the nominated person of the following information—
 - (a) the name of the person giving the notice;
 - (b) the name and boat mark of the boat;
 - (c) the total number of spanish mackerel on board the boat when the boat enters the area;
 - (d) if there are filleted spanish mackerel on board the boat when the boat enters the area—
 - (i) the number of containers containing filleted spanish mackerel on board the boat when the boat enters the area; and
 - (ii) the number of spanish mackerel that are not filleted and are on board the boat when the boat enters the area.
- (3) A notice under subsection (2) must be given—
 - (a) by telephone or facsimile; and
 - (b) before or immediately after the person enters the 'SM' fishery area.
- (4) A person complies with subsection (2) if the person telephones the nominated person and leaves a message on an answering machine provided by the nominated person.
- (5) In this section—

commercial fishing boat includes a boat that a person is entitled to use to take fish for trade or commerce under a law of the Commonwealth or another State.

nominated person means the person who holds the office nominated for this section by the chief executive, by publishing the following on the department's website—

- (a) the title of the office;
- (b) the contact details for persons holding the office.⁵⁷

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

- (1) For section 184(4)(g)⁵⁸ 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, 109A or 109B; 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

⁵⁷ At 1 July 2004, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

⁵⁸ Section 184 (Evidentiary provisions) of the Act

- (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.

Division 3 Automated interactive voice response system

Subdivision 1 Preliminary

110C Purpose of div 3

This division—

- (a) provides for the chief executive to establish and operate an automated interactive voice response system; and
- (b) states the requirements and procedures that apply to the operation and use of the system.

Subdivision 2 The AIVR system

110D Chief executive must establish and operate AIVR system

The chief executive must establish and operate an automated interactive voice response system (*AIVR system*) for the following transactions—

- (a) a person giving information required to be given, under the Act, to the chief executive by using the AIVR system;
- (b) a person obtaining information required or permitted to be obtained, under the Act, from the chief executive by using the AIVR system;

- (c) a person changing the fisher PIN for line units or SM units.⁵⁹

110E Requirements for AIVR system

- (1) The AIVR system must—
 - (a) keep a record of each transaction carried out by a person using the system; and
 - (b) give the person carrying out the transaction a transaction number to identify the record.
- (2) The record must include the following—
 - (a) any information entered into the system by the person;
 - (b) any information given by the system to the person.

110F Record kept by AIVR system is evidence of particular information

A record of a transaction kept by the AIVR system is evidence of the information that was entered into, or given by, the system for the transaction.

110G Transaction number given by AIVR system is evidence of transaction

A transaction number given for a transaction is evidence of the transaction.

⁵⁹ The phone number for accessing the AIVR is published on the department's website. At 1 July 2004, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

Subdivision 3 Using the AIVR system

110H Requirement to keep record of transaction number

A person using the AIVR system to carry out a transaction must keep a record of the transaction number for the transaction for 6 months after the transaction.

110I Procedure if AIVR system not working properly

- (1) This section applies if—
 - (a) a person is required or permitted under the Act to give or obtain information, or to change a fisher PIN for line units or SM units, by using the AIVR system; and
 - (b) the system is not working properly.
- (2) The chief executive must ensure the system transfers the person's telephone call to either of the following (each a *nominated person*)—
 - (a) an officer or employee of the department;
 - (b) a telecommunications service provider for the chief executive appointed by gazette notice.
- (3) If a person is transferred to a nominated person—
 - (a) the nominated person must give the person a transaction number for the transaction; and
 - (b) the chief executive must, within 14 days after the transaction, give the person a written notice stating the following—
 - (i) any information given by the person to the nominated person;
 - (ii) any information given by the nominated person to the person.
- (4) A transaction number given under subsection (3)(a) is taken to have been given by the AIVR system.
- (5) A written notice given under subsection (3)(b) including information mentioned in subsection (3)(b)(i) or (ii) is evidence of that information.

- (6) Subject to section 110J, a person who is transferred to a nominated person and who gives information to, or obtains information from, the nominated person is taken to have complied with the requirement under the Act to give or obtain the information by using the system.

110J Chief executive may make guidelines about using AIVR system

- (1) The chief executive may make guidelines about how to use the AIVR system to give or obtain information required or permitted under the Act to be given or obtained by using the AIVR system.
- (2) A person is taken to have given or obtained the information required to be given or obtained by using the system if, to the extent they are relevant, the guidelines are complied with.

Subdivision 4 Provisions about guidelines

110K Application of sdiv 4

This subdivision applies if the chief executive makes guidelines under section 110J.

110L Notification

- (1) As soon as practicable after making the guidelines, the chief executive must notify the guidelines in the gazette.
- (2) The Minister must, within 14 sitting days after the gazettal, table the guidelines in the Legislative Assembly as if they were subordinate legislation.
- (3) The *Statutory Instruments Act 1992*, part 6,⁶⁰ applies to the guidelines as if they were subordinate legislation.

⁶⁰ *Statutory Instruments Act 1992*, part 6 (Procedures after making of subordinate legislation)

110M Inspection

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

110N Admissibility of guidelines in proceedings

- (1) This section provides for the admissibility of the guidelines in certain offence proceedings.
- (2) The guidelines are admissible in a proceeding relating to contravention of a requirement under the Act to give information to, or obtain information from, the chief executive by using the AIVR.
- (3) However, the guidelines are not admissible in evidence against a person unless the guidelines were gazetted and tabled in the Legislative Assembly before the act or omission that is alleged to form the offence.

Division 4 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

The chief executive may, wholly or partly, refund or waive a fee payable under the Act.

Examples—

1. Chief executive may refund part of a fee for an authority if the authority is surrendered before its expiry.
2. Chief executive may refund or waive a fee for assessing an application for an authority if the application is withdrawn before the chief executive decides the application.

Part 13 Transitional provision for the Fisheries Amendment Regulation (No. 1) 2004

114 Existing notice identity numbers

From the commencement of this section, a notice identity number for SM units stated on a notice or certificate given under this regulation is taken to be the unit PIN for the SM units.

Schedule 2 Closed waters—commercial fishing

sections 16(1) and 17(1)

Part 1 Taking or possessing any fish

Division 1 Fish taken under any fishery symbol

1 Prohibited activities

Taking or possessing any fish in waters described in this division 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.

19 Mary River

Waters of the Mary River from the Mary River Barrage to 400 m downstream of the barrage.

Schedule 2 (continued)

20 Tinana Creek

Waters of Tinana Creek from the Tinana Creek Barrage to 400 m downstream of the barrage.

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.

22 Burnett River

Waters of the Burnett River from the Burnett Barrage to 400 m downstream of the barrage.

23 Kolan River

Waters of the Kolan River from the Kolan Barrage to 400 m downstream of the barrage.

24 Fitzroy River

Waters of the Fitzroy River from the Fitzroy Barrage to 400 m downstream of the barrage.

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.

Schedule 2 (continued)

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.

39 South Mitchell River

The South Mitchell River and waterways joining it, other than Surprise Creek, between F↑B signs near the river's banks and F↑B signs near its junction with Surprise Creek.

40 Torres Strait near Hammond Island

Waters within the following boundary—

- from Turtle Head, Hammond Island, to Hammond Rock
- to 1 n mile east of Menmuir Point, Hammond Island

Schedule 2 (continued)

- to the northern tip of Kapuda Island
- to Bruce Point, Hammond Island
- along the eastern shore of Hammond Island to Turtle Head.

Division 2 Fish taken under fishery symbol C1, L1, L6, L7, N1, N2, N6, N7, N8, SM or T4**Subdivision 1 Flat Rock grey nurse shark protection area****40A Prohibited activities**

- (1) The following activities are prohibited—
 - (a) taking any fish under the fishery symbol 'C1', 'L1', 'L6', 'L7', 'N1', 'N2', 'N6', 'N7', 'N8', 'SM' or 'T4' in waters described in this subdivision;
 - (b) possessing a fish taken in contravention of paragraph (a).
- (2) However, subsection (1)(a) does not apply to fish taken by surface trolling in the western Flat Rock protection area from 6 a.m. to 6 p.m. on any day if the fish are taken—
 - (a) under the fishery symbol 'L1', 'L6', 'L7' or 'SM' written on an SM (Flat Rock) fishery licence; and
 - (b) in accordance with any conditions stated in the licence.

40B Flat Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°23.41' south, longitude 153°33.07' east.

Schedule 2 (continued)

Subdivision 2 Other grey nurse shark protection areas**40C Prohibited activities**

The following activities are prohibited—

- (a) taking any fish under the fishery symbol 'C1', 'L1', 'L6', 'L7', 'N1', 'N2', 'N6', 'N7', 'N8', 'SM' or 'T4' in waters described in this subdivision;
- (b) possessing a fish taken in contravention of paragraph (a).

40D Henderson Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°07.92' south, longitude 153°28.71' east.

40E Cherub's Cave grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°07.67' south, longitude 153°28.67' east.

40F Wolf Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 25°54.60' south, longitude 153°11.85' east.

Division 3 Fish taken under fishery symbol A1 or A2**40G Prohibited activities**

The following activities are prohibited—

Schedule 2 (continued)

- (a) taking any fish, other than coral reef fin fish,⁶¹ under the fishery symbol 'A1' or 'A2' in waters described in this division;
- (b) possessing a fish taken in contravention of paragraph (a).

40H Wolf Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 25°54.60' south, longitude 153°11.85' east.

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;

⁶¹ For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

Schedule 2 (continued)

- (d) narrow-barred or spanish mackerel;
- (e) queenfish;
- (f) slender barracuda;
- (g) yellowtail king-fish.

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 20° south (near Bowen) or west of longitude 143° east

- (1) Waters south of latitude 20° south or waters west of longitude 143° 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 143°46'4" 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 10°44.97' south intersects the mainland shore at Fly Point to where

Schedule 2 (continued)

longitude 142°37.26' east intersects the southern tip of Albany Island

- along the southern and western shore of Albany Island to where latitude 10°42.96' south intersects the shore at the Island's north-western tip
- to the navigational light on Eborac Island, approximately at latitude 10°40.95' south and longitude 142°31.96' east
- to where longitude 142°24.40' east intersects the northern tip of Possession Island
- along the northern and eastern shores of Possession Island to where longitude 142°23.16' east intersects the shore at the Island's southern tip
- to the intersection of latitude 10°52.87' south with the eastern shore of Woody Wallis Island
- to where longitude 142°06.56' east intersects the northern shore of Crab Island
- along the western shore of Crab Island to where longitude 142°06.46' east intersects the shore at the Island's southern tip
- to where latitude 10°59.84' south intersects the mainland shore south of Slade Point
- along the mainland shore in a northerly and easterly direction to where latitude 10°44.97' 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;

Schedule 2 (continued)

- (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 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.

Schedule 2 (continued)

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).

51 Waters east of longitude 142°09' east

Waters east of longitude 142°09' east.

Division 3 Spotted mackerel**51A Prohibited activities**

(1) 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).

(2) Subsection (1) does not apply to a person if—

- (a) the person—
 - (i) took the spotted mackerel using a net; and
 - (ii) did not intend to take spotted mackerel by using the net; and
 - (iii) could not reasonably have avoided taking the spotted mackerel; and
- (b) the person possesses no more than 15 spotted mackerel.

Schedule 2 (continued)

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 142°31'49" east**

- (1) All lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142°31'49" 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.

Schedule 2 (continued)

56 Tallebudgera Creek

Tallebudgera Creek and waterways joining it.

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.

Schedule 2 (continued)

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 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

Schedule 2 (continued)

- along a line parallel to, and 140 m from, Sovereign Island's western shore, to a line from an F↑B sign at the corner of the Esplanade and Nankeen Avenue, Paradise Point to the northern tip of Ephraim Island
- to the northern tip of Ephraim Island
- to the southern tip of Ephraim Island
- to the northern tip of Crab Island
- to the southern tip of Crab Island
- to the flashing green beacon marking the eastern edge of the western navigation channel, nearest to Carters Bank
- along the channel's eastern edge to an F↑B sign in line with the northern edge of Stevens Street, Southport
- to the point on the shore in line with the northern edge of Stevens Street, Southport.

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.

Schedule 2 (continued)

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—

- (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).

Schedule 2 (continued)

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.

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 Gorge⁶² 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 latitude 26°50.06' south on the island's shore and the island's northern tip;

⁶² North Gorge is at the southern end of Frenchman's Beach.

Schedule 2 (continued)

- (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.

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

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

- (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.

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

Schedule 2 (continued)

- 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.

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.

Schedule 2 (continued)

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 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

Schedule 2 (continued)

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.

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 line⁶³—

⁶³ Note, the line runs across the Fitzroy River at the part of the river commonly known as the cut through.

Schedule 2 (continued)

- from the intersection between longitude 150°40.14' east and the northern bank of the river;⁶⁴
 - to the intersection between longitude 150°40.34' east and the southern bank of the river.⁶⁵
- (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).
- (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.

64 The intersection between longitude 150°40.14' east and the northern bank of the Fitzroy River is approximately at latitude 23°30.19' south, longitude 150°40.14' east.

65 The intersection between longitude 150°40.34' east and the southern bank of the Fitzroy River is approximately at latitude 23°30.39' south, longitude 150°40.34' east.

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

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—

- (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.

Schedule 2 (continued)

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.

123 Rollingsstone Creek

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

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)**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;
- (b) possessing fish taken in contravention of paragraph (a);
- (c) possessing commercial fishing nets mentioned in this division.

Schedule 2 (continued)

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 142°09' east

- (1) Rivers and creeks east of longitude 142°09' 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.

Schedule 2 (continued)

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
 - 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 24°57.00' south, longitude 153°05.00' east to latitude 24°57.00' south, longitude 153°08.50' east
 - to latitude 25°00.00' south, longitude 153°08.50' east
 - to latitude 25°00.00' south, longitude 153°05.00' east
 - to latitude 24°57.00' south, longitude 153°05.00' east; and
- (b) within the following boundary—
- from latitude 24°54.00' south, longitude 152°37.00' east to latitude 24°54.00' south, longitude 152°41.00' east
 - to latitude 24°57.00' south, longitude 152°41.00' east
 - to latitude 24°57.00' south, longitude 152°37.00' east

Schedule 2 (continued)

- to latitude 24°54.00' south, longitude 152°37.00' 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 153° east
 - along longitude 153° east to Fraser Island's western shore near Sandy Point
 - to Dayman Point
 - along the shore to the northern bank of Baffle Creek; and
- (b) within the following boundary—
- from the southern bank of Baffle Creek to longitude 153° east
 - along longitude 153° 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.

Schedule 2 (continued)

- (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).

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.

Schedule 2 (continued)

- (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.
- (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.

Schedule 2 (continued)

- (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—
- from an F↑B sign east of Round Hill near the north bank of the unnamed waterway that joins Hinchinbrook Channel⁶⁶
 - to an F↑B sign on Hinchinbrook Island near latitude 18°18.76' south, longitude 146°08.77' 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).

⁶⁶ The north bank of the unnamed waterway is near latitude 18°21.79' south, longitude 146°07.55' east.

Schedule 2 (continued)

- (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.

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;

Schedule 2 (continued)

- (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
- Maria Creek
- Seahill (Pacific) Creek
- Causeway Creek
- West Water Creek
- Island Head Creek
- East Creek
- Head Creek

Schedule 2 (continued)

- 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.

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

Schedule 2 (continued)

- 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.

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.

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

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.

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.

Schedule 2 (continued)

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—

- from the point commonly known as Macushla Point, Hinchinbrook Island, along the shore to latitude 18°16'50" 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.

Schedule 2 (continued)

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 16°29' 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.

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.

Schedule 2 (continued)

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 division—

- (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.

251 Hinchinbrook Channel

Hinchinbrook Channel between the following lines—

- (a) a line from Lucinda Point to George Point, Hinchinbrook Island;

Schedule 2 (continued)

- (b) a line from the northern bank of Meunga Creek to Hecate Point, Hinchinbrook Island.

**Division 5 Fish taken under fishery symbol A1
or A2****252 Prohibited activities**

The following activities are prohibited—

- (a) taking any fish, other than coral reef fin fish,⁶⁷ under the fishery symbol 'A1' or 'A2' in waters described in this division from 6 p.m. to 6 a.m. on any day;
- (b) using a fishing line or cast net to take any fish, other than coral reef fin fish, under the fishery symbol 'A1' or 'A2' in waters described in this division from 6 a.m. to 6 p.m. on any day;
- (c) possessing a fish taken in contravention of paragraph (a) or (b).

253 Flat Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°23.41' south, longitude 153°33.07' east.

254 Henderson Rock grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°07.92' south, longitude 153°28.71' east.

255 Cherub's Cave grey nurse shark protection area

Waters within a 1.2 km radius of latitude 27°07.67' south, longitude 153°28.67' east.

⁶⁷ For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

Schedule 2 (continued)

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 25°01'01" south, where it intersects the mainland shore to latitude 25°01'01" south, longitude 153° east
 - to latitude 25°12'29" south where it intersects the shore of Fraser Island
 - westerly and southerly along the shore of Fraser Island to longitude 153°04' east where it intersects the shore
 - to longitude 153°04' 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 25°01'01" 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
 - (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

Schedule 2 (continued)

- (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 25°10'24" south where it intersects the mainland shore near Burrum River to latitude 25°10'24" south, longitude 152°39'06" east
 - to latitude 25°13'24" south, longitude 152°40'12" east
 - along latitude 25°13'24" east to where it intersects the mainland shore
 - along the mainland shore to latitude 25°10'24" 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 152°40' 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 25°01'01" south where it intersects the mainland shore 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 the banks of the river or creek.⁶⁸
- (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 22°19'41" south, longitude 150°39'32" east
 - to latitude 22°21'36" south, longitude 150°41'10" east
 - to latitude 22°22'26" south, longitude 150°41'28" east
 - to latitude 22°24'58" south, longitude 150°43'12" east
 - to latitude 22°27' south, longitude 150°45'22" east
 - to latitude 22°31'59" south, longitude 150°47'17" 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;

⁶⁸ See section 3 (References to boundaries, lines, shores and other points) of the regulation.

Schedule 2 (continued)

- (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 executive⁶⁹ 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—

- from MacDonald Point to Cape Townshend, Townshend Island
- along the western and southern shores of Townshend Island to the island's eastern tip

⁶⁹ 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)

- 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 21°29'13" south, longitude 149°24' east
 - to latitude 21°30'40" south, longitude 149°28'55" 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
 - (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.

261 Stewart Peninsula–Newry Islands–Ball Bay

- (1) This section applies to waters within the following boundary and the adjoining waterways—
- from latitude 20°45' south where it intersects the mainland shore to latitude 20°45' south, longitude 148°50'42" east
 - to latitude 20°52'01" south, longitude 148°59'45" east
 - south along longitude 148°59'45" east where it intersects the mainland shore
 - along the mainland shore to latitude 20°45' 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 19°43'37" south where it intersects the mainland shore near Beach Hill to the western tip of Cape Upstart
 - along the mainland shore to latitude 19°43'37" 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

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 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—
- from latitude 19°43'37" south where it intersects the mainland shore
 - east along latitude 19°43'37" 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 19°48' south
 - west along latitude 19°48' south to the mainland shore at high water mark
 - along the mainland shore to 19°43'37" 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.

Schedule 2 (continued)

- (7) A set mesh net must not be set on a foreshore during the closed season for barramundi.

263 Cleveland Bay–Magnetic Island

- (1) This section applies to waters within the following boundary and adjoining waterways—
- from longitude 146°39' east where it intersects the mainland shore to latitude 19°07.87' 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 146°49.98' east
 - to the intersection of the coastal 500 m line around Magnetic Island with longitude 146°51.70' east
 - along the coastal 500 m line around Magnetic Island in a south-easterly direction to latitude 19°06.97' south
 - to the northern tip of Cape Cleveland
 - along the mainland shore to longitude 146°39' 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

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 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 18°12'54" south where it intersects the mainland shore to latitude 18°08'35" south, longitude 146°09'50" east
 - to latitude 18°08'31" 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 146°18'14" east
 - to longitude 146°19'05" 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 146°19'37" 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 18°12'54" south where it intersects the mainland shore.
- (2) Using the following is prohibited—

Schedule 2 (continued)

- (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
 - (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 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

Schedule 2 (continued)

- 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 latitude 21°54'25" south where it intersects the mainland shore near Carmilla Creek
- to latitude 21°57'54" south, longitude 149°35'45" east
- to latitude 22°01'45" south, longitude 149°35'45" east
- to latitude 22°10'34" south, longitude 149°36'43" east
- to the eastern tip of Clairview Bluff
- along the mainland shore to latitude 21°54'25" 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 21°27'07" south, longitude 149°27'42" east
- to latitude 21°30'40" south, longitude 149°28'55" east
- to latitude 21°29'13" south, longitude 149°24' 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 148°59'45" east where it intersects the mainland shore at Ball Bay to latitude 20°52'01" south, longitude 48°59'45" east
- to latitude 20°56'49" south, longitude 149°06'47" east

Schedule 2 (continued)

- to longitude 149°05'42" east where it intersects the shore of Sand Bay
- along the mainland shore to longitude 148°59'45" east where it intersects the mainland shore at Ball Bay.

270 Repulse Bay

Waters within the following boundary—

- from the southern tip of Rocky Point to latitude 20°30'14" south, longitude 148°45'47" east
- east to longitude 148°49'44" east
- north along longitude 148°49'44" 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 148°11'10" 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 148°27'22" east where it intersects the shore of the island
- to the northern tip of Cape Gloucester
- along the mainland shore to longitude 148°11'10" 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.

Schedule 2 (continued)**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 18°33'32" south, longitude 146°23'28" east
- to latitude 18°37'41" south, longitude 146°23'02" east
- to latitude 18°42'29" south, longitude 146°21'04" east
- along latitude 18°42'29" 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.

Schedule 2 (continued)**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
 - (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

Schedule 2 (continued)

- (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
 - (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—

Schedule 2 (continued)

- (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—

- (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—

Schedule 2 (continued)

- (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.

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.

19 Mary River

Waters of the Mary River from the Mary River Barrage to 400 m downstream of the barrage.

20 Tinana Creek

Waters of Tinana Creek from the Tinana Creek Barrage to 400 m downstream of the barrage.

21 Burnett River

Waters of the Burnett River from the Burnett Barrage to 400 m downstream of the barrage.

Schedule 3 (continued)

22 Kolan River

Waters of the Kolan River from the Kolan Barrage to 400 m downstream of the barrage.

23 Fitzroy River

Waters of the Fitzroy River from the Fitzroy Barrage to 400 m downstream of the barrage.

29 Keppel Bay near Middle Island Observatory

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

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.

Schedule 3 (continued)

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—

- 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).

Schedule 3 (continued)

40A 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*.

40B Flat Rock grey nurse shark protection area

- (1) Waters within a 1.2 km radius of latitude 27°23.41' south, longitude 153°33.07' east.
- (2) Subsection (1) applies to fish other than coral reef fin fish and spanner crabs.⁷⁰

40C Henderson Rock grey nurse shark protection area

- (1) Waters within a 1.2 km radius of latitude 27°07.92' south, longitude 153°28.71' east.
- (2) Subsection (1) applies to fish other than coral reef fin fish or spanner crabs.⁷¹

70 For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*. For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

71 For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*. For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

Schedule 3 (continued)

40D Cherub's Cave grey nurse shark protection area

- (1) Waters within a 1.2 km radius of latitude 27°07.67' south, longitude 153°28.67' east.
- (2) Subsection (1) applies to fish other than coral reef fin fish or spanner crabs.⁷²

40E Wolf Rock grey nurse shark protection area

- (1) Waters within a 1.2 km radius of latitude 25°54.60' south, longitude 153°11.85' east.
- (2) Subsection (1) applies to fish other than coral reef fin fish and spanner crabs.⁷³

40F 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.
- (3) This section applies only to fin fish.

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 *Agriposphyraena barracuda*.

72 For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*. For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

73 For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*. For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

Schedule 3 (continued)

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 20° south (near Bowen) or west of longitude 143° east

- (1) Waters south of latitude 20° south or waters west of longitude 143° east.
- (2) Subsection (1) applies only to bêche-de-mer.

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.

44A Waters adjacent to north Cape York

- (1) Waters within the following boundary—
 - from where latitude 10°44.97' south intersects the mainland shore at Fly Point to where longitude 142°37.26' east intersects the southern tip of Albany Island
 - along the southern and western shore of Albany Island to where latitude 10°42.96' south intersects the shore at the Island's north-western tip
 - to the navigational light on Eborac Island, approximately at latitude 10°40.95' south and longitude 142°31.96' east
 - to where longitude 142°24.40' east intersects the northern tip of Possession Island
 - along the northern and eastern shores of Possession Island to where longitude 142°23.16' east intersects the shore at the Island's southern tip

Schedule 3 (continued)

- to the intersection of latitude 10°52.87' south with the eastern shore of Woody Wallis Island
- to where longitude 142°06.56' east intersects the northern shore of Crab Island
- along the western shore of Crab Island to where longitude 142°06.46' east intersects the shore at the Island's southern tip
- to where latitude 10°59.84' south intersects the mainland shore south of Slade Point
- along the mainland shore in a northerly and easterly direction to where latitude 10°44.97' south intersects the mainland shore at Fly Point.

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

45 Darnley Island, Torres Strait

- (1) Darnley Island foreshore waters west of longitude 143°46'4" east.
- (2) Subsection (1) applies only to pearl oysters.

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.

Schedule 3 (continued)

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.

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.

Schedule 3 (continued)**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.

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—

Schedule 3 (continued)

- (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.

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 27°42' 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;

Schedule 3 (continued)

- (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 NE1 buoy west of Bulwer
- to the M7 beacon west of Cowan Cowan point
- to the E1 beacon west of 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.

Schedule 3 (continued)

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.

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.

Schedule 3 (continued)

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.

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

Schedule 3 (continued)

- 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.

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

Schedule 3 (continued)

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.

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

Schedule 3 (continued)

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 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.

Schedule 3 (continued)

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.

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.

Schedule 3 (continued)

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**

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)

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

blackspot tuskfish

broad-barred or grey mackerel

coral trout

crimson jobfish (rosy jobfish)

crimson seaperch (small mouth nannygai)

estuary cod

grass tuskfish (purple tuskfish)

humphead Maori wrasse

large-scale sea perch

mulloway

narrow-barred or spanish mackerel

pearl perch

potato cod

Queensland grouper

Schedule 4 (continued)

Queensland school mackerel
red emperor
saddletail seaperch (large mouth nannygai)
snapper
spangled emperor
spotted mackerel
sweetlip emperor (red-throat emperor)
teraglin jew
tropical spiny rock lobster
venus tuskfish
wahoo

**Subdivision 3 Fish taken under fishery symbol L4,
L5 or L9**

barramundi cod
chinamanfish
humphead Maori wrasse
paddletail
potato cod
Queensland grouper
red bass

Schedule 4 (continued)

Division 3**Fish regulated by size****Subdivision 1****Fish taken under fishery symbol L4,
L5 or L9****cods and gropers**

a species of cod or grouper, other than barramundi cod, camouflage rockcod, flowery cod, greasy rockcod, Maori cod, potato cod or Queensland grouper—less than 38 cm

camouflage rockcod—less than 50 cm or more than 100 cm

flowery cod—less than 50 cm or more than 100 cm

greasy rockcod—less than 38 cm or more than 100 cm

Maori cod—less than 45 cm

coral trout

a species of coral trout, other than chinese footballer (blue spot trout)—less than 38 cm

chinese footballer (blue spot trout)—less than 50 cm or more than 80 cm

emperors

a species of emperor, other than long-nosed emperor, spangled emperor or sweetlip emperor (red-throat emperor)—less than 25 cm

long-nosed emperor—less than 38 cm

spangled emperor—less than 45 cm

sweetlip emperor (red-throat emperor)—less than 38 cm

parrotfishes, surgeonfishes and sweetlips

a species of parrotfish, surgeonfish or sweetlips—less than 25 cm

Schedule 4 (continued)

tropical snappers and sea perches

a species of tropical snapper or seaperch, other than a species of jobfish, chinamanfish, crimson seaperch (small mouth nannygai), paddletail, red bass, red emperor, saddletail seaperch (large mouth nannygai)—less than 25 cm

a species of jobfish—less than 38 cm

crimson seaperch (small mouth nannygai)—less than 40 cm

red emperor—less than 55 cm

saddletail seaperch (large mouth nannygai)—less than 40 cm

wrasses

a species of wrasse, other than hogfish, humphead Maori wrasse, redbreasted Maori wrasse or tripletail Maori wrasse—less than 30 cm

hogfish—less than 25 cm

redbreasted Maori wrasse—less than 25 cm

tripletail Maori wrasse—less than 25 cm

Schedule 4 (continued)

Part 2 Fish taken by recreational fishers

Division 1 Fish regulated by number

Reef fish, other than coral reef fin fish⁷⁴

black jewfish	10
black kingfish	10
broad-barred or grey mackerel	10
estuary cod	10
large-scale sea perch	10
mulloway	10
narrow-barred or spanish mackerel	3
pearl perch	5
Queensland school mackerel	30
snapper	5
spotted mackerel	5
teraglin jew	5
wahoo	10

Other fish

barramundi	5
beachworm or part of a beachworm	30
bêche-de-mer, other than black teatfish	5
bloodworm or part of a bloodworm	50
gastropod or bivalve mollusc (other than oysters)	50

⁷⁴ For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

Schedule 4 (continued)

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 14° south or in waters within the Gulf of Carpentaria and adjoining waterways between the 25 n mile line and the shore south of latitude 10°48' south—

each individual	3
each boat	6
- elsewhere in the State

each individual	5
each boat	10

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

Schedule 4 (continued)

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

female blue swimmer crab

female mud crab

Division 3 Fish regulated by number

Australian bass

Schedule 4 (continued)

Division 4 Fish regulated by size**Reef fish, other than coral reef fin fish⁷⁵**

black jewfish—less than 45 cm

black king-fish—less than 75 cm

broad-barred or grey mackerel—less than 50 cm

dolphin-fish—less than 45 cm

estuary cod—less than 35 cm or more than 120 cm

grass sweetlip—less than 30 cm

large-scale sea perch—less than 35 cm

mangrove jack—less than 35 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

pearl perch—less than 35 cm

Queensland school mackerel—less than 50 cm

shark mackerel—less than 50 cm

silver jewfish—less than 45 cm

silver teraglin—less than 30 cm

snapper—less than 35 cm

spotted mackerel—less than 60 cm

teraglin jew—less than 38 cm

wahoo—less than 75 cm

yellowtail king-fish—less than 50 cm

⁷⁵ For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

Schedule 4 (continued)**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—less than 11.5 cm
- burnett salmon—less than 40 cm
- 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

Schedule 4 (continued)

Division 5 **Fish regulated by size and area****Gulf of Carpentaria**

spotted grunter bream (grunter)—less than 40 cm

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

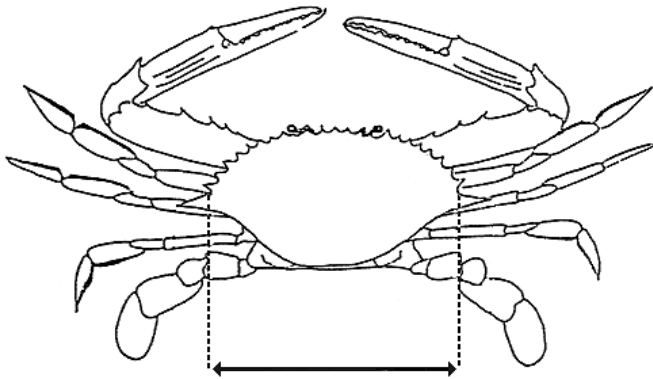
Schedule 4A Measurement of particular fish

section 21

Part 1 Measurement of size of particular fish

1 Measurement of size of blue swimmer crab

- (1) The size of a blue swimmer crab is decided by measuring the distance between—
 - (a) the notch immediately forward of the base of the large lateral spine of the crab on one side of the crab; and
 - (b) the notch immediately forward of the base of the large lateral spine of the crab on the other side of the crab.
- (2) The following figure is an illustration of the operation of subsection (1) in diagrammatic form—

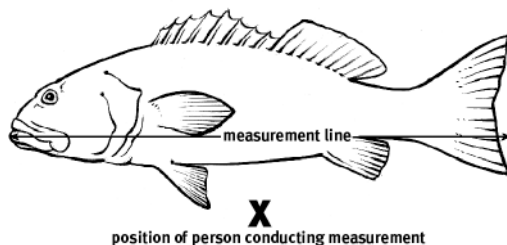


The distance between the 2 vertical dotted lines is the distance to be measured to decide the size of a blue swimmer crab

Schedule 4A (continued)

2 Measurement of size of fin fish

- (1) 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.
- (2) The following figure is an illustration of the operation of subsections (1)(b) and (4), definition *required position*, in diagrammatic form—



- (3) For subsection (1), 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.

Schedule 4A (continued)

(4) In this section—

required position means—

- (a) for a fish mentioned in subsection (1)(a)—lying on its underside; or
- (b) for a fish mentioned in subsection (1)(b)—lying on its side with the dorsal fin facing outward and its mouth closed.

3 Measurement of size of mud crab

The size of a mud 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.

4 Measurement of size of painted crayfish

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 Measurement of size of pearl oyster

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.

Schedule 4A (continued)**6 Measurement of size of trochus**

The size of a trochus is decided by measuring the widest part of the base of its shell.

Part 2 Measurement of weight of particular fish**7 Measurement of weight of green snails**

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

Schedule 5 Declared diseases

section 25C

Part 1 Bacteria

bacterial kidney disease (*Renibacterium salmoninarum*)
enteric redmouth disease (*Yersinia ruckeri* Hagerman strain)
enteric septicaemia of catfish (*Edwardsiella ictaluri*)
furunculosis (*Aeromonas salmonicida* subsp *salmonicida*)
necrotising hepatopancreatitis
piscirickettsiosis (*Piscirickettsia salmonis*)
withering syndrome of abalone (*Candidatus Xenohaliotis californiensis*)

Part 2 Fungi

crayfish plague (*Aphanomyces astaci*)

Part 3 Parasites

bonamiosis (*Bonamia exitosus*)
bonamiosis (*Bonamia ostrea*)
bonamiosis (*Bonamia sp.*)
gyrodactylosis (*Gyrodactylus salaris*)
marteiliosis (*Marteilia refringens*)
mikrocytosis (*Mikrocytos mackini*)
MSX disease (*Haplosporidium nelsoni*)

Schedule 5 (continued)

perkinsosis (*Perkinsus marinus*)

SSO disease (*Haplosporidium costale*)

whirling disease (*Myxobolus cerebralis*)

Part 4 Pests

Asian green mussel (*Perna viridis*)

Part 5 Viruses

akoya oyster disease

baculoviral midgut gland necrosis virus

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)

red sea bream iridoviral disease

spring viraemia of carp virus (SVC)

taura syndrome virus

tetrahedral baculovirosis (*Baculovirus penaei*)

viral haemorrhagic septicaemia virus (VHS)

white spot syndrome virus

Schedule 5 (continued)

white sturgeon iridoviral disease

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 Serrasalminidae (subfamilies Myleinae and Serrasalminae) or Characidae (subfamily Serrasalminae), 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 9.⁷⁶

76 Corporations Act, section 9 (Dictionary)

Schedule 5B (continued)

event, for an event-based special circumstance, means an event, or a combination of events, mentioned in section 3(c) of this schedule.

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.

member of a corporation includes a member within the meaning of the Corporations Act, section 231.⁷⁷

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.

⁷⁷ Corporations Act, section 231 (Membership of a company)

Schedule 5B (continued)

prescribed waters means waters east of longitude 142°30.00' east and between latitude 10°41.00' south and latitude 28°30.00' south.⁷⁸

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;

78 Longitude 142°30' east is at the tip of Cape York. The waters between latitude 10°41' south and latitude 28°30' south are approximately south of the tip of Cape York and north of the NSW Border respectively.

Schedule 5B (continued)

- (ii) first-recent-entrant special circumstance;
- (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.

Schedule 5B (continued)

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
- (b) the spanish mackerel could have been taken only from the following waters within the prescribed waters—
 - (i) waters between latitude 12°30'00" south and latitude 16°29'59" south;⁷⁹
 - (ii) waters between latitude 17°00'00" south and latitude 17°59'59" south;⁸⁰
 - (iii) waters between latitude 20°00'00" south and latitude 22°29'59" south;⁸¹
 - (iv) waters between latitude 23°00'00" south and latitude 23°29'59" south;⁸²

79 The waters between latitude 12°30' south and latitude 16°29'59" south are approximately south of Weymouth Bay and north of Port Douglas.

80 The waters between latitude 17° south and latitude 17°59'59" south are approximately south of Cairns and north of Hull Heads.

81 The waters between latitude 20° south and latitude 22°29'59" south are approximately south of Bowen and north of Cape Clinton.

82 The waters between latitude 23° south and latitude 23°29'59" south are approximately south of Corio Bay and north of Cape Capricorn (Curtis Island).

Schedule 5B (continued)

- (v) waters between latitude 25°00'00" south and latitude 28°29'59" south.⁸³

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
 - (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

⁸³ The waters between latitude 25° south and latitude 28°29'59" south are approximately south of Indian Head (Fraser Island) and north of the NSW border.

Schedule 5B (continued)

- (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—
 - (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.

Schedule 5B (continued)

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
- (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

Schedule 5B (continued)

- (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 10°41'00" south and latitude 24°29'59" south.

area 2 means the area between latitude 24°30'00" south and latitude 28°30'00" 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

Schedule 5B (continued)

- (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
 - (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.

Schedule 5B (continued)

- (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—
- (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.

Schedule 5B (continued)

(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.

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—

Schedule 5B (continued)

- (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—
 - (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

Schedule 5B (continued)

- (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.

- (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—

Schedule 5B (continued)

- (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.

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

Schedule 5B (continued)

- (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—

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

Schedule 5B (continued)

- (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
- (d) expired before the issue of a licence (the ***later licence***) mentioned in paragraph (a), (b) or (c) that—

Schedule 5B (continued)

- (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

Schedule 5B (continued)

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 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

Schedule 5B (continued)

- 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
 - (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—

Schedule 5B (continued)

- (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.
- (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.
- (3) Despite subsection (2)(a), the chief executive may consider a reconsideration notice received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the notice to the chief executive within the period by reasons beyond the holder's control.

Schedule 5B (continued)

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
 - (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.

Schedule 5B (continued)

- (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.
- (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.

Schedule 5B (continued)

**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.
- (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.

Schedule 5B (continued)

- (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.

Schedule 5B (continued)

- (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 2002—
- (i) if the holder held the licence for more than 1 whole month in 2002—the higher of the following—
- (A) the notional amount of (whole weight) spanish mackerel taken by the holder in 2002;
- (B) the amount of (whole weight) spanish mackerel taken under the licence in 2002; or
- (ii) otherwise—the amount worked out under section 10 of this schedule;
- (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 within the start-up period for the holder, 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.
- (4) In this section—

start-up period, for a holder of a licence, means the period—

Schedule 5B (continued)

- (a) starting on the day the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder; and
- (b) ending on 21 February 2003.

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;
 - (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

Schedule 5B (continued)

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—
 - (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.

Schedule 5B (continued)

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 2A Amending SM fishery licence to allow surface trolling in western Flat Rock protection area**35A Holder may apply for amendment of SM fishery licence to allow surface trolling in western Flat Rock protection area**

- (1) The holder of an SM fishery licence may, by written notice, request the chief executive to amend the licence to allow the holder, or a person acting under the licence, to take fish, under the fishery symbol 'L1', 'L6', 'L7' or 'SM', by surface trolling in the western Flat Rock protection area from 6 a.m.

Schedule 5B (continued)

to 6 p.m. on any day.⁸⁴

- (2) The notice must be given to the chief executive by—
 - (a) 1 April 2004; or
 - (b) if the fishery symbol 'SM' is written on the licence, under part 2, division 6, on or after 1 April 2004—6 weeks from the day the fishery symbol is written on the licence.

35B How chief executive must deal with application to amend licence

- (1) As soon as practicable after receiving an application made as required under section 35A, the chief executive must decide whether to amend the holder's SM fishery licence as requested.
- (2) The chief executive may decide to amend the licence as requested only if the chief executive is reasonably satisfied, using only the information mentioned in section 35C, that an amount of spanish mackerel was taken lawfully—
 - (a) on or after 1 January 2001 but before this section commences; and
 - (b) in waters within a 1.2 km radius of latitude 27°23.41' south, longitude 153°33.07' east; and
 - (c) under the fishery symbol 'L1', 'L6' or 'L7' written on the licence.
- (3) If the chief executive decides to amend the licence as requested, the chief executive must, as soon as practicable after making the decision, amend the licence to allow the holder of, or a person acting under, the licence to take fish by surface trolling in the western Flat Rock protection area from 6 a.m. to 6 p.m. on any day if the fish are taken—

⁸⁴ See also schedule 2 (Closed waters—commercial fishing), part 1 (Taking or possessing any fish), division 2 (Fish taken under fishery symbol C1, L1, L6, L7, N1, N2, N6, M7, N8, SM or T4), subdivision 1 (Flat Rock grey nurse shark protection area).

Schedule 5B (continued)

- (a) under the fishery symbol 'L1', 'L6', 'L7' or 'SM'; and
- (b) in accordance with any conditions stated on the licence.

Examples of conditions—

- a condition about the period during which fish may be taken by surface trolling in the western Flat Rock protection area
 - a condition that lead lines may not be used to take fish by surface trolling in the area
- (4) If the chief executive decides not to amend the licence as requested, the chief executive must, as soon as practicable after making the decision, give the holder a notice stating each of the following—
- (a) the decision and the reasons for it;
 - (b) that the holder may appeal against the decision to the tribunal within 28 days after the holder receives the notice;
 - (c) how to appeal.

35C Information chief executive may use to decide application

- (1) For section 35B(2), the information the chief executive may use to decide the application is logbook information received by the chief executive no later than the following day—
- (a) for logbook information for the period beginning on 1 January 2001 and ending on 31 October 2003—the day this section commences;
 - (b) for logbook information for the period beginning on 1 November 2003 and ending immediately before this section commences—the day that is 6 weeks from the day this section commences.
- (2) Also, the chief executive may use the information mentioned in subsection (3) if the logbook information—
- (a) records spanish mackerel as being taken in a larger area including the waters (the *prescribed waters*) mentioned in section 35B(2)(b); but

Schedule 5B (continued)

- (b) does not record whether the spanish mackerel were taken in the prescribed waters.
- (3) If this subsection applies, the chief executive may use any other information held or obtained by the chief executive to decide whether the spanish mackerel were taken in the prescribed waters.

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.

37 Definitions for pt 3

In this part—

adjusted allocation provisions see section 50 of this schedule.

disregarded spanish mackerel means spanish mackerel—

Schedule 5B (continued)

- (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.

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,

Schedule 5B (continued)

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.

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—

$$AU = \left(\frac{D}{440776.4669} \right) \times 436200$$

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.

Schedule 5B (continued)

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—

$$SMF = \left(\frac{AC}{563200.4288} \right) \times 563200$$

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
 - (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

Schedule 5B (continued)

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—
- (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

Schedule 5B (continued)

- 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—

Schedule 5B (continued)

- (a) issue to the holder—
 - (i) an SM unit certificate for the SM units for the first SM year; and
 - (ii) a 4-digit identity number (a *unit PIN*) for the SM units.
- (b) give the holder a decision notice for the decision.

49A Issue of fisher PIN

- (1) This section applies if the chief executive has decided under section 49 the number of SM units to be issued to a holder of an SM fishery licence.
- (2) The chief executive must issue the holder a 4-digit identity number (a *fisher PIN*) for the SM units issued to the holder—
 - (a) if the decision was made before the commencement of this section—immediately after the commencement of this section; or
 - (b) if paragraph (a) does not apply—when the chief executive issues the holder an SM unit certificate for the SM units under section 49.

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.

Schedule 5B (continued)

- 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—
 - (i) if the eligible holder held the licence for more than 1 whole month in 2002—the higher of the following—
 - (A) the notional amount of (whole weight) spanish mackerel taken by the holder in 2002;
 - (B) the amount of (whole weight) spanish mackerel taken under the licence in 2002; or
 - (ii) otherwise—the amount worked out under section 10 of this schedule;
 - (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 within the start-up period for the holder, the amount of (whole weight) spanish mackerel taken by the holder in each year in the qualifying period is the higher of the following—

Schedule 5B (continued)

- (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.
- (4) In this section—

start-up period, for a holder of a licence, means the period—

- (a) starting on the day the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder; and
- (b) ending on 21 February 2003.

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;

Schedule 5B (continued)

- (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.

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 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 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 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.

Schedule 5B (continued)

(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.

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

Schedule 5B (continued)

- (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—

$$WWE = \frac{619520}{NSM}$$

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
blind cave tetra

Schedule 6 (continued)

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
duboisii
dusky krib
dwarf cichlid
dwarf flag cichlid
dwarf gourami
dwarf lattice cichlid

Schedule 6 (continued)

dwarf loach
elegant rasbora
elephantnose
elephantnose (Peter's)
emperor tetra
false magnificent 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
hatchefish
headstander
hi-spot rasbora
honey dwarf gourami
Indian hatchefish

Schedule 6 (continued)

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
ornate pimelodus

Schedule 6 (continued)

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
sphenops mollie

Schedule 6 (continued)

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 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.

2 Cape Palmerston

The Cape Palmerston fish habitat area (south of Sarina) is shown on plan no. 015–043A.

3 Carmila

The Carmila fish habitat area (near Carmila Beach, south of Sarina) is shown on plan no. 033–025A.

4 Corio Bay

The Corio Bay fish habitat area (near Yeppoon) is shown on plan no. 015–017A.

5 Eight Mile Creek

The Eight Mile Creek fish habitat area (near the Northern Territory border) is shown on plan no. 015–051A.

Schedule 7 (continued)**6 Escape River**

The Escape River fish habitat area (near Cape York) is shown on plan no. 015-037A.

7 Fraser Island

The Fraser Island fish habitat area is shown on plan no. 033-009A.

8 Kauri Creek

The Kauri Creek fish habitat area (at Tin Can Inlet) is shown on plan no. 015-022A.

9 Maaroom

- (1) The Maaroom fish habitat area (at Great Sandy Strait, Fraser Island) is shown on plan no. 015-021A.
- (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.

10 Marion

The Marion fish habitat area (near Notch Point, south of Sarina) is shown on plan no. 033-024A.

11 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.

Schedule 7 (continued)

12 Nassau River

The Nassau River fish habitat area (at the Gulf of Carpentaria) is shown on plan no. 015–054A.

13 Princess Charlotte Bay

The Princess Charlotte Bay fish habitat area is shown on plan no. 015–035A.

14 Rocky Dam

The Rocky Dam fish habitat area (near Armstrong Beach, south of Sarina) is shown on plan no. 033–023A.

15 Silver Plains

The Silver Plains fish habitat area (near Princess Charlotte Bay) is shown on plan no. 015–034A.

16 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.

17 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.

Schedule 7 (continued)

- (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.

18 Temple Bay

The Temple Bay fish habitat area is shown on plan no. 015-038A.

19 Tin Can Inlet

The Tin Can Inlet fish habitat area is shown on plan no. 015-023A.

20 West Hill

The West Hill fish habitat area (near Carmila Beach, south of Sarina) is shown on plan no. 015-044A.

Part 2 Areas within outer boundaries shown on plans**21 Annan River**

- (1) The Annan River fish habitat area is shown on plan FHA-049.
- (2) The area includes the following—
- (a) the tidal land and waters of lot 68 on plan BS 87;
 - (b) the esplanade adjacent to lot 253 on plan BK 15762 that is within the outer boundary shown on the plan.
- (3) However, the area does not include—
- (a) the area 80 m upstream and downstream from the centre line of the new Cooktown Development Road Bridge that crosses the river; and

Schedule 7 (continued)

- (b) the area under, and within, 50 m of the boat ramp on the northern side of Annan River; and
- (c) the road adjacent to lot 29 on CP 896317.

22 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;
 - (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.

23 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

Schedule 7 (continued)

- lot 15 on plan USL 9633
- lot 49 on plan N 157300.

24 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
 - lot 1 on RP 736461.
- (3) The area includes lot 102 on RP 735461.

25 Beelbi

- (1) The Beelbi fish habitat area is shown on plan FHA-030 (Revision 1).
- (2) The area includes the tidal land of the part of lot 25 on plan NPW 541 that is within the outer boundary shown on the plan.

26 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

Schedule 7 (continued)

- (c) the part of lot 505 on plan NPW 529 that is within the outer boundary shown on the plan.

27 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).

28 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;
 - (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.

Schedule 7 (continued)**29 Burrum**

- (1) The Burrum fish habitat area is shown on plan FHA-029 (2 sheets).
- (2) The area includes the following—
 - (a) lot 20 on plan CK 3227;
 - (b) lot 75 on plan CK 3132.
- (3) The area does not include the parts of lots 53 and 65 on plan C 37398 that are not tidal land.

30 Cattle Creek

- (1) The Cattle Creek fish habitat area is shown on plan FHA-026.
- (2) The area includes the following—
 - (a) lot 479 on plan OL 223;
 - (b) the part of the Cattle Creek Esplanade between Sinclair Road and the prolongation of the south-western boundary of lot 10 on plan CAR 124284.
- (3) However, the area does not include—
 - (a) the part of lot 123 on plan NPW 597 that is within the outer boundary shown on the plan; and
 - (b) Bridges Road.

31 Cawarral Creek

- (1) The Cawarral Creek fish habitat area is shown on plan FHA-050.
- (2) However, the area does not include—
 - (a) the area within 30 m of the centre line of the trunk water main shown on the plan; and
 - (b) the area under, or within 50 m of, the boat ramp on the northern side of Cawarral Creek; and

Schedule 7 (continued)

- (c) the area under, or within 50 m of, the boat ramp on the southern side of Cawarral Creek; and
- (d) the esplanade adjacent to lot 5 on plan LN 1927.

32 Colosseum Inlet

- (1) The Colosseum Inlet fish habitat area is shown on plan FHA-037.
- (2) The area includes the following—
 - (a) the tidal land of the part of lot 4 on plan FD 841442 that is within the outer boundary shown on the plan;
 - (b) lots 5, 6, 9 and 11 on plan FD 841442;
 - (c) lot 10 on plan FD 841442 other than the part of the lot that is within the area mentioned in subsection (3)(c).
- (3) However, the area does not include—
 - (a) lot 697 on plan NPW 443 and the esplanades surrounding the lot; and
 - (b) the esplanade along—
 - (i) the eastern boundary of lot 21 on SP 114462; or
 - (ii) the south-eastern boundary of lot 4450 on plan PH 2277; and
 - (c) the area, including lot 1 on USL 43258, shown and described on the plan as 'Exclusion Area'.⁸⁵

33 Coombabah

The Coombabah fish habitat area is shown on plan FHA-016.

34 Coomera

- (1) The Coomera fish habitat area is shown on plan FHA-023.

⁸⁵ The area is north of Clarks Drive. The plan describes the area as the area within 100 m of the centre line of the existing access track.

Schedule 7 (continued)

- (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.

35 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.

36 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.

37 Deception Bay

The Deception Bay fish habitat area is shown on plan FHA-013.

38 Edgumbe Bay

- (1) The Edgumbe Bay fish habitat area is shown on plan FHA-069.
- (2) The area does not include any of the following—
 - (a) the area shown and described on the plan as ‘Exclusion Area (approx 2.5HA)’;
 - (b) the area shown and described on the plan as ‘Exclusion Area (approx 20HA)’.

Schedule 7 (continued)**39 Elliott River**

- (1) The Elliott River fish habitat area is shown on plan FHA-052.
- (2) The area includes the following—
 - (a) lot 192 on plan CK 2206;
 - (b) the part of the esplanade adjoining the southern and eastern boundaries of lot 192 on plan CK 2206 that is within the outer boundary shown on the plan;
 - (c) the part of the esplanade adjoining the eastern boundaries of lot 11 on RP 171643, lot 7 on RP 909282 and lot 8 on RP 93267, that is within the outer boundary shown on the plan.
- (3) However, the area does not include—
 - (a) lot 21 on plan C 371349; and
 - (b) the area within 15 m of the centre line of the water supply pipeline between Elliott Heads and Riverview.

40 Eurimbula

- (1) The Eurimbula fish habitat area is shown on plan FHA-038.
- (2) The area includes the tidal land of the part of lot 35 on plan NPW 865 that is within the outer boundary shown on the plan.

41 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)**42 Halifax**

- (1) The Halifax fish habitat area is shown on plan FHA-024.
- (2) The area includes the part of lot 408 on CP 91644 that is within the outer boundary shown on the plan.
- (3) However, the area does not include—
 - (a) the parts of lot 15 on plan USL 39609 and lot 72 on plan CWL 1870 that are not tidal land; and
 - (b) Halifax-Lucinda Point Road; and
 - (c) Gentle Annie Creek Road; and
 - (d) the small parcels shown and described on the plan as 'area A'.

43 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).

44 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.

Schedule 7 (continued)

45 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.

46 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 following lots—
 - lot 6 on plan WD 2107
 - lot 4 on plan WD 2140
 - lot 10 on plan WD 3007;
 - (c) the parts of the following lots that are within the outer boundary shown on the plan—
 - lot 91 on plan WD 3199
 - lots 273 to 275 on plan WD 131
 - lots 264 and 266 on plan WD 132
 - lot 17 on plan SL 8399
 - lot 262 on plan W 31252
 - lot 271 on plan WD 3598;
 - (d) the tidal land of lot 408 on plan NPW 645.
- (3) However, the area does not include—
 - (a) the parts of the following lots that are not tidal land—
 - lot 1 on plan USL 32128
 - lot 3 on plan USL 32129;
 - (b) lot 21 on W 31475; and
 - (c) lots 243, 244 and 245 on plan WD 31330; and

Schedule 7 (continued)

- (d) lot 1 on plan AP 7164; and
- (e) the small parcels shown and described on the plan as 'area A'; and
- (f) the following areas—
 - (i) the area, identified on the plan as 'Exclusion Area', that is a rectangular area running along the western boundary of lot 243 on plan WD 31330 and extending out 50 m from the boundary;⁸⁶ and
 - (ii) the area, identified on the plan as 'Exclusion for Access', with a length of 160 m, running from the most northern tip of lot 10 on plan WD 3007 along the north-eastern boundary of the lot, and a width of 50 m;⁸⁷ and
 - (iii) the area, identified on the plan as 'FHA – Exclusion Area', with a length of 40 m running along the south-eastern boundary of lot 408 on plan NPW 645 and a width of 15 m.⁸⁸

47 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.

48 Kippa-Ring

The Kippa-Ring fish habitat area is shown on plan FHA-014.

86 The area is west of Tabby Tabby Island.

87 The area is north of Cobby Cobby Island.

88 The area is south-west of Woogoompah Island and is commonly used as an oyster industry stockpile area.

Schedule 7 (continued)

49 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—
 - (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.

50 Margaret Bay (Wuthathi)

- (1) The Margaret Bay (Wuthathi) fish habitat area is shown on plan FHA-070.

Schedule 7 (continued)

- (2) The area does not include the area adjacent to the northern and western sides of Hicks Island shown and described on the plan as 'Exclusion Area'.

51 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;
 - (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).

52 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.

53 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.

Schedule 7 (continued)

54 Moreton Banks

The Moreton Banks fish habitat area is shown on plan FHA-015.

55 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.

56 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.

57 Noosa River

- (1) The Noosa River fish habitat area is shown on plan FHA-051 (Revision 1 – 2 sheets).
- (2) The area includes the tidal land of the following—
 - the part of lot 21 on plan NPW 659 that is within the outer boundary shown on the plan
 - 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
 - lots 34 and 35 on plan MCH 5214.
- (3) However, the area does not include—

Schedule 7 (continued)

- (a) the part of lot 3 on plan USL 30873 that is not tidal land; and
- (b) lots 55 and 386 on plan MCH 1667; and
- (c) the road adjacent to lot 11 on plan MCH 4128 and lot 1 on RP 141189.

58 Palm Creek

- (1) The Palm Creek fish habitat area is shown on plan FHA-025.
- (2) The area includes the following—
 - (a) lot 181 on plan CWL 3001;
 - (b) lot 384 on plan CWL 3001;
 - (c) the bed and banks of the waterway on the part of lot 382 on SP 136985 that is within the outer boundary shown on the plan.

59 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.

60 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.

61 Pumicestone Channel

- (1) The Pumicestone Channel fish habitat area (including Bribie Island and the Pumicestone Strait) is shown on plan FHA-011.
- (2) The area includes tidal land that is—
 - (a) national park land; and

Schedule 7 (continued)

- (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 ‘208° 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.

62 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—
 - (i) the outer boundary and the midstream line of Victor Creek; and

Schedule 7 (continued)

- (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.

63 Rodds Harbour

- (1) The Rodds Harbour fish habitat area is shown on plan FHA-036.
- (2) The area does not include—
 - (a) the area shown and described on the plan as 'Exclusion Area' at area 'C';⁸⁹ and
 - (b) the area shown and described on the plan as 'Exclusion Area' at area 'D';⁹⁰ and
 - (c) the area shown and described on the plan as 'Exclusion Area' at area 'E'.⁹¹

64 Sand Bay

The Sand Bay fish habitat area (near Cape Hillsborough) is shown on plan FHA-006.

65 Seventeen Seventy-Round Hill

The Seventeen Seventy-Round Hill fish habitat area is shown on plan FHA-018.

89 The area is described on the plan as an area within 50 m either side of the centre line of the existing access track.

90 The area is described on the plan as an area within 100 m either side of the centre line of the existing access track.

91 The area is described on the plan as an area within 250 m either side of the centre line of the existing causeway.

Schedule 7 (continued)

66 Starcke River (Ngulun)

- (1) The Starcke River (Ngulun) fish habitat area is shown on plan FHA-068.
- (2) The area includes the tidal land of the part of lot 18 on SP 104580 that is within the outer boundary shown on the plan.
- (3) However, the area does not include any of the following—
 - (a) lot 7 on CP892329;
 - (b) the 150m x 350m area at the mouth of the Starcke River shown and described on the plan as 'Future Exclusion Area'.

67 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.

68 Trinity Inlet

- (1) The Trinity Inlet fish habitat area is shown on plan FHA-003 (Revision 2).
- (2) The area includes the following—
 - (a) the following lots—
 - lot 1 to 4 on plan C 19823
 - lot 51 on plan NR 3159
 - lot 92 on plan NR 3051
 - lot 155 on plan NR 4561
 - lot 153 on plan NR 4373
 - lot 36 on plan AP 7416
 - (b) the part of the following lots that are within the outer boundary shown on the plan—
 - lot 1 on RP 736304

Schedule 7 (continued)

- lots 40, 41 and 771 on SP 113657
 - lot 14 on SP 122867
 - lot 2 on plan AP 3510
 - lot 12 on plan AP 3442
 - lot 146 on SP 129134
 - lot 45 on plan AP 3448.
- (3) However, the area does not include—
- (a) lot 1 on RP 783634; and
 - (b) lot 1 on PER 5481; and
 - (c) the area within 10 m of the centreline of the vehicular track from Airport Avenue to the Sand Stockpile on lot 1 on RP 736304; and
 - (d) the Sand Stockpile on lot 1 on RP 736304; and
 - (e) the area within 10 m of the centre line of the vehicular track that crosses lot 151 on NR 4172; and
 - (f) the following esplanades—
 - (i) the esplanade adjacent to lot 1 on RP 736304 and Airport Avenue;
 - (ii) the esplanade on the northern side of Pine Creek;
 - (iii) the esplanade adjacent to lot 34 on plan USL 9876;
 - (iv) the esplanade adjacent to lot 36 on plan AP 7416;
 - (v) the esplanade adjacent to lot 158 on plan NR 5877;
 - (vi) the esplanade adjacent to part of lot 111 on plan NR7962; and
 - (g) the following roads—
 - (i) the roads surrounding Mackay Creek;
 - (ii) the roads on the eastern and southern sides of Simmonds Creek;
 - (iii) the road on the eastern side of Middle Creek.

Schedule 7 (continued)

69 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.

70 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.

71 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,⁹² 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.

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.

92 For spanner crabs, see the *Fisheries (Spanner Crab) Management Plan 1999*.

Schedule 8 (continued)

- (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—
 - (a) coral reef fin fish;⁹³ or
 - (b) the taking or possession of fin fish, other than coral reef fin fish, in the tidal waters—
 - (i) west of longitude 142°09' east; and
 - (ii) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.⁹⁴

93 For coral reef fin fish, see the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

94 For the taking or possession of fin fish, other than coral reef fin fish, in the waters mentioned in subsection (2)(b), see the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999*.

Schedule 8 (continued)**8 Permitted ways of taking fish**

- (1) Fish may only be taken by using—
 - (a) hand or mechanically operated fishing lines; or
 - (b) fishing rods with hand or mechanically operated reels;
or
 - (c) hand held spears or spear guns.
- (2) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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 142°09' east; and

Schedule 8 (continued)

- (b) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.⁹⁵

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.
- (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—

⁹⁵ 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)

- (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 <i>Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999</i> (the <i>gulf plan</i>)	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 <i>gulf plan</i>	869.30 plus \$10 for each metre of authorised length of net the holder may use under part 5, division 6 of the <i>gulf plan</i> , 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 <i>Fisheries (Spanner Crab) Management Plan 1999</i>	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 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
21 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	
22 For a stocked impoundment permit under the <i>Fisheries (Freshwater) Management Plan 1999</i> —	
(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—	
(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

Schedule 10 (continued)

Part 3 Other authorities

		\$
Authority with coral, shell grit or star sand fishery symbol on it		
23	(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		
24	(a) assessment fee	62.00
	(b) authority fee, for each tonne or part of a tonne of the stated quota	284.00
	(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		
25	(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		
26	(a) assessment fee	62.70
	(b) authority fee	51.60

Schedule 10 (continued)

\$

Individual transferable quotas

27	For each quota year for each ITQ unit held under the <i>Fisheries (Spanner Crab) Management Plan 1999</i>	3.00
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Part 4 Miscellaneous

\$

Certificates about authorities

28	Certificate fee.....	51.50
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Amending or replacing authorities

29	Amendment or replacement fee.....	23.70
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Register fees

30	(a) for inspecting the register	at reasonable cost but not more than actual cost
	(b) for a copy of details in the register	at reasonable cost but not more than actual cost

Survey fees

31	Survey fee for a licence, permit or approval mentioned in this part	at reasonable cost but not more than actual cost
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Approval to build waterway barrier works

32	(a) assessment fee	at reasonable cost but not more than actual cost
	(b) approval fee	100.00

Schedule 10 (continued)

	\$
Fee for appeal to tribunal	
33 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 142°31'49" east;
- (b) north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
- (c) in the Gulf of Carpentaria between the 25 n mile line and the shore, south of latitude 10°48' south.

3 What fish may be taken

Only crabs, other than spanner crabs,⁹⁶ 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.

⁹⁶ 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 11A Spanish mackerel commercial fishery

schedule 17, definitions *commercial fishery* and *fishery schedule*

Part 1 The fishery

1 Fishery symbol

The fishery symbol is 'SM'.

2 Fishery area

The fishery area consists of—

- (a) if the fishery symbol is written on a licence that also has the fishery symbol 'L1' written on it—the area mentioned in schedule 12, section 20; and
- (b) if the fishery symbol is written on a licence that also has the fishery symbol 'L2' or 'L3' written on it—the area mentioned in schedule 12, section 41; and
- (c) if the fishery symbol is written on a licence that also has the fishery symbol 'L6' or 'L7' written on it—the area mentioned in schedule 12, section 48; and
- (d) if the fishery symbol is written on a licence that also has the fishery symbol 'L8' written on it—the area mentioned in schedule 12, section 2.

3 What fish may be taken

Spanish mackerel may be taken.

4 Permitted ways of taking spanish mackerel

Spanish mackerel may be taken only in the way fish may be taken under the line fishery symbol for the line fishery area in which the spanish mackerel is being taken.

Schedule 11A (continued)

5 Use of primary commercial fishing boat

The requirements for a primary commercial fishing boat are the requirements for using a primary commercial fishing boat under the line fishery symbol for the line fishery area in which the boat is being used.

6 Use of tender commercial fishing boats

The requirements for a tender commercial fishing boat are the requirements for using a tender commercial fishing boat under the line fishery symbol for the line fishery area in which the boat is being used.

7 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 the permitted distance under the line fishery symbol for the line fishery area in which assistant fisher is taking spanish mackerel.

Part 2 Definitions**8 Definitions for sch 11A**

In this schedule—

line fishery area, in relation to a line fishery symbol, means—

- (a) for the fishery symbol 'L1'—the area mentioned in schedule 12, section 20; and
- (b) for the fishery symbol 'L2' or 'L3'—the area mentioned in schedule 12, section 41; and

Schedule 11A (continued)

- (c) for the fishery symbol 'L6' or 'L7'—the area mentioned in schedule 12, section 48; and
- (d) for the fishery symbol 'L8'—the area mentioned in schedule 12, section 2.

line fishery symbol means the fishery symbol 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8'.

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 142°31'49" east and the 200 m bathometric line.

3 What fish may be taken

Any fin fish (other than barramundi, coral reef fin fish, snapper and spanish mackerel) 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 10°48' 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.

Schedule 12 (continued)

Part 3 **Line fishery (other than Great Barrier Reef region)****19** **Fishery symbol**

The fishery symbol is 'L1'.

20 **Fishery area**

The fishery area comprises tidal waters south of latitude 24°30' south.

21 **What fish may be taken**

Any fin fish, other than coral reef fin fish and spanish mackerel, may be taken.

22 **Permitted ways of taking fin fish**

- (1) Fin fish, other than coral reef fin fish and spanish mackerel, may only be taken by using hand held fishing lines or fishing rods with hand or mechanically operated reels and lines.
- (2) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

23 **Use of primary commercial fishing boats**

A primary commercial fishing boat must not be longer than 20 m.

Schedule 12 (continued)**24 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 'L1' written 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.

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 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 10°48' south.

Schedule 12 (continued)

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).

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) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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.

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.

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.

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 10°48' south.

Schedule 12 (continued)

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) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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.

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.

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—

- from the northern tip of Cape York along latitude 10°41' south, to longitude 145° east
- to latitude 13° south, longitude 145° east
- to latitude 15° south, longitude 146° east
- to latitude 17°30' south, longitude 147° east

Schedule 12 (continued)

- to latitude 21° south, longitude 152°55' east
- to latitude 24°30' south, longitude 154° east
- along latitude 24°30' south to the mainland shore
- along the shore to the northern tip of Cape York at latitude 10°41' south.

42 What fish may be taken

Any fin fish (other than barramundi, coral reef fin fish and spanish mackerel) 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) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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.

Schedule 12 (continued)

- (2) Subsection (1) does not apply if the tender commercial fishing boat and its primary commercial fishing boat are located on the same reef.
- (3) The tender commercial fishing boat licence must have the fishery symbol 'L1' or 'L2' written on it.
- (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

- (1) 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.
- (2) However, any distance is permitted if the boats are located on the same 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 25° south.

49 What fish may be taken

Any fin fish (other than barramundi, coral reef fin fish and spanish mackerel) 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) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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.

Schedule 12 (continued)

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 142°09' east.

3 What fish may be taken

Any fish, other than barramundi, coral reef fin fish 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 142°31'49" 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 142°09' east.

12 What fish may be taken

Any fish, other than barramundi, coral reef fin fish 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.

Schedule 13 (continued)

- (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.
- (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.

Schedule 13 (continued)

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

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 142°09' east, but does not include waterways flowing into the Gulf of Carpentaria west of longitude 142°09' east.

21 What fish may be taken

Unless otherwise stated, the following fish may be taken—

- (a) in waters east of longitude 142°31'49" east—any fish other than barramundi, coral reef fin fish or spotted mackerel; and

Schedule 13 (continued)

- (b) in waters west of longitude 142°31'49" 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, coral reef fin fish 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.

Schedule 13 (continued)

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.

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 153° east
 - along longitude 153° east to Fraser Island near Sandy Point
 - to Dayman Point
 - along the shore to the southern bank of Baffle Creek.

Schedule 13 (continued)

- (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 153° 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 152°40' 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 153° east need not be within 100 m of the net.

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.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)**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.

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.

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.

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 153° east
 - along longitude 153° 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 153° 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 152°40' 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 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 153° east.

Schedule 13 (continued))

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.
- (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.

Schedule 13 (continued)

- (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 152°46.22' east and the Old Bruce Highway Bridge;
 - (ii) waters between lines between the following places marked by F↑B signs—
 - longitude 152°46.67' east on the northern bank and longitude 152°46.83' east on the southern bank
 - longitude 152°51.74' east on the northern bank (near 'Tandora') and longitude 152°51.71' east on the shore of Crab Island (Meteor Point)
 - longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' 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.
- (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.

Schedule 13 (continued)

- (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

Schedule 13 (continued)

- (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
 - (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.

Schedule 13 (continued)

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.

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

Schedule 13 (continued)

- (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 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 142°09' 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 142°31'49" east—any fish other than barramundi, coral reef fin fish or spotted mackerel;
- (b) in waters west of longitude 142°31'49" east—
 - (i) black jewfish;
 - (ii) blue salmon;
 - (iii) grey mackerel;
 - (iv) jewel fish;
 - (v) king salmon;

Schedule 13 (continued)

- (vi) queenfish;
- (vii) spotted grunter bream (grunter);
- (viii) other fish, other than barramundi, coral reef fin fish or spotted mackerel, taken while taking fish mentioned in paragraphs (i) to (vii).

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 153° east; and
 - (b) west of longitude 153° 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.

Schedule 13 (continued)

- (3) A net used south of a line from the southern bank of the Elliott River east to longitude 153° 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 152°40' east
 - 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.

Schedule 13 (continued)

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—
 - (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 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.

71 **What fish may be taken**

Any fish, other than coral reef fin fish or 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—

Schedule 13 (continued)

- (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.

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—

Schedule 13 (continued)

- (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 153° east
 - along longitude 153° 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 153° 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 152°40' east
 - to the southern bank of O'Regan Creek
 - along the shore to the southern bank of Theodolite Creek.

Schedule 13 (continued)

- (5) A person using a net north of a line from the southern bank of the Elliott River east to longitude 153° 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.
- (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.

Schedule 13 (continued)

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 153° east
 - along longitude 153° 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 153° 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 152°40' 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 153° east need not be within 100 m of the net.

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—

Schedule 13 (continued)

- (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
 - (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.

Schedule 13 (continued)

- (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.

Schedule 13 (continued)

- (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.

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).

Schedule 13 (continued)

Part 6 **Net fishery (ocean beach–area 1)****86** **Fishery symbol**

The fishery symbol is ‘K1’.

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, coral reef fin fish 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

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)

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—

- 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, coral reef fin fish 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.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)

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
- 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, coral reef fin fish 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.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)

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, coral reef fin fish or spotted mackerel, may be taken.

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—

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.

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, coral reef fin fish or spotted mackerel, may be taken.

94ZE Permitted ways of taking fish

- (1) Fish may only be taken by using seine nets.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)

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.

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, coral reef fin fish or spotted mackerel, may be taken.

Schedule 13 (continued)

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
 - (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.

Schedule 13 (continued)

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.

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, coral reef fin fish or spotted mackerel, may be taken.

94ZW Permitted ways of taking fish

(1) Fish may only be taken by using seine nets.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)**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—
- 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.

Schedule 13 (continued)**94ZAE What fish may be taken**

Any fish, other than barramundi, coral reef fin fish 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.

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.

Schedule 13 (continued)

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 142°09' east, but does not include waterways flowing into the Gulf of Carpentaria west of longitude 142°09' east.

97 What fish may be taken

The following fish may be taken—

Schedule 13 (continued)

- (a) in waters east of longitude 142°31'49" east—any fish other than coral reef fin fish or spotted mackerel;
- (b) in waters west of longitude 142°31'49" 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 coral reef fin fish or 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.

Schedule 13 (continued)

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.
- (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.

Schedule 13 (continued)

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
 - (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.

Schedule 13 (continued)

- (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.

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.

Schedule 13 (continued)

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.

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—

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.

Schedule 14 Trawl fishery (fin fish)

schedule 17, definitions *commercial fishery* and *fishery schedule*⁹⁷

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;
 - (b) the rope fixing the net’s opening size;

⁹⁷ For other commercial trawl fisheries, see the East Coast Trawl Plan.

Schedule 14 (continued)

- (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 10°41' south and east of longitude 142°31'49" 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) Coral reef fin fish may be taken or possessed under the fishery symbol under the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.⁹⁸
- (3) In this section—

bêche-de-mer does not include fish of the following species—

 - (a) *Bohadschia graeffei*;
 - (b) *Calachrius crassus*;

⁹⁸ See the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, chapter 3 (Commercial fishery), part 3 (Conditions for particular authorities), division 1 (Fishing under fishery symbol 'A1' or 'A2').

Schedule 15 (continued)

- (c) *Cucmaria miniata*;
- (d) *Euapta godeffroyi*;
- (e) *Holothuria hilla*;
- (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.

Schedule 15 (continued)

- (2) Fish may be taken only—
- (a) by the authority holder or a person nominated by the authority holder (a *nominee*); and
 - (b) from the fishery area or an area stated in the authority.⁹⁹
- (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 26°18' south, other than waters within the Moreton Bay Marine Park;
 - (c) waters west of longitude 151°08' east and between latitude 23°15' south and latitude 23° south;
 - (d) waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;¹⁰⁰
 - (e) waters within the following boundary—
 - from the intersection of latitude 17°08' south with the mainland shore to latitude 17°08' south, longitude 146°12' east
 - to latitude 16°51' south, longitude 146°28' east
 - to latitude 15°55' south, longitude 145°51' east
 - along latitude 15°55' south to the mainland shore
 - along the mainland shore to latitude 17°08' south.

⁹⁹ 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.

¹⁰⁰ *Whitsundays Plan of Management 1998*, schedule 1 (The Planning Area)

Schedule 15 (continued)

- (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.¹⁰¹

Whitsundays Plan of Management means the *Whitsundays Plan of Management 1998* prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.¹⁰²

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 has a single barbless hook.

101 *Marine Parks Regulation 1990*, part 1A (Declaration of Marine Parks)

102 *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)

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.

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.

Schedule 15 (continued)

- (2) A nominee may sell fish only for a purpose mentioned in section 10, paragraphs (a) to (c).¹⁰³
- (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.

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 142°31'49" east between latitude 10°41' south and latitude 26° 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.

103 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) 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.¹⁰⁴
- (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.
- (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.¹⁰⁵

¹⁰⁴ 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 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.
- (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.¹⁰⁶

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

105 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.

106 Under the schedule (Dictionary) 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)

- (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—
 - (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.

Schedule 15 (continued)

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.

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.

Schedule 15 (continued)

- (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*.
- (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*.

Schedule 15 (continued)

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’.

19 Fishery area

The fishery area comprises tidal waters within—

- (a) the Torres Strait Protected Zone; and

Schedule 15 (continued)

- (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.¹⁰⁷

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'.

24 Fishery area

The fishery area comprises all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

¹⁰⁷ See the proclamation published in the Commonwealth of Australia Gazette No. S41 of 14 February 1985.

Schedule 15 (continued)

25 What fish may be taken

Only the following fish may be taken—

- (a) coral of the class Anthozoa or Hydrozoa, including its uncompact skeletons;
- (b) any marine organism living in or on coral mentioned in paragraph (a), other than a marine organism that is a regulated fish;
- (c) 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

- (1) Coral may be taken only—
 - (a) by the authority holder or a person (a *nominee*) nominated by the authority holder; and
 - (b) from the area stated in the authority.
- (2) Only 1 person may take coral at a time under an authority.
- (3) 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.

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.

Schedule 15 (continued)

29 Selling coral

- (1) The authority holder or a person (a *nominee*) nominated by the authority holder may sell coral taken under the authority.
- (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.

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 142°31'49" east, and north of latitude 14° south;
- (b) the Gulf of Carpentaria and adjoining waterways, between the 25 n mile line and the shore, south of latitude 10°48' 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

Schedule 15 (continued)

- (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.

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.

Schedule 15 (continued)

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 10°41' south and east of longitude 142°31'49" east.

45 What fish may be taken

Only live pearl oysters may be taken.

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.

Schedule 15 (continued)

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
- (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.

Schedule 15 (continued)

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.

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 10°41' south, and east of longitude 142°31'49" east.

Schedule 15 (continued)

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'.

64 Fishery area

The fishery area comprises all tidal waters and foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

65 What fish may be taken

Only star sand composed of the calcareous skeletons of unicellular animals known as Foraminifera may be taken.

Schedule 15 (continued)

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 10°41' south, and east of longitude 142°31'49" east.

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.

Schedule 15 (continued)

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.

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

Schedule 15 (continued)

- (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.¹⁰⁸

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.

Part 12 Worm fishery (beachworm)**82 Fishery symbol**

The fishery symbol is 'W1'.

¹⁰⁸ See the proclamation published in the Commonwealth of Australia Gazette No. S41 of 14 February 1985.

Schedule 15 (continued)

83 Fishery area

The fishery area comprises all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" 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'.

89 Fishery area

- (1) The fishery area comprises all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.
- (2) However, the fishery area does not include the foreshores of Moreton Bay, other than the foreshores designated as a

Schedule 15 (continued)

commercial bloodworm gathering area under the *Marine Parks (Moreton Bay) Zoning Plan 1997*, section 33.¹⁰⁹

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.

Part 14 Yabby fishery**94 Fishery symbol**

The fishery symbol is 'Y'.

¹⁰⁹ *Marine Parks (Moreton Bay) Zoning Plan 1997*, section 33 (Designated areas)

Schedule 15 (continued)

95 Fishery area

The fishery area comprises all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" 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	<i>Monodactylus sebae</i>
airbreathing or walking catfish	Family Clariidae
albacore tuna	<i>Thunnus alalunga</i>
angel fish	<i>Pterophyllum</i> spp.
archer fish	<i>Toxotes jaculatrix</i>
Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>
armoured (cory) catfish	<i>Corydoras</i> spp.
asoka barb	<i>Puntius asoka</i>
auratus	<i>Melanochromis auratus</i>
Australian bass	<i>Macquaria novemaculeata</i>
banded barb	<i>Barbodes pentazona</i>
banded leporinus	<i>Leporinus fasciatus</i>
barking crayfish	<i>Linuparus trigonus</i>
barracuda	<i>Agriposphyraena barracuda</i>
barramundi	<i>Lates calcarifer</i>
bar-tailed flathead	<i>Platycephalus indicus</i>
betta	<i>Betta</i> spp.
bigeye tuna	<i>Thunnus obesus</i>
big-spot rasbora	<i>Rasbora kalochroma</i>

Schedule 16 (continued)

Common name	Scientific name
billfish	<i>families Istiophoridae and Xiphiidae</i>
bitterling	<i>Rhodeus amarus and Rhodeus sericeus</i>
black-banded headstander	<i>Chilodus punctatus</i>
black-banded osteochilus	<i>Osteochilus vittatus</i>
black-finned rummy-nose	<i>Petitella georgiae</i>
black ghost knife fish	<i>Apteronotus albifrons</i>
black jewfish	<i>Protonibea diacanthus</i>
black king-fish	<i>Rachycentron canadus</i>
black-line silver hatchet fish	<i>Gasteropelecus spp.</i>
black lipped pearl oyster	<i>Pinctada margaritifera</i>
black phantom tetra	<i>Megalamphodus megalopterus</i>
black ruby barb	<i>Puntius nigrofasciatus</i>
black shark	<i>Morulus chrysophekadion</i>
black-spot filament barb	<i>Puntius filamentosus</i>
black-spotted upsidedown catfish	<i>Synodontis nigriventris</i>
black teatfish	<i>Holothuria nobilis</i>
black tetra	<i>Gymnocorymbus ternetzi</i>
blind cave tetra	<i>Astyanax mexicanus</i>
blue acara	<i>Aequidens pulcher</i>
bluegill	<i>Lepomis spp.</i>
blue gourami	<i>Trichogaster trichopterus</i>
blue line rasbora	<i>Rasbora taeniata</i>

Schedule 16 (continued)

Common name	Scientific name
blue salmon	<i>Eleutheronema tetradactylum</i>
blue swimmer crab ^a	<i>Portunus pelagicus</i>
brichardi	<i>Lamprologus brichardi</i>
broad-barred or grey mackerel	<i>Scomberomorus semifasciatus</i>
bumblebee fish	<i>Brachygobius</i> spp.
Burnett salmon	<i>Polydactylus sheridani</i>
butterfly fish	<i>Pantodon buchholzi</i>
candiru or parasitic or pencil catfish	Family <i>Trichomycteridae</i>
cardinal tetra	<i>Paracheirodon axelrodi</i>
carp	<i>Cyprinus carpio</i>
celebes rainbow	<i>Telmatherina ladigesi</i>
chalinochromis	<i>Chalinochromis</i> spp.
checkerboard barb	<i>Capoeta oligolepis</i>
cherry barb	<i>Capoeta titteya</i>
Chinese algae eater	<i>Gyrinocheilos aymonieri</i>
Chinese weatherfish (weatherloach)	<i>Misgurnus anguillicaudatus</i>
chocolate gourami	<i>Sphaerichthys osphromenoides</i>
clam	family <i>Tridacnidae</i>
climbing perch	<i>Anabas testudineus</i>
clown barb	<i>Barbodes everetti</i>
clown loach	<i>Botia macracantha</i>

Schedule 16 (continued)

Common name	Scientific name
Cochu's blue tetra	<i>Boehlkea fredcochui</i>
common brochis	<i>Brochis splendens</i>
Congo tetra	<i>Phenacogrammus interruptus</i>
Cooktown salmon	<i>Eleutheronema tetradactylum</i>
copper striped rasbora	<i>Rasbora leptosoma</i>
croaking gourami	<i>Trichopsis vittatus</i>
Cumming's barb	<i>Puntius cummingi</i>
cuttlefish	<i>Metasepia sp. and Sepia spp.</i>
deepwater redfish	<i>Actinopyga echinites</i>
discus	<i>Symphysodon spp.</i>
dolphin-fish	<i>Coryphaena spp.</i>
duboisii	<i>Tropheus duboisi</i>
dusky krib	<i>Pelvicachromis pulcher</i>
dwarf cichlid	<i>Apistogramma spp.</i>
dwarf flag cichlid	<i>Aequidens curviceps</i>
dwarf gourami	<i>Colisa lalia</i>
dwarf lattice cichlid	<i>Nannacara sp.</i>
dwarf loach	<i>Botia sidthimunki</i>
electric eel	<i>Electrophorus electricus</i>
elegant rasbora	<i>Rasbora elegans</i>
elephantnose	<i>Gnathonemus macrolepidotus</i>
elephantnose (Peter's)	<i>Gnathonemus petersii</i>
emperor tetra	<i>Nematobrycon palmeri</i>

Schedule 16 (continued)

Common name	Scientific name
estuary cod	<i>Epinephelus coioides</i>
European carp	<i>Cyprinus carpio</i>
false magnificent rasbora	<i>Rasbora borapetensis</i>
fanfish	family Bramidae
flag cichlid	<i>Cichlasoma festivum</i>
flagtail porthole catfish	<i>Dianema urostriata</i>
flying fox	<i>Epalzeorhynchus kalopterus</i>
freshwater cod	<i>Maccullochella</i> spp.
freshwater eel	<i>Anguilla</i> spp.
freshwater flounder	<i>Trinectes maculatus</i>
Frideric's leporinus	<i>Leporinus friderici</i>
gambusia or mosquitofish	<i>Gambusia</i> spp.
giant danio	<i>Danio aequipinnatus</i>
giant helmet shell	<i>Cassis cornuta</i>
glass barb	<i>Puntius puellus</i>
glass bloodfin	<i>Prionobrama filigera</i>
glass catfish	<i>Kryptopterus bicirrhis</i>
glass fish	<i>Chanda</i> spp.
gold-cheek krib	<i>Pelvicachromis subocellatus</i>
golden dwarf cichlid	<i>Nannacara anomala</i>
golden gourami	<i>Trichogaster trichopterus</i>
golden lined whiting	<i>Sillago analis</i>
goldfish	<i>Carassius auratus</i>

Schedule 16 (continued)

Common name	Scientific name
gold line rasbora	<i>Rasbora steineri</i>
gold lipped pearl oyster	<i>Pinctada maxima</i>
grass carp	<i>Ctenopharyngodon idella</i>
grass emperor (grass sweetlip)	<i>Lethrinus laticaudis</i>
great white shark	<i>Carcharodon carcharias</i>
green snail	<i>Turbo marmoratus</i>
grey mackerel	<i>Scomberomorus semifasciatus</i>
grey nurse shark	<i>Carcharias taurus</i> and <i>Odontaspis ferox</i>
grunter—see spotted grunter bream (grunter)	
guppy	<i>Poecilia reticulata</i>
hard lipped barb	<i>Osteochilus hasseltii</i>
harlequin rasbora	<i>Rasbora heteromorpha</i>
hatchetfish	<i>Carnegiella</i> and <i>Thoracocharax</i> spp.
headstander	<i>Abramites hypselonotus</i> and <i>Anostomus</i> spp.
helmet shell	<i>Cassis cornuta</i>
hi-spot rasbora	<i>Rasbora dorsiocellata</i>
honey dwarf gourami	<i>Colisa chuna</i>
Indian hatchetfish	<i>Chela laubuca</i>
Javanese rice fish	<i>Oryzias javanicus</i>
jewel fish	<i>Nibeas squamosa</i>
julie	<i>Julidochromis</i> spp.

Schedule 16 (continued)

Common name	Scientific name
Kerr's danio	<i>Brachydanio kerri</i>
keyhole cichlid	<i>Aequidens maroni</i>
killie fish	<i>Aphyosemion</i> spp.
king salmon	<i>Polydactylus sheridani</i>
kissing gourami	<i>Helostoma temmincki</i>
kooli barb	<i>Puntius vittatus</i>
kuhli loach	<i>Acanthopthalmus kuhli</i>
largemouth bass	<i>Micropterus salmoides</i>
large-scale sea perch	<i>Lutjanus johni</i>
latticed cichlid	<i>Limnotilapia dardennii</i>
leopard danio	<i>Brachydanio frankei</i>
lipstick leporinus	<i>Leporinus arcus</i>
little giant gourami	<i>Colisa fasciata</i>
lollyfish	<i>Holothuria atra</i>
long-band rasbora	<i>Rasbora einthoveni</i>
longfin barb	<i>Capoeta arulius</i>
long-finned African tetra	<i>Brycinus longipinnis</i>
luderick	<i>Girella tricuspidata</i>
malabar grouper	<i>Epinephelus malabaricus</i>
Malayan flying barb	<i>Esomus malayensis</i>
Malayan halfbeak	<i>Dermogenys pusillus</i>
mangrove jack	<i>Lutjanus argentimaculatus</i>
maray	<i>Etremeus teres</i>

Schedule 16 (continued)

Common name	Scientific name
medaka	<i>Oryzias latipes</i>
melanochromis	<i>Melanochromis similis</i>
microbrycon	<i>Microbrycon fredcochui</i>
mono	<i>Monodactylus argenteus</i>
moonlight gourami	<i>Trichogaster microlepis</i>
moorii	<i>Tropheus moorii</i>
mud crab	<i>Scylla</i> spp.
mud flathead	<i>Platycephalus fuscus</i>
mulloway	<i>Argyrosomus hololepidotus</i>
multi-banded leporinus	<i>Leporinus multifasciatus</i>
Myers's hillstream loach	<i>Pseudogastromyzon myersi</i>
narrow-barred or spanish mackerel	<i>Scomberomorus commerson</i>
neon tetra	<i>Paracheirodon innesi</i>
Nile perch	<i>Lates niloticus</i>
northern bluefin tuna	<i>Thunnus thynnus</i>
octopus	<i>Octopus</i> spp.
opaline gourami	<i>Trichogaster trichopterus</i>
orange-finned rasbora	<i>Rasbora vaterifloris</i>
ornate pimelodus	<i>Pimelodus ornatus</i>
oscar	<i>Astronotus ocellatus</i>
painted crayfish	<i>Panulirus ornatus</i>
panchax	<i>Aplocheilus</i> and <i>Epiplatys</i> spp.
paradise fish	<i>Macropodus opercularis</i>

Schedule 16 (continued)

Common name	Scientific name
pearl danio	<i>Brachydanio albolineatus</i>
pearl gourami	<i>Trichogaster leeri</i>
pearl perch	<i>Glaucosoma scapulare</i>
pencil fish	<i>Nannostomus</i> and <i>Poecilobrycon</i> spp.
penguin fish	<i>Thayeria</i> spp.
pike cichlid	<i>Crenicichla</i> spp.
pikey bream	<i>Acanthopagrus berda</i>
pilchards	<i>Sardinops neopilchardus</i> or <i>Sardinops Sagax</i>
platy	<i>Xiphophorus maculatus</i>
platy variatus	<i>Xiphophorus variatus</i>
pomfret	family Bramidae
poorman's glass catfish	<i>Kryptopterus macrocephalus</i>
prawn	family Penaeidae
prickly redfish	<i>Thelenota ananus</i>
pristella	<i>Pristella maxillaris</i>
pygmy gourami	<i>Trichopsis pumilus</i>
queenfish	<i>Scomberoides</i> spp.
Queensland school mackerel	<i>Scomberomorus queenslandicus</i>
rainbow fish	<i>Glossolepsis</i> , <i>Chilatherina</i> , <i>Melanotaenia</i> spp.
rainbow shark	<i>Labeo erythrurus</i>
ram	<i>Microgeophagus ramirezi</i>

Schedule 16 (continued)

Common name	Scientific name
red-finned black shark	<i>Labeo bicolor</i>
red-finned shark	<i>Labeo frenatus</i>
red line rasbora	<i>Rasbora pauciperforata</i>
red-striped barb	<i>Puntius bimaculatus</i>
rosy barb	<i>Puntius conchoniuis</i>
saddled hillstream loach	<i>Homaloptera orthogoniata</i>
sailfin molly	<i>Poecilia latipinna</i>
sandfish	<i>Holothuria scabra</i>
sand flathead	<i>Platycephalus arenarius</i>
sand whiting	<i>Sillago ciliata</i>
sarawak rasbora	<i>Rasbora sarawakensis</i>
scissortail rasbora	<i>Rasbora trilineata</i>
sea mullet	<i>Mugil cephalus</i>
shark	<i>Carcharhinus</i> spp.
shark mackerel	<i>Grammatorcynus bicarinatus</i>
Siamese flying fox	<i>Epalzeorhynchus siamensis</i>
silver jewfish	<i>Nibea soldado</i>
silver prochilodus	<i>Prochilodus insignis</i>
silver rasbora	<i>Rasbora argyrotaenia</i>
silver teraglin	<i>Otolithes ruber</i>
skipjack tuna	<i>Katsuwonis pelamis</i>
slender barracuda	<i>Sphyraena jello</i>
slipper lobster	family Scyllaridae

Schedule 16 (continued)

Common name	Scientific name
small spotted grunter bream	<i>Pomadasys agenteus</i>
snakehead	<i>Channa</i> spp.
snapper	<i>Pagrus auratus</i>
snub-nosed dart	<i>Trachinotus</i> spp.
southern bluefin tuna	<i>Thunnus maccoyii</i>
spanner crab	<i>Ranina ranina</i>
sphenops mollie	<i>Poecilia sphenops</i>
spiny eel	<i>Macragnathus aculeatus</i>
spot-tailed leporinus	<i>Leporinus melanopleura</i>
spot-tailed rasbora	<i>Rasbora caudimaculata</i>
spotted danio	<i>Brachydanio nigrofasciatus</i>
spotted grunter bream (grunter)	<i>Pomadasys kaakan</i>
spotted leporinus	<i>Leporinus maculatus</i>
spotted mackerel	<i>Scomberomorus munroi</i>
spotted rasbora	<i>Rasbora maculata</i>
squid	<i>Loliolus</i> sp., and <i>Nototodarus</i> , <i>Photololigo</i> and <i>Sepioteuthis</i> spp.
striped barb	<i>Puntius lineatus</i>
striped kribensis	<i>Pelvicachromis taeniatus</i>
striped leporinus	<i>Leporinus striatus</i>
sucker catfish	<i>Otocinclus arnoldi</i>
Swegle's tetra	<i>Megalamphodus sweglesi</i>
swordtail	<i>Xiphophorus helleri</i>

Schedule 16 (continued)

Common name	Scientific name
tailor	<i>Pomatomus saltatrix</i>
tarwhine	<i>Rhabdosargus sarba</i>
teraglin jew	<i>Atractoscion aequidens</i>
tetra	<i>Hemigrammus, Hyphessobrycon</i> and <i>Moenkhausia</i> spp.
thick-lipped gourami	<i>Colisa labiosa</i>
thin-banded barb	<i>Capoeta semifasciolatus</i>
three spot crab	<i>Portunus sanguinolentus</i>
tic-tac-toe barb	<i>Puntius ticto</i>
tiger barb	<i>Capoeta tetrazona</i>
tiger catfish	<i>Pseudoplatystoma fasciatum</i>
tigerfish	family Hydrocyninae or Erythrinidae
tigerfish (African)	<i>Hydrocynus</i> spp., subfamilies Hydrocinae and Alestinae
tigerfish (South American) or trahira	<i>Erythrinus, Hoplerythrinus</i> and <i>Hoplias</i> spp.
tiger shovelnose catfish	<i>Pseudoplatystoma fasciatum</i>
tilapia	<i>Tilapia, Oreochromis</i> or <i>Sarotherodon</i> spp.
tricolor shark	<i>Balantiocheilos melanopterus</i>
trochus	<i>Trochus niloticus</i>
tropical spiny rock lobster	<i>Panulirus</i> spp.
trumpet shell	<i>Charonia tritonis</i>
twig catfish	<i>Farlowella acus</i>

Schedule 16 (continued)

Common name	Scientific name
variegated shark	<i>Labeo variegatus</i>
wahoo	<i>Acanthocybium solandri</i>
whiptail catfish	<i>Loricaria filamentosa</i>
white cloud mountain minnow	<i>Tanichthys albonubes</i>
white teatfish	<i>Holothuria fuscogilva</i>
winter whiting	<i>Sillago maculata</i>
yellow-finned bream	<i>Acanthopagrus australis</i>
yellowfin tuna	<i>Thunnus albacares</i>
yellowtail king-fish	<i>Seriola lalandi</i>
yellow tail rasbora	<i>Rasbora dusonensis</i>
Yucatan mollie	<i>Poecilia velifera</i>
zebra danio	<i>Brachydanio rerio</i>

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 grouper, species of coral trout, species of emperor, species of parrotfish, surgeonfish or sweetlips and species of wrasse*

Common name	Scientific name
cods and groupers	
areolate rockcod	<i>Epinephelus areolatus</i>
barramundi cod	<i>Cromileptes altivelis</i>
bar rockcod	<i>Epinephelus ergastularius</i>
blacksaddle rockcod	<i>Epinephelus howlandi</i>
black-tipped rockcod	<i>Epinephelus fasciatus</i>
blue-lined rockcod	<i>Cephalopholis formosa</i>
blue Maori	<i>Epinephelus cyanopodus</i>
blue-spotted rockcod	<i>Cephalopholis cyanostigma</i>
brown-barred rockcod	<i>Cephalopholis boenak</i>
camouflage rockcod	<i>Epinephelus polyphkadion</i>
chinaman rockcod	<i>Epinephelus rivulatus</i>
comet grouper	<i>Epinephelus morrhua</i>
coral cod	<i>Cephalopholis miniata</i>
coral rockcod	<i>Epinephelus corallicola</i>
dothead rockcod	<i>Cephalopholis microprion</i>
dwarf spotted rockcod (wire netting rockcod)	<i>Epinephelus merra</i>
eight bar grouper	<i>Epinephelus octofasciatus</i>

Schedule 16A (continued)

Common name	Scientific name
flagtail rockcod	<i>Cephalopholis urodeta</i>
flowery cod	<i>Epinephelus fuscoguttatus</i>
four-saddle rockcod	<i>Epinephelus spilotoceps</i>
greasy rockcod	<i>Epinephelus tauvina</i>
hapuku	<i>Polyprion americanus</i> and <i>Polyprion oxygeneios</i>
hexagon rockcod	<i>Epinephelus hexagonatus</i>
leopard rockcod	<i>Cephalopholis leopardus</i>
longfin rockcod (honeycomb rockcod)	<i>Epinephelus quoyanus</i>
Maori cod	<i>Epinephelus undulatostriatum</i>
oblique-banded grouper	<i>Epinephelus radiatus</i>
peacock rockcod	<i>Cephalopholis argus</i>
potato cod	<i>Epinephelus tukula</i>
Queensland grouper	<i>Epinephelus lanceolatus</i>
redmouth rockcod	<i>Aethaloperca rogaa</i>
six bar rockcod	<i>Epinephelus sexfasciatus</i>
six spot rockcod	<i>Cephalopholis sexmaculata</i>
snubnose rockcod	<i>Epinephelus macrospilos</i>
speckled-fin rockcod	<i>Epinephelus ongus</i>
speckled grouper	<i>Epinephelus magniscuttis</i>
strawberry rockcod	<i>Cephalopholis spiloparaea</i>
thinspine rockcod	<i>Gracila albomarginata</i>

Schedule 16A (continued)

Common name	Scientific name
tomato rockcod	<i>Cephalopholis sonnerati</i>
trout cod	<i>Epinephelus maculatus</i>
white-lined rockcod	<i>Anyperodon leucogrammicus</i>
white-spotted rockcod	<i>Epinephelus caeruleopunctatus</i>
coral trout	
barred-cheek coral trout	<i>Plectropomus maculatus</i>
chinese footballer (blue spot trout)	<i>Plectropomus laevis</i>
coral trout (leopard trout)	<i>Plectropomus leopardus</i>
coronation trout	<i>Variola louti</i>
highfin coral trout	<i>Plectropomus oligacanthus</i>
lyretail trout	<i>Variola albimarginata</i>
squaretail coral trout (passionfruit trout)	<i>Plectropomus areolatus</i>
emperors	
big-eye bream	<i>Monotaxis grandoculis</i>
collared sea bream	<i>Gymnocranius audleyi</i>
gold-lined sea bream	<i>Gnathodentex aureolineatus</i>
Japanese sea bream	<i>Gymnocranius euanus</i>
lancer	<i>Lethrinus genivittatus</i>
long-nosed emperor	<i>Lethrinus olivaceus</i>
miscellaneous emperor, other than grass emperor (grass sweetlip)	<i>Lethrinus</i> spp., other than <i>Lethrinus laticaudis</i>
Mozambique large-eye bream	<i>Wattsia mosambica</i>

Schedule 16A (continued)

Common name	Scientific name
orange-striped emperor	<i>Lethrinus obsoletus</i>
pink-eared emperor	<i>Lethrinus lentjan</i>
red-eared emperor	<i>Lethrinus rubrioperculatus</i>
Robinson's sea bream	<i>Gymnocranius grandoculis</i>
spangled emperor	<i>Lethrinus nebulosus</i>
spotted sea bream	<i>Gymnocranius</i> sp.
sweetlip emperor (red-throat emperor)	<i>Lethrinus miniatus</i>
thumbprint emperor	<i>Lethrinus harak</i>
variegated emperor	<i>Lethrinus variegatus</i>
yellowlip emperor	<i>Lethrinus xanthochilus</i>
yellow-spotted emperor	<i>Lethrinus erythracanthus</i>
yellow-striped emperor	<i>Lethrinus ornatus</i>
yellow-tailed emperor	<i>Lethrinus atkinsoni</i>
fusiliers	
fusiliers	<i>Caesio</i> spp. / <i>Pterocaesio</i> spp.
parrotfishes	
bicolour parrotfish	<i>Cetoscarus bicolor</i>
bumphead parrotfish	<i>Bolbometopon muricatum</i>
miscellaneous parrotfish	<i>Calotomus</i> spp., <i>Chlorurus</i> spp., <i>Hipposcarus</i> spp., <i>Leptoscarus</i> spp. and <i>Scarus</i> spp.

Schedule 16A (continued)

Common name	Scientific name
surgeonfishes	
surgeonfishes	<i>Acanthurus</i> spp. and <i>Ctenochaetus</i> spp.
unicornfish	<i>Naso</i> spp. and <i>Prionurus</i> spp.
sweetlips	
miscellaneous sweetlips	<i>Plectorhinchus</i> spp.
painted sweetlips (slaty bream)	<i>Diagramma</i> spp.
tropical snappers and sea perches	
bigeye seaperch	<i>Lutjanus lutjanus</i>
black and white seaperch	<i>Macolor niger</i>
black-spot snapper	<i>Lutjanus fulviflamma</i>
bluestripe seaperch	<i>Lutjanus kasmira</i>
brownstripe seaperch (brown hussar)	<i>Lutjanus vitta</i>
chinamanfish	<i>Symphorus nematophorus</i>
crimson jobfish (rosy jobfish)	<i>Pristipomoides filamentosus</i>
crimson seaperch (small mouth nannygai)	<i>Lutjanus erythropterus</i>
dark-tailed seaperch	<i>Lutjanus lemniscatus</i>
five-lined seaperch	<i>Lutjanus quinquelineatus</i>
flame snapper	<i>Etelis coruscans</i>
goldband snapper	<i>Pristipomoides multidens</i> and <i>Pristipomoides typus</i>
green jobfish	<i>Aprion virescens</i>

Schedule 16A (continued)

Common name	Scientific name
hussar (pink hussar)	<i>Lutjanus adetii</i>
lavender jobfish	<i>Pristipomoides sieboldii</i>
Maori seaperch	<i>Lutjanus rivulatus</i>
midnight seaperch	<i>Macolor macularis</i>
miscellaneous jobfishes	<i>Aphareus</i> spp., <i>Etelis</i> spp., <i>Parapristipomoides</i> spp., and <i>Pristipomoides</i> spp.
miscellaneous seaperches, other than mangrove jack and large scale seaperch (fingermark)	<i>Lutjanus</i> spp., other than <i>Lutjanus argentimaculatis</i> and <i>Lutjanus johni</i> , and <i>Paracaesio</i> spp.
moses perch	<i>Lutjanus russelli</i>
onespot seaperch	<i>Lutjanus monostigma</i>
paddletail	<i>Lutjanus gibbus</i>
red bass	<i>Lutjanus bohar</i>
red emperor	<i>Lutjanus sebae</i>
ruby snapper	<i>Etelis carbunculus</i>
saddletail seaperch (large mouth nannygai)	<i>Lutjanus malabaricus</i>
sailfin snapper	<i>Symphoricthys spilurus</i>
small-toothed jobfish	<i>Aphareus furca</i>
spanish flag (stripey)	<i>Lutjanus carponotatus</i>
yellow-margined seaperch	<i>Lutjanus fulvus</i>
wrasses	
anchor tuskfish	<i>Choerodon anchorago</i>

Schedule 16A (continued)

Common name	Scientific name
blackspot tuskfish	<i>Choerodon schoenleinii</i>
blue tuskfish	<i>Choerodon cyanodus</i>
grass tuskfish (purple tuskfish)	<i>Choerodon cephalotes</i>
hogfish	<i>Bodianus</i> spp.
humphead Maori wrasse	<i>Cheilinus undulatus</i>
redbreasted Maori wrasse	<i>Cheilinus fasciatus</i>
tripletail Maori wrasse	<i>Cheilinus trilobatus</i>
venus tuskfish	<i>Choerodon venustus</i>

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

Schedule 17 (continued)

- along the shore to the F↑B sign at the south-eastern tip of Toorbul Point.

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.

Schedule 17 (continued)

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.¹¹⁰
- (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
 - (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.

110 See the East Coast Trawl Plan, section 33 (Assistant fishers and persons acting under a crew licence).

Schedule 17 (continued)

- (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—

$$\mathbf{WW} = \mathbf{W} \times \mathbf{CF}$$

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
 - (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—

$$\mathbf{WW} = \mathbf{N} \times \mathbf{7.25}$$

where—

WW is the whole weight, in kilograms, of the spanish mackerel.

N is the number of spanish mackerel.

Schedule 17 (continued)

Part 2 Dictionary

aid to navigation has the meaning given under the *Transport Operations (Marine Safety) Act 1994*.

AIVR system see section 110D.

amending notice deadline, for part 7, division 5, subdivision 2, see section 58B.

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.

authorised boat—

(a) for part 7, division 5, subdivision 2—see section 58B; or

(b) for part 12, division 2—see section 108AA.

authorised unloading time, for part 7, division 5, subdivision 2, see section 58B.

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.

buying and selling particulars, for part 12, division 2, see section 108AA.

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.

Schedule 17 (continued)

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.

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

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.

complying number, for part 7, division 5, subdivision 2, see section 58B.

coral reef fin fish means fish mentioned in schedule 16A.

coral reef fin fish particulars, for part 12, division 2, see section 108AA.

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.

current fisher PIN, for SM units, means—

- (a) if the fisher PIN for the units has been changed under section 25V—the fisher PIN after the change under section 25V; or
- (b) otherwise—the fisher PIN originally issued to the holder of the units under section 25QA or schedule 5B, section 49A.

daily quota means a daily quota mentioned in section 28(1).

Deception Bay area, for fish regulated by area, see section 1 of this schedule.

Schedule 17 (continued)

defined port area means a defined port area under the East Coast Trawl Plan.

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*.

entitlement, in relation to an SM unit, see section 25F.

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.

fisher PIN—

- (a) for line units—see sections 61A and 80A of the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*; or
- (b) for SM units—see section 25QA and schedule 5B, section 49A.

fishery provision, for a commercial fishery, means a provision of the relevant fishery schedule or management plan.

fishery schedule means schedule 11, 11A, 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.

Schedule 17 (continued)

fix, a net, includes hold the net in a way that sets the net.

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*.

Great Barrier Reef Region means the fishery area described in schedule 12, part 6, section 41.

group of species, for part 12, division 2, see section 108AA.

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.

identification code, for part 7, division 5, subdivision 2, see section 58B.

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.

land, a boat, includes—

- (a) landing a person or thing that is on board the boat; and
- (b) moving a person or thing that is on land to the boat.

Schedule 17 (continued)

landing period, for part 7, division 5, subdivision 2, see section 58B.

landing place, for part 7, division 5, subdivision 2, see section 58B.

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.

line fishery area, for schedule 11A, see schedule 11A, section 8.

line fishery symbol, for schedule 11A, see schedule 11A, section 8.

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.

Schedule 17 (continued)

notifying period, for part 7, division 5, subdivision 2, see section 58B.

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.

post, for a boundary marking an aquaculture area, includes buoy.

prescribed area, for part 7, division 7, subdivision 2, see section 64A.

prescribed fishery symbol means a 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8' fishery symbol.

prescribed flag, for part 7, division 7, subdivision 2, see section 64A.

prescribed numerical code, for part 7, division 5, subdivision 2, see section 58B.

prescribed person, for part 7, division 5, subdivision 2, see section 58B.

prescribed reason, for part 7, division 5, subdivision 2, see section 58B.

prescribed way, for part 12, division 2, see section 108AA.

Schedule 17 (continued)

primary commercial fishing boat means a commercial fishing boat identified on a primary commercial fishing boat licence.

prior notice see sections 58D(2) and 58E(2).

prior notice area, for part 7, division 5, subdivision 2, see section 58B.

prior notice deadline, for part 7, division 5, subdivision 2, see section 58B.

prior notice particulars, for part 7, division 5, subdivision 2, see section 58B.

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).

relevant equipment, for part 7, division 5, subdivision 2, see section 58B.

relevant fishing authority, for part 12, division 2, see section 108AA.

relevant species particulars, for part 12, division 2, see section 108AA.

Schedule 17 (continued)

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.

retained fish conditions, for part 7, division 5, subdivision 2, see section 58B.

retained fish notice, for part 7, division 5, subdivision 2, see section 58B.

retained fish notice particulars, for part 7, division 5, subdivision 2, see section 58B.

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.

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 area means the area mentioned in schedule 11A, section 2.

SM fishery licence means a licence with the fishery symbol 'SM' written on it.

Schedule 17 (continued)

SM (Flat Rock) fishery licence means an SM fishery licence amended under schedule 5B, part 2A,¹¹¹ to allow the holder of, or a person acting under, the licence to take fish, under the fishery symbol 'L1', 'L6', 'L7' or 'SM', by surface trolling in the western Flat Rock protection area from 6 a.m. to 6 p.m. on any day.

SM unit means a unit issued under schedule 5B, part 3.

SM unit certificate see section 25I(1).

SM unit certificate changes means amending, cancelling or issuing SM unit certificates.

SM unit holder means a holder of an SM unit.

SM year means a period of 1 year starting on 1 July in a year and ending on 30 June in the following year.

spanish mackerel particulars, for part 12, division 2, see section 108AA.

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 groper 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;

111 Schedule 5B (Special provisions for spanish mackerel commercial fishery), part 2A (Amending SM fishery licence to allow surface trolling in western Flat Rock protection area)

Schedule 17 (continued)

- (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.

surface trolling means using a fishing line from a moving boat so that no part of the line, including a lure or hook used with the line, is more than 2 m below the surface of the water.

taking particulars, for part 12, division 2, see section 108AA.

tender commercial fishing boat means a commercial fishing boat identified in 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).¹¹²

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;

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

Schedule 17 (continued)

- (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).

transaction number, for giving or obtaining information by using the AIVR system, means the transaction number given to the person by the system for the giving or obtaining of the information.¹¹³

transshipment notice see section 58I(2).

transshipment notice particulars, for part 7, division 5, subdivision 2, see section 58B.

transport vessel see section 58I(1)(b).

trawl fishery (fin fish) means the fishery described in schedule 14.

trunked, in relation to fish, means the fish has had its head or tail removed.

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.

unit PIN see schedule 5B, section 49.

unload, in relation to fish, means—

- (a) for fish taken by a commercial fisher from a commercial fishing boat—
- (i) moving the fish from the boat, or a transport vessel to which the fish were transferred, to a vehicle or a

¹¹³ See section 110E (Requirements for AIVR system).

Schedule 17 (continued)

place, including, for example, the following places—

- (A) a wharf;
 - (B) an enclosed part of Queensland waters used to keep live fish;
 - (C) any place on land; or
- (ii) moving the boat carrying the fish to a place on land; or
- (b) for fish taken by a recreational fisher from a boat—
- (i) moving the fish from the boat to a vehicle or a place on land; or
 - (ii) moving the boat carrying the fish to a place on land.

unloaded fish notice see section 58M(2).

unloaded fish notice particulars, for part 7, division 5, subdivision 2, see section 58B.

unloading area, for part 7, division 5, subdivision 2, see section 58B.

unloading particular, for part 7, division 5, subdivision 2, see section 58B.

unnotifiable landing notice, for part 7, division 5, subdivision 2, see section 58B.

unnotifiable landing notice particulars, for part 7, division 5, subdivision 2, see section 58B.

unused entitlement see section 25G(2).

use a net, includes set and shoot the net.

used see section 25G(1).

western Flat Rock protection area means the waters west of longitude 153°33.07' east that are within a 1.2 km radius of latitude 27°23.41' south, longitude 153°33.07' east.

whole weight, for an amount of spanish mackerel recorded in logbook information, means—

Schedule 17 (continued)

- (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

Wynnum area, for fish regulated by area, see section 13 of this schedule.

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 February 2005. 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.

5 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 1770–7
commenced on date of notification

Fisheries Amendment Regulation (No. 11) 1997 SL No. 477

notfd gaz 19 December 1997 pp 1770–7
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 1130–1

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 230–1

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 1162–6
commenced on date of notification

Fisheries Amendment Regulation (No. 4) 2002 SL No. 339

notfd gaz 6 December 2002 pp 1162–6
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 commenced 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 commenced 13 December 2003 (see s 2(3))
ss 6–10, 13, 15–16, 21, 25, 27–32, 41(6) commenced 1 July 2004 (see s 2(5))
ss 12, 39–40, 41(4)–(5) commenced 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

Fisheries Amendment Regulation (No. 4) 2003 SL No. 367

notfd gaz 19 December 2003 pp 1307–13
commenced on date of notification

Fisheries Amendment Regulation (No. 5) 2003 SL No. 378

notfd gaz 19 December 2003 pp 1307–13
commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 1) 2004 SL No. 112 pts 1–2

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

Fisheries and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 305 pts 1–2

notfd gaz 17 December 2004 pp 1277–85

ss 1–2, 23 commenced on date of notification

remaining provisions commence 1 March 2005 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

Fisheries Amendment Regulation (No. 1) 2005 SL No. 23

notfd gaz 25 February 2005 pp 674–7

commenced on date of notification

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

sub 2003 SL No. 378 s 3

Scientific names of fishs 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; 2003
SL No. 367 s 3; 2004 SL No. 112 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

amd 2003 SL No. 367 s 4

Closed season for tropical spiny rock lobster

s 14AA ins 2002 SL No. 339 s 4
amd 2003 SL No. 367 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 and weight 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; 2003 SL No. 214 s 5
sub 2003 SL No. 367 s 5

Measurement of weight of green snails

s 22 om 2003 SL No. 367 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

Exemption for recreational fishers about certain regulated reef fish

s 24 amd 2003 SL No. 213 s 6; 2003 SL No. 367 s 6

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
 sub 2003 SL No. 367 s 7

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

**PART 5C—QUOTA AND AUTHORITY FOR SPANISH MACKEREL
COMMERCIAL FISHERY**

pt hdg ins 2003 SL No. 214 s 6

Division 1—General provision about SM units

div 1 (s 25E) ins 2003 SL No. 214 s 6

Division 2—SM unit entitlement and use

div hdg ins 2003 SL No. 214 s 6

Meaning of entitlement of SM unit holder

s 25F ins 2003 SL No. 214 s 6

When SM unit entitlement is used for an SM year

s 25G ins 2003 SL No. 214 s 6

No carrying forward of unused entitlement

s 25H ins 2003 SL No. 214 s 6

SM unit certificates

s 25I ins 2003 SL No. 214 s 6
amd 2004 SL No. 112 s 5

Evidentiary provision for SM unit certificate

s 25J ins 2003 SL No. 214 s 6

Division 3—Evidentiary aids for use of entitlement

div hdg ins 2003 SL No. 214 s 6

Unloaded fish notice is evidence of use of entitlement

s 25K ins 2003 SL No. 214 s 6
sub 2004 SL No. 112 s 6

Particular notice is evidence of unused entitlement

s 25KA ins 2004 SL No. 112 s 7

Division 4—Transfer of SM units

div hdg ins 2003 SL No. 214 s 6

Purpose and application of div 4

s 25L ins 2003 SL No. 214 s 6

Only whole SM units may be transferred

s 25M ins 2003 SL No. 214 s 6

Eligibility of transferee

s 25N ins 2003 SL No. 214 s 6

Application for SM unit certificate changes required

s 25O ins 2003 SL No. 214 s 6
amd 2004 SL No. 112 s 8

Requirement if application for transfer of all SM units

s 25P ins 2003 SL No. 214 s 6
sub 2004 SL No. 112 s 9

When transfer of SM units takes effect

s 25Q ins 2003 SL No. 214 s 6
amd 2004 SL No. 112 s 10

Issue of fisher PIN for particular transferees

s 25QA ins 2004 SL No. 112 s 11

Entitlement of transferee

s 25R ins 2003 SL No. 214 s 6

Division 5—Substituting FM fishery licence to which SM units relate

div hdg ins 2003 SL No. 214 s 6

Application to substitute SM fishery licence to which SM units relate

s 25S ins 2003 SL No. 214 s 6

How chief executive must deal with application

s 25T ins 2003 SL No. 214 s 6
amd 2004 SL No. 112 s 12

Division 6—Change of PINs

div hdg prev div 6 hdg ins 2003 SL No. 214 s 6
sub 2004 SL No. 112 s 13

Change of unit PIN

prov hdg amd 2004 SL No. 112 s 14(1)
s 25U prev s 25U ins 2003 SL No. 214 s 6
om 2004 SL No. 112 s 13
(prev s 25W) ins 2003 SL No. 214 s 6
amd 2004 SL No. 112 s 14(1)
renum 2004 SL No. 112 s 14(2)

Change of fisher PIN

s 25V prev s 25V ins 2003 SL No. 214 s 6
om 2004 SL No. 112 s 13
pres s 25V ins 2004 SL No. 112 s 15

Division 7 Change of notice id entity number

div hdg ins 2003 SL No. 214 s 6
om 2004 SL No. 112 s 13

PART 6—QUOTAS GENERALLY

pt hdg amd 2003 SL No. 214 s 7

Quotas for commercial fisheries

s 26 amd 2002 SL No. 60 s 4; 2002 SL No. 339 s 7; 2003 SL No. 214 s 8

Notice of filling of particular 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
sub 2004 SL No. 112 s 16

Annual quota for tailor

s 29A ins 2002 SL No. 60 s 5
amd 2003 SL No. 367 s 8

Annual quota for spotted mackerel

s 29B ins 2002 SL No. 339 s 8

PART 7—AUTHORITIES GENERALLY

pt hdg amd 2003 SL No. 214 s 9

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; 2003 SL No. 367 s 9

Restrictions on issue of fish habitat area permits

s 38 amd 2003 SL No. 367 s 10

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; 2003 SL No. 214 s 10

Fishery symbols to be written on authoritiess 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

Fishery symbol ‘SM’ may authorise surface trolling in western Flat Rock protection area

s 41B ins 2003 SL No. 378 s 4

Restrictions on writing fishery symbols on authorities allowing the use of boats in commercial fisheriess 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 its 45 amd 1999 SL No. 57 s 18; 2002 SL No. 214 s 12; 2003 SL No. 213 s 7; 2003
 SL No. 214 s 12**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

Subdivision 1—General authorisations and conditions

sdiv hdg ins 2003 SL No. 214 s 13

Assistant fisher licence

- s 49** sub 1999 SL No. 290 s 11
amd 2000 SL No. 361 s 10(1)–(2)

Buyer licence

- s 50** amd 2004 SL No. 112 s 17

Tender commercial fishing boat licence

- s 56** amd 1999 SL No. 57 s 20; 2003 SL No. 214 s 14

Subdivision 2—Conditions for SM units

- sdiv hdg** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Purpose of sdiv 2

- s 58A** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Definitions for sdiv 2

- s 58B** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Requirements for taking or possessing spanish mackerel on authorised boat

- s 58C** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Requirement to give prior notice

- s 58D** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Requirement to give replacement prior notice if unloading particular changes

- s 58E** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Amendment or withdrawal of prior notice

- s 58F** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

General requirements after prior notice given

- s 58G** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Additional requirements if prior notice stated spanish mackerel will be unloaded

- s 58H** ins 2003 SL No. 214 s 1
sub 2004 SL No. 112 s 18

Requirement to give transshipment notice

- s 58I** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18
amd 2005 SL No. 23 s 3

General requirement for unloading spanish mackerel

- s 58J** ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Additional requirements for unloading spanish mackerel if prior notice given

s 58K ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Requirements for weighing unloaded spanish mackerel

s 58L ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Requirement to give unloaded fish notice

s 58M ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Subdivision 3—Condition for buyer licence about possession of spanish mackerel

sdiv hdg ins 2003 SL No. 214 s 15
om 2004 SL No. 112 s 18

Notices to chief executive under this subdivision

s 58N ins 2003 SL No. 214 s 15
sub 2004 SL No. 112 s 18

Division 5A—Prescribed suspension and cancellation criteria for SM units

div hdg ins 2003 SL No. 214 s 16

Criteria for suspending SM units

s 58O ins 2003 SL No. 214 s 16
amd 2004 SL No. 112 s 19

Criteria for cancelling SM units

s 58P ins 2003 SL No. 214 s 16
amd 2004 SL No. 112 s 20

Division 6—Transfer of authorities**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

Restriction on transfer of SM (Flat Rock) fishery licences

s 60A ins 2003 SL No. 378 s 5

Division 7—Other matters about authorities**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; 2004 SL No. 112 s 21

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); 2004 SL No. 112 s 22

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; 2003 SL No. 367 s 11

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
om 2003 SL No. 367 s 12

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) (amd 2000 SL No. 361 s 8); 2003 SL No. 213 s 10

Storing fish

- s 74** sub 2003 SL No. 367 s 13

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 sealss 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 spanish mackerel without pectoral fins 90A ins 2003 SL No. 214 s 21
sub 2004 SL No. 112 s 23**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 prohibitionsprov hdg sub 1996 SL No. 266 s 7; 1999 SL No. 249 s 8
s 98 amd 2003 SL No. 213 s 11**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

PART 12—MISCELLANEOUS**Division 1—General****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) (amd 2000 SL No. 361 s 8); 2004 SL No. 305 s 23

Threshold percentage for declared fisheries resources

s 100A (prev s 110) sub 1999 SL No. 290 s 19
 amd 2000 SL No. 361 s 10(1)–(2)
 renum and reloc 2003 SL No. 214 s 31

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

Division 2—Statistical returns and other information

div hdg ins 2003 SL No. 214 s 28

Definitions for div 2

s 108AA ins 2004 SL No. 112 s 24

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

s 108A (prev s 106) renum and reloc 2003 SL No. 214 s 25
 amd 2004 SL No. 112 s 25

Statistical returns to be kept—general

prov hdg sub 2003 SL No. 214 s 29
s 109 sub 2000 SL No. 184 s 17
 amd 2004 SL No. 112 s 26

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)

Requirements about particular persons keeping returns for holders—using holder’s boat

- s 109B** ins 2003 SL No. 214 s 30
 sub 2004 SL No. 112 s 27

Requirements about particular persons keeping returns for holders—fishing under holder’s authority

- s 109C** ins 2003 SL No. 214 s 30
 sub 2004 SL No. 112 s 27

Records to be kept about wholesale sales of spanish mackerel

- s 109D** ins 2004 SL No. 112 s 27

Records to be kept about imports of spanish mackerel

- s 109E** ins 2004 SL No. 112 s 27

Records to be kept about commercial carriage of spanish mackerel

- s 109F** ins 2004 SL No. 112 s 27

Records to be kept about commercial storage of spanish mackerel

- s 109G** ins 2004 SL No. 112 s 27

Notice requirement for bringing spanish mackerel into ‘SM’ fishery area

- s 109H** ins 2004 SL No. 112 s 27

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); 2003 SL No. 214 s 32

Review relating to spanish mackerel

- s 110B** ins 2003 SL No. 214 s 33

Division 3—Automated interactive voice response system

- div 3 (ss 110C–110N)** ins 2004 SL No. 112 s 29

Division 4—Fees

- div hdg** (orig div 2 hdg) renum 2003 SL No. 214 s 27
 (prev div 3 hdg) renum 2004 SL No. 112 s 28

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
 sub 2003 SL No. 367 s 14

**PART 13—TRANSITIONAL PROVISION FOR THE FISHERIES AMENDMENT
REGULATION (No. 1) 2004**

pt hdg prev pt 13 hdg ins 2003 SL No. 214 s 34
exp 1 December 2003 (see s 115)
pres pt 13 hdg ins 2004 SL No. 112 s 30

Existing notice identity numbers

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))
ins 2003 SL No. 214 s 34
exp 1 December 2003 (see s 115)
pres s 114 ins 2004 SL No. 112 s 30

Expiry of pt 13

s 115 orig s 115 exp 1 December 1996 (see s 115(2))
prev 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

Division 1—Fish taken under any fishery symbol

div hdg ins 2003 SL No. 378 s 6(1)

Prohibited activities

s 1 amd 2003 SL No. 378 s 6(2)

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

s 19 prev s 19 om 1999 SL No. 57 s 35(1)
pres s 19 ins 2003 SL No. 367 s 15(1)

Tinana Creek

s 20 prev s 20 om 1999 SL No. 57 s 35(1)
pres s 20 ins 2003 SL No. 367 s 15(1)

Fraser Island between Indian Head and Waddy Point

s 21 amd 2002 SL No. 60 s 8

Burnett River

s 22 prev s 22 om 1999 SL No. 57 s 35(1)
pres s 22 ins 2003 SL No. 367 s 15(1)

Kolan River

s 23 prev s 23 om 1999 SL No. 57 s 35(1)
pres ins 2003 SL No. 367 s 15(1)

Fitzroy River

s 24 prev s 24 om 1999 SL No. 57 s 35(1)
pres s 24 ins 2003 SL No. 367 s 15(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 prev s 39 om 1999 SL No. 57 s 35(1)

pres s 39 ins 2003 SL No. 367 s 15(1)

Division 2—Fish taken under fishery symbol C1, L1, L6, L7, N1, N2, N6, N7, N8, SM or T4

div 2 (ss 40A–40F) ins 2003 SL No. 378 s 6(3)

Division 3—Fish taken under fishery symbol A1 or A2

div 3 (ss 40G–40H) ins 2003 SL No. 378 s 6(3)

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)
 amd 2003 SL No. 367 s 15(2)

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 142°31'49" 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); 2003 SL No. 367 s 15(3)

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 247 amd 2003 SL No. 367 s 15(4)

Division 5—Fish taken under fishery symbol A1 or A2

div hdg ins 2003 SL No. 378 s 6(4)

Prohibited activities

s 252 prev s 252 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)
pres s 252 ins 2003 SL No. 378 s 6(4)

Flat Rock grey nurse shark protection area

s 253 prev s 253 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)
pres s 253 ins 2003 SL No. 378 s 6(4)

Henderson Rock grey nurse shark protection area

s 254 prev s 254 ins 1997 SL No. 48 s 4
om 1999 SL No. 290 s 20(13)
pres s 254 ins 2003 SL No. 378 s 6(4)

Cherub's Cave grey nurse shark protection area

s 255 prev 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)
pres s 255 ins 2003 SL No. 378 s 6(4)

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); 2003 SL No. 367
 s 15(5)

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); 2003 SL No. 367 s 15(6)

Clairview Bluff–Carmilla Creek

s 267 ins 1997 SL No. 477 s 4
amd 2001 SL No. 170 s 8(25); 2003 SL No. 367 s 15(7)

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

Mary River

s 19 prev s 19 om 1999 SL No. 57 s 36
pres s 19 ins 2003 SL No. 367 s 16(3)

Tinana Creek

s 20 ins 2003 SL No. 367 s 16(3)

Burnett River

s 21 prev s 21 om 1999 SL No. 57 s 36
pres s 21 ins 2003 SL No. 367 s 16(3)

Kolan River

s 22 prev s 22 om 1999 SL No. 57 s 36
pres s 22 ins 2003 SL No. 367 s 16(3)

Fitzroy River

s 23 prev s 23 om 1999 SL No. 57 s 36
pres s 23 ins 2003 SL No. 367 s 16(3)

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)

PART 2—TAKING OR POSSESSING CERTAIN FISH**Prohibited activities**

s 40 amd 1997 SL No. 476 s 7

Particular foreshores of Wynnum

s 40A (prev s 45AB) ins 2002 SL No. 339 s 15
reloc and renum 2003 SL No. 378 s 7(2)

Flat Rock grey nurse shark protection area

s 40B ins 2003 SL No. 378 s 7(1)

Henderson Rock grey nurse shark protection area

s 40C ins 2003 SL No. 378 s 7(1)

Cherub's Cave grey nurse shark protection area

s 40D ins 2003 SL No. 378 s 7(1)

Wolf Rock grey nurse shark protection area

s 40E ins 2003 SL No. 378 s 7(1)

Fraser Island between Indian Head and Waddy Point

s 40F (prev s 20) amd 2002 SL No. 60 s 9; 2003 SL No. 367 s 16(1)
reloc and renum 2003 SL No. 367 s 16(2)

Waters adjacent to north Cape York

s 44A (prev s 45AA) ins 2002 SL No. 339 s 15
reloc and renum 2003 SL No. 378 s 7(3)

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

PART 3—WATERS WHERE NETS CAN NOT BE USED**Artificial reef area off Moreton Island**

s 58 amd 2001 SL No. 170 s 9; 2003 SL No. 367 s 16(4)

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; 2003 SL No. 213 s 13; 2003 SL No. 214 s 36; 2003 SL No. 367 s 17

SCHEDULE 4A—MEASUREMENT OF PARTICULAR FISH

ins 2003 SL No. 367 s 18

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; 2003 SL No. 367 s 19

SCHEDULE 5A—NOXIOUS FISHERIES RESOURCES

ins 2002 SL No. 337 s 13
amd 2003 SL No. 367 s 20

**SCHEDULE 5B—SPECIAL PROVISIONS FOR SPANISH MACKEREL
COMMERCIAL FISHERY**

sch hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

PART 1—PRELIMINARY

pt hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 1—Interpretation

div hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Definitions for sch 5B

s 1 ins 2003 SL No. 214 s 37
amd 2005 SL No. 23 s 4
exp 11 September 2006 (see sch 5B, s 59)

Meaning of “catch-per-unit-effort special circumstance”

s 2 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Meaning of “event-based special circumstance”

s 3 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Meaning of “recent-entrant special circumstance”

s 4 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Meaning of “personal history special circumstance” for individuals

s 5 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Meaning of “personal history special circumstance” for corporations

s 6 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 2—Provisions for special circumstances

div 2 (ss 7–14) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

PART 2—OBTAINING FISHERY SYMBOL ‘SM’

pt hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 1—Preliminary

div 1 (ss 15–16) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 2—Relevant licences and criteria

div 2 (ss 17–18) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 3—First consideration by chief executive and preliminary notice requirements

div 3 (ss 19–20) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 4—Preliminary notice and application for reconsideration

div hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Chief executive to give preliminary notice

s 21 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Requirements for preliminary notice

s 22 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Applying for reconsideration

s 23 ins 2003 SL No. 214 s 37
 amd 2004 SL No. 112 s 31(1)
exp 11 September 2006 (see sch 5B, s 59)

Chief executive to decide whether reason for reconsideration established

s 24 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Information chief executive may consider in deciding whether reason for reconsideration is established

s 25 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 5—Reconsideration and adjustment of criteria

div hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Criteria reapplied if reason for reconsideration established

s 26 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted criteria for catch-per-unit-effort special circumstance

s 27 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted criteria for event-based special circumstance

s 28 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted criteria for first-recent-entrant special circumstance

s 29 ins 2003 SL No. 214 s 37
 amd 2003 SL No. 367 s 21(1)–(3)
exp 11 September 2006 (see sch 5B, s 59)

Adjusted criteria for second-recent-entrant special circumstance

s 30 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted criteria for personal history special circumstance

s 31 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 6—Amendment notice and amendment of licences

div 6 (ss 32–34) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 7—Priority of reconsiderations of applications relating to fishery symbol ‘SM’

div 7 (s 35) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

PART 2A—AMENDING SM FISHERY LICENCE TO ALLOW SURFACE TROLLING IN WESTERN FLAT ROCK PROTECTION AREA

pt 2A (ss 35A–35C) ins 2003 SL No. 378 s 8
exp 11 September 2006 (see sch 5B, s 59)

PART 3—ISSUE OF SM UNITS

pt hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 1—General

div 1 (ss 36–37) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 2—General provisions about SM units

div 2 (ss 38–39) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 3—Issue of SM units

div hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Subdivision 1—Number of SM units to be issued to eligible holders

sdiv 1 (ss 40–45) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Subdivision 2—Catch history notice

sdiv 2 (ss 46–47) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Subdivision 3—Application for issue of SM units

sdiv hdg ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Application for issue of SM units

s 48 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Deciding application for issue of SM units

s 49 ins 2003 SL No. 214 s 37
 amd 2004 SL No. 112 s 31(2)
exp 11 September 2006 (see sch 5B, s 59)

Issue of fisher PIN

s 49A ins 2004 SL No. 112 s 31(3)
exp 11 September 2006 (see sch 5B, s 59)

Allocation provisions to be applied if reason for adjusted allocation is established

s 50 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted allocation provisions for event-based special circumstance

s 51 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted allocation provision for first-recent-entrant special circumstance

s 52 ins 2003 SL No. 214 s 37
 amd 2003 SL No. 367 s 21(2)–(4)
exp 11 September 2006 (see sch 5B, s 59)

Adjusted allocation provision for second-recent-entrant special circumstance

s 53 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Adjusted allocation provision for third-recent-entrant special circumstance

s 54 ins 2003 SL No. 214 s 37
 amd 2003 SL No. 367 s 21(5)–(6)
exp 11 September 2006 (see sch 5B, s 59)

Adjusted allocation provision for personal history special circumstance

s 55 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Particular applications for SM units must be decided before start of first SM year

s 56 ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

Division 4—Reduction in weight equivalent of SM units

div 4 (ss 57–58) ins 2003 SL No. 214 s 37
exp 11 September 2006 (see sch 5B, s 59)

PART 4—EXPIRY

pt 4 (s 59) 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

Broad Sound

s 1 orig s 1 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 prev s 1 (orig s 2) sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3)
 om 2005 SL No. 23 s 5(1)
 pres s 1 (prev s 2 (orig s 3)) sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Cape Palmerston

s 2 pres s 2 (prev s 3 (prev s 7 (orig s 9))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Carmila

s 3 pres s 3 (prev s 4 (prev s 8 (orig s 10))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Corio Bay

- s 4** orig s 4 om 1999 SL No. 187 s 3(1)
 prev s 4 (orig s 6) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 4 (prev s 5 (prev s 12 (orig s 20))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Eight Mile Creek

- s 5** orig s 5 om 1999 SL No. 187 s 3(1)
 prev s 5 (orig s 7) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 5 (prev s 6 (prev s 13 (orig s 23))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Escape River

- s 6** prev s 6 (orig s 8) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 6 (prev s 7 (prev s 14 (orig s 24))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Fraser Island

- s 7** pres s 7 (prev s 8 (prev s 16 (orig s 26))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Kauri Creek

- s 8** pres 8 (prev s 10 (prev s 20 (orig s 40))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Maaroom

- s 9** prev s 9 (orig s 17) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 prev s 9 (prev s 19 (orig s 39)) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3)
 om 2005 SL No. 23 s 5(1)
 pres s 9 (prev s 11 (prev s 21 (orig s 41))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Marion

- s 10** prev s 10 (orig s 18) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 10 (prev s 12 (prev s 22 (orig s 43))) renum 1999 SL No. 187 s 3(13)

sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Morning Inlet–Bynoe River

s 11 orig s 11 om 1999 SL No. 187 s 3(1)
prev s 11 (orig s 19) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
om 2003 SL No. 367 s 22(1)
pres s 11 (prev s 13 (prev s 23 (orig s 44))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Nassau River

s 12 prev s 12 om 1999 SL No. 187 s 3(1)
pres s 12 (prev s 14 (prev s 24 (orig s 45))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Princess Charlotte Bay

s 13 prev s 13 om 1998 SL No. 213 s 4
pres s 13 (prev s 15 (prev s 26 (orig s 48))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Rocky Dam

s 14 prev s 14 om 1999 SL No. 187 s 3(1)
pres s 14 (prev s 16 (prev s 27 (orig s 49))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Silver Plains

s 15 orig s 15 om 1999 SL No. 187 s 3(1)
prev s 15 (orig s 25) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
om 2003 SL No. 367 s 22(1)
pres s 15 (prev s 17 (prev s 29 (orig s 51))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Staaten–Gilbert

s 16 prev s 16 om 1998 SL No. 213 s 4
pres s 16 (prev s 18 (prev s 30 (orig s 52))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Susan River

s 17 prev s 17 (orig s 27) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
om 2003 SL No. 367 s 22(1)
pres s 17 (prev s 19 (prev s 31 (orig s 53))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Temple Bay

- s 18** prev s 18 (orig s 28) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 18 (prev s 20 (prev s 32 (orig s 54))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Tin Can Inlet

- s 19** pres s 19 (prev s 21 (prev s 33 (orig s 55))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

West Hill

- s 20** pres s 20 (prev s 22 (prev s 35 (orig s 57))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

PART 2—AREAS WITHIN OUTER BOUNDARIES SHOWN ON PLANS

- pt hdg** sub 1998 SL No. 213 s 5; 2001 SL No. 170 s 11

Annan River

- s 21** prev s 21 om 1999 SL No. 187 s 3(1)
 pres s 21 (prev s 24 (orig s 36A)) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Baffle Creek

- s 22** prev s 22 om 1998 SL No. 213 s 4
 pres s 22 (prev s 25 (prev s 37 (orig s 59))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Barr Creek

- s 23** prev s 23 (prev s 36 (orig s 58)) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3)
 om 2005 SL No. 23 s 5(1)
 pres s 23 (prev s 26 (prev s 38 (orig s 60))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Bassett Basin

- s 24** pres s 24 (prev s 27 (prev s 39 (orig s 61))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Beelbi

- s 25** prev s 25 (orig s 47) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 25 (prev s 28 (orig s 39A)) ins 2003 SL No. 367 s 22(2)

renum 2003 SL No. 367 s 22(3)
 amd 2005 SL No. 23 s 5(3)
 renum 2005 SL No. 23 s 5(4)

Bohle River

s 26 pres s 26 (prev s 29 (prev s 40 (orig s 64))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Bowling Green Bay

s 27 pres s 27 (prev s 30 (prev s 41 (orig s 65))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Burdekin

s 28 prev s 28 (orig s 50) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)
 pres s 28 (prev s 31 (prev s 42 (orig s 66))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Burrum

s 29 prev s 29 om 1998 SL No. 213 s 4
 pres s 29 (prev s 32 (orig s 42A)) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Cattle Creek

s 30 prev s 30 om 1999 SL No. 187 s 3(1)
 pres s 30 (prev s 33 (orig s 42B)) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Cawarral Creek

s 31 prev s 31 om 1998 SL No. 213 s 4
 pres s 31 (prev s 34 (prev s 43 (orig s 67))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11; 2003 SL No. 367(1)–(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Colosseum Inlet

s 32 prev s 32 om 1998 SL No. 213 s 4
 pres s 32 (pres s 35 (prev s 43A)) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Coombabah

s 33 prev s 33 om 1998 SL No. 213 s 4
 pres s 33 (prev s 36 (prev s 44 (orig s 68))) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Coomera

s 34 orig s 34 om 1999 SL No. 187 s 3(1)
 prev s 34 (prev s 56) renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 om 2003 SL No. 367 s 22(1)

pres s 34 (prev s 37 (prev s 45 (orig s 69))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Currumbin Creek

s 35 prev s 35 om 1998 SL No. 213 s 4
pres s 35 (prev s 38 (prev s 46 (orig s 72))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Dallachy Creek

s 36 prev s 36 om 1998 SL No. 213 s 4
pres s 36 (prev s 39 (prev s 47 (orig s 73))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Deception Bay

s 37 prev s 37 om 1998 SL No. 213 s 4
pres s 37 (prev s 40 (prev s 48 (orig s 74))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Edgcumbe Bay

s 38 prev s 38 om 1999 SL No. 187 s 3(1)
pres s 38 (prev s 40A) ins 2005 SL No. 23 s 5(2)
renum 2005 SL No. 23 s 5(4)

Elliott River

s 39 pres s 39 (prev s 41 (orig s 48A)) ins 2003 SL No. 367 s 22(2)
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Eurimbula

s 40 pres s 40 (prev s 42 (orig s 48B)) ins 2003 SL No. 367 s 22(2)
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Half Moon Creek

s 41 pres s 41 (prev s 43 (prev s 49 (orig s 75))) renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Halifax

s 42 prev s 42 om 1999 SL No. 187 s 3(1)
pres s 42 (prev s 44 (prev s 49A)) ins 2003 SL No. 367 s 22(2)
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Hay's Inlet

s 43 pres s 43 (prev s 45 (prev s 50 (orig 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
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Hinchinbrook

- s 44** pres s 44 (prev s 46 (prev s 51 (orig 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
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Hull River

- s 45** pres s 45 (prev s 47 (prev s 52 (orig s 78))) sub 1998 SL No. 213 s 5
 renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Jumpinpin–Broadwater

- s 46** prev s 46 om 1999 SL No. 187 s 3(1)
 pres s 46 (prev s 48 (prev s 53 (orig 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; 2003 SL No. 367 s 22(1)–(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Kinkuna

- s 47** pres s 47 (prev s 49 (prev s 54 (orig s 79))) ins 1998 SL No. 213 s 5
 renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Kippa–Ring

- s 48** pres s 48 (prev s 50 (prev s 55 (orig s 80))) ins 1998 SL No. 213 s 5
 renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Kolan River

- s 49** pres s 49 (prev s 51 (prev s 56 (orig 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
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Margaret Bay (Wuthathi)

- s 50** pres s 50 (orig s 51A) ins 2005 SL No. 23 s 5(2)
 renum 2005 SL No. 23 s 5(4)

Maroochy

- s 51** pres s 51 (prev s 52 (prev s 57 (orig 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
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Meunga Creek

- s 52** pres s 52 (prev s 53 (prev s 58 (orig s 81))) ins 1998 SL No. 213 s 5
 renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Midge

- s 53** pres s 53 (prev s 54 (prev s 59 (orig s 82))) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Moreton Banks

- s 54** pres s 54 (prev s 55 (prev s 60 (orig 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
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Murray River

- s 55** pres s 55 (prev s 56 (prev s 61 (orig 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
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Myora–Amity Banks

- s 56** pres s 56 (prev s 57 (prev s 62 (orig s 83))) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Noosa River

- s 57** pres s 57 (prev s 58 (prev s 63 (orig s 84))) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11; 2003 SL No. 367 s 22(1)–(2)
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Palm Creek

- s 58** pres s 58 (prev s 59 (orig s 63A)) ins 2003 SL No. 367 s 22(2)
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Peel Island

- s 59** pres s 59 (prev s 60 (prev s 64 (orig 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
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Pimpama

- s 60** pres s 60 (prev s 61 (prev s 65 (orig s 85))) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Pumicestone Channel

- s 61** pres s 61 (prev s 62 (prev s 66 (orig s 86))) ins 1998 SL No. 213 s 5
renum 1999 SL No. 187 s 3(13)
sub 2001 SL No. 170 s 11
renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Repulse

- s 62** prev s 62 om 1998 SL No. 213 s 4
 pres s 62 (prev s 63 (prev s 67 (orig 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
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Rodds Harbour

- s 63** prev s 63 om 1998 SL No. 213 s 4
 pres s 63 (prev s 64 (orig s 67A)) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Sand Bay

- s 64** pres s 64 (prev s 65 (prev s 68 (orig s 87))) ins 1998 SL No. 213 s 5
 renum 1999 SL No. 187 s 3(13)
 sub 2001 SL No. 170 s 11
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Seventeen Seventy–Round Hill

- s 65** pres s 65 (prev s 66 (prev s 69 (orig 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
 renum 2003 SL No. 367 s 22(3); 2005 SL No. 23 s 5(4)

Starcke River (Ngulun)

- s 66** pres s 66 (orig s 66A) ins 2005 SL No. 23 s 5(2)
 renum 2005 SL No. 23 s 5(4)

Tallebudgera Creek

- s 67** (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
 (prev s 70) renum 2003 SL No. 367 s 22(3)

Trinity Inlet

- s 68** prev s 68 (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
 om 2003 SL No. 367 s 22(1)
 pres s 68 (prev s 71) ins 2003 SL No. 367 s 22(2)
 renum 2003 SL No. 367 s 22(3)

Tully River

- s 69** (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
 (prev s 72) renum 2003 SL No. 367 s 22(3)

Wreck Creek

- s 70** prev s 70 om 1998 SL No. 213 s 4
 pres s 70 (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
 (prev s 73) renum 2003 SL No. 367 s 22(3)

Yorkey's Creek

s 71 orig s 71 om 1998 SL No. 213 s 4
 prev s 71 (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
 om 2003 SL No. 267 s 22(1)
 pres s 71 (prev s 74) renum 2003 SL No. 367 s 22(3)

Trinity Inlet

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); 2003 SL No. 213 s 14(1)

Permitted ways of taking fish

s 8 sub 2003 SL No. 213 s 14(2)

General condition of taking fish

s 9 om 2003 SL No. 213 s 14(2)

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; 2003 SL No. 367 s 23**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 11A—SPANISH MACKERAL COMMERCIAL FISHERY

ins 2003 SL No. 214 s 39

SCHEDULE 12—LINE FISHERIES (COMMERCIAL)

sch hdg amd 1999 SL No. 58 s 7

What fish may be taken

s 3 amd 2002 SL No. 214 s 40(1); 2003 SL No. 213 s 15(1); 2003 SL No. 214
s 40(1)

What fish may be taken

s 12 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)

Fishery area

s 20 sub 2003 SL No. 213 s 15(2)

What fish may be taken

s 21 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)
sub 2003 SL No. 213 s 15(2)
amd 2003 SL No. 214 s 40(2)

Permitted ways of taking fin fish

s 22 amd 2002 SL No. 214 s 40(3); 2003 SL No. 213 s 15(3)–(4); 2003 SL No. 214
s 40(2)

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
sub 2003 SL No. 213 s 15(5)

Permitted distance for an assistant fisher to be under direction

s 25 sub 2003 SL No. 213 s 15(5)

What fish may be taken

s 28 amd 1996 SL No. 266 s 3 sch; 2002 SL No. 337 s 14(1)–(3)

Permitted ways of taking fin fish

s 29 amd 2003 SL No. 213 s 15(4)

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)

Permitted ways of taking fin fish

s 36 amd 2003 SL No. 213 s 15(4)

Fishery area

s 41 amd 1999 SL No. 58 s 8

Permitted ways of taking fin fish

s 42 amd 2002 SL No. 214 s 40(4); 2003 SL No. 213 s 15(6); 2003 SL No. 214
s 40(3)

Permitted ways of taking fin fish

s 43 amd 2003 SL No. 213 s 15(4)

Use of tender commercial fishing boats

s 45 amd 2000 SL No. 184 s 20; 2003 SL No. 30 s 5; 2003 SL No. 213 s 15(7);
2003 SL No. 367 s 24

Permitted distance for an assistant fisher to be under direction

s 46 sub 2003 SL No. 213 s 15(8)

What fish may be taken

s 49 amd 2002 SL No. 214 s 40(3); 2003 SL No. 213 s 15(6); 2003 SL No. 214
s 40(3)

Permitted ways of taking fin fish

s 50 amd 2003 SL No. 213 s 15(4)

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); 2003 SL No. 213 s 16(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); 2003 SL No. 213 s 16(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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(2)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 16(1)

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); 2003 SL No. 213 s 17; 2004 SL No. 112 s 32(1)

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)

What fish may be taken

s 25 amd 2004 SL No. 112 s 32(2)–(3)

General conditions of taking coral

s 27 sub 2004 SL No. 112 s 32(4)

Selling coral

s 29 sub 2004 SL No. 112 s 32(5)

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 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); 2003 SL No. 367 s 25;
2004 SL No. 112 s 33

SCHEDULE 16A—GLOSSARY OF SCIENTIFIC NAMES OF CORAL REEF FIN FISH

ins 2003 SL No. 213 s 19
amd 2004 SL No. 112 s 34

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 1999 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 reloc 1999 SL No. 290 s 26(2)

def “**AIVR system**” ins 2004 SL No. 112 s 35(2)

def “**amending notice deadline**” ins 2004 SL No. 112 s 35(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 **“authorised boat”** ins 2004 SL No. 214 s 41(6)
 sub 2004 SL No. 112 s 35
- def **“authorised unloading time”** ins 2004 SL No. 112 s 35(2)
- 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 **“buying and selling particulars”** ins 2004 SL No. 112 s 35(2)
- 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
 om 2003 SL No. 367 s 26
- def **“complying number”** ins 2004 SL No. 112 s 35(2)
- def **“coral reef fin fish”** ins 2003 SL No. 213 s 20
- def **“coral reef fin fish particulars”** ins 2004 SL No. 112 s 35(2)
- def **“crab fishery”** ins 1999 SL No. 57 s 45(4)
- def **“cross line”** om 1999 SL No. 57 s 45(1)
- def **“current fisher PIN”** ins 2004 SL No. 112 s 35(2)
- def **“daily quota”** ins 2004 SL No. 112 s 35(2)
- def **“Deception Bay area”** ins 1999 SL No. 290 s 26(13)
- def **“defined port area”** ins 2004 SL No. 112 s 35(2)
- def **“East Coast Trawl Plan”** ins 2000 SL No. 361 s 10(3)
- def **“entitlement”** ins 2004 SL No. 214 s 41(6)
- def **“F↑B sign”** amd 2000 SL No. 184 s 22(2)
- def **“fin fish”** ins 1999 SL No. 57 s 45(3)
- def **“fisher PIN”** ins 2004 SL No. 112 s 35(2)
- def **“fishery provision”** amd 1999 SL No. 57 s 45(5)
- def **“fishery schedule”** amd 2003 SL No. 214 s 41(4)
- def **“fitted”** ins 1999 SL No. 58 s 11
 om 1999 SL No. 290 s 26(12)
- def **“former authority”** reloc 2005 SL No. 23 s 4
- def **“group of species”** ins 2004 SL No. 112 s 35(2)
- 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 **“identification code”** ins 2004 SL No. 112 s 35(2)
- 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 **“land”** ins 2004 SL No. 112 s 35(2)
- def **“landed fish notice”** ins 2004 SL No. 214 s 41(6)
 om 2004 SL No. 112 s 35(1)
- def **“landing period”** ins 2004 SL No. 112 s 35(2)
- def **“landing place”** ins 2004 SL No. 112 s 35(2)

- def **“length”** ins 1999 SL No. 290 s 26(13)
 amd 2001 SL No. 170 s 13(2)
- def **“line fishery area”** ins 2003 SL No. 214 s 41(5)
- def **“line fishery symbol”** ins 2003 SL No. 214 s 41(5)
- 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 **“notice identity number”** ins 2004 SL No. 214 s 41(6)
 om 2004 SL No. 112 s 35(1)
- def **“notifying period”** ins 2004 SL No. 112 s 35(2)
- 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 fishery symbol”** ins 2004 SL No. 214 s 41(6)
- def **“prescribed flag”** ins 2003 SL No. 214 s 41(3)
- def **“prescribed numerical code”** ins 2004 SL No. 112 s 35(2)
- def **“prescribed person”** ins 2004 SL No. 214 s 41(6)
 sub 2004 SL No. 112 s 35
- def **“prescribed reason”** ins 2004 SL No. 112 s 35(2)
- def **“prescribed way”** ins 2004 SL No. 112 s 35(2)
- def **“prior notice”** ins 2004 SL No. 214 s 41(6)
 sub 2004 SL No. 112 s 35
- def **“prior notice area”** ins 2004 SL No. 112 s 35(2)
- def **“prior notice deadline”** ins 2004 SL No. 112 s 35(2)
- def **“prior notice particulars”** ins 2004 SL No. 112 s 35(2)
- 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 **“relevant equipment”** ins 2004 SL No. 112 s 35(2)
- def **“relevant fishing authority”** ins 2004 SL No. 112 s 35(2)
- def **“relevant species particulars”** ins 2004 SL No. 112 s 35(2)
- def **“required way”** ins 1999 SL No. 57 s 45(3)
 amd 2000 SL No. 184 s 22(1)
- def **“retained fish conditions”** ins 2004 SL No. 112 s 35(2)
- def **“retained fish notice”** ins 2004 SL No. 112 s 35(2)
- def **“retained fish notice particulars”** ins 2004 SL No. 112 s 35(2)

- def “**SF↑B sign**” amd 2000 SL No. 184 s 22(2)
- def “**SM fishery area**” ins 2004 SL No. 214 s 41(6)
- def “**SM fishery licence**” ins 2003 SL No. 214 s 41(2)
- def “**SM (Flat Rock) fishery licence**” ins 2003 SL No. 378 s 9
- def “**SM unit**” ins 2003 SL No. 214 s 41(2)
- def “**SM unit certificate**” ins 2004 SL No. 214 s 41(6)
- def “**SM unit certificate changes**” ins 2004 SL No. 214 s 41(6)
- def “**SM unit holder**” ins 2004 SL No. 214 s 41(6)
- def “**SM year**” ins 2004 SL No. 214 s 41(6)
- def “**spanish mackerel particulars**” ins 2004 SL No. 112 s 35(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 “**surface trolling**” ins 2003 SL No. 378 s 9
- def “**tag**” ins 2004 SL No. 214 s 41(6)
om 2004 SL No. 112 s 35(1)
- def “**taking particulars**” ins 2004 SL No. 112 s 35(2)
- def “**territorial sea baseline**” sub 2004 SL No. 112 s 35
- 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 “**transaction number**” ins 2004 SL No. 112 s 35(2)
- def “**transhipment notice**” ins 2004 SL No. 214 s 41(6)
sub 2004 SL No. 112 s 35
- def “**transhipment notice particulars**” ins 2004 SL No. 112 s 35(2)
- def “**transport vessel**” ins 2004 SL No. 214 s 41(6)
sub 2004 SL No. 112 s 35
- 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 “**trunked**” ins 2004 SL No. 214 s 41(6)
- 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 “**unit PIN**” ins 2004 SL No. 112 s 35(2)
- def “**unload**” ins 2004 SL No. 112 s 35(2)
- def “**unloaded fish notice**” ins 2004 SL No. 112 s 35(2)
- def “**unloaded fish notice particulars**” ins 2004 SL No. 112 s 35(2)
- def “**unloading area**” ins 2004 SL No. 112 s 35(2)
- def “**unloading particular**” ins 2004 SL No. 112 s 35(2)
- def “**unnotifiable landing notice**” ins 2004 SL No. 112 s 35(2)

def **“unnotifiable landing notice particulars”** ins 2004 SL No. 112 s 35(2)

def **“unused entitlement”** ins 2004 SL No. 214 s 41(6)

def **“used”** ins 2004 SL No. 214 s 41(6)

def **“western Flat Rock protection area”** ins 2003 SL No. 378 s 9

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