



Queensland

*Fisheries Act 1994*

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

Reprinted as in force on 1 July 2006

Reprint No. 2C

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

[as amended by all amendments that commenced on or before 1 July 2006]

## **Part 1 Preliminary**

### **1 Short title**

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

### **2 What is the *gulf inshore fin fish fishery***

The *gulf inshore fin fish fishery* is activities by way of fishing relating to fish (*gulf fin fish*) that—

- (a) are fin fish, other than coral reef fin fish; and
- (b) are in 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.

### **3 Application of plan**

This plan applies in relation to the taking, possessing and other uses of gulf fin fish.

### **4 Objectives of plan and their achievement**

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

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

## **5 Interpretation**

- (1) Unless this plan provides otherwise, terms used in it have the meaning given under the regulation.
- (2) Subsection (1) is not limited to a term defined under the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

*Examples—*

part 2, divisions 2 and 3, section 21 and schedule 4A of the regulation

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

## **Part 2 Closed season declarations**

### **6 Closed seasons for barramundi**

- (1) The following periods are closed seasons for barramundi—
  - (a) 25 September 2005 to 21 January 2006;
  - (b) 30 September 2006 to 26 January 2007;
  - (c) 4 October 2007 to 29 January 2008;
  - (d) 7 October 2008 to 2 February 2009.
- (2) Each period starts and ends at midday.
- (3) A person must not take or possess a barramundi during a closed season.

### **7 Exemptions**

It is not unlawful for a person to—

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

## **Part 3 Closed waters declarations**

### **8 South Mitchell River closed to everybody**

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

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**9 Closures for trade or commerce—sch 3**

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

**10 Closure for 'N9' waters**

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

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

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

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## **11 Exemptions—general**

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

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

## **11A Exemptions—Wellesley Islands Protected Wildlife Area**

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

(4) In this section—

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

## **Part 4                      Regulated fish declarations<sup>3</sup>**

### **Division 1                      Declarations that apply to everybody**

#### **12                      Application of div 1**

This division applies to everybody.

#### **13                      Fin fish taken from closed waters**

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

#### **14                      Fin fish regulated by size**

- (1) The following gulf fin fish of the size stated are regulated fish—
  - (a) barramundi—less than 60cm or more than 120cm;
  - (b) black jewfish—less than 60cm or more than 120cm;
  - (c) blue salmon—less than 40cm;
  - (d) giant trevally—less than 35cm;
  - (e) grey mackerel—less than 50cm;
  - (f) jewel fish—less than 45cm;

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<sup>3</sup> See however, section 12(a) and (b) (When Act does not apply) of the Act, for when the Act does not apply to the taking or possessing of regulated fish.



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- (g) king salmon—less than 60cm;
  - (h) large-scale sea perch—less than 35cm;
  - (i) mangrove jack—less than 35cm;
  - (j) pikey bream—less than 23cm;
  - (k) queenfish—less than 45cm;
  - (l) Queensland school mackerel—less than 50cm;
  - (m) silver jewfish—less than 45cm;
  - (n) spotted grunter bream—less than 40cm;
  - (o) spotted mackerel—less than 50cm;
  - (p) yellow-finned bream—less than 23cm.
- (2) Size of a gulf fin fish is decided by measuring the distance between the front and end tips of the fish.
- (3) Taking or possessing a gulf fin fish regulated by size is prohibited.

**15 Mangrove jack regulated by number**

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

**Division 2                      Declarations that apply only to  
recreational fishers**

**16 Application of div 2**

This division applies only to a recreational fisher.

**17 Gulf fin fish regulated by number**

- (1) More than the following number of gulf fin fish are fish regulated by number—

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- (a) barramundi—5;
  - (b) blue salmon—20;
  - (c) grey mackerel—10;
  - (d) king salmon—5;
  - (e) Queensland school mackerel—10;
  - (f) spotted grunter bream—10 whole fish or 20 fillets;
  - (g) spotted mackerel—10.
- (2) Taking or possessing fish regulated by number is prohibited.
- (3) However, a person may possess fish regulated by number if the person did not take the fish.

**18 Black jewfish regulated by number and size**

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

**19 ‘Catch and release’ declaration for part of Pine River Bay**

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

## **Part 5                      Commercial fisheries**

### **Division 1                General**

#### **20        Application of pt 5**

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

#### **21        Who may fish for trade or commerce**

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

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

### **Division 2                Authorities**

#### **22        Restrictions on writing fishery symbols on licences**

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

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

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

### **Subdivision 1              Preliminary**

#### **23              Application of div 3**

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

#### **24              Area for ‘N3’ symbol**

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

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

### **Subdivision 2              General**

#### **25              Where gulf fin fish may be taken**

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

#### **26              What gulf fin fish may be taken**

Only the following gulf fin fish may be taken—

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

**27 Permitted ways of taking gulf fin fish—set mesh nets**

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

**28 Prohibitions on use of set mesh nets**

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

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

## **29 Time quota**

A set mesh net must not be used during a closed season for barramundi.<sup>4</sup>

## **Subdivision 3 Use and marking of set mesh nets**

### **30 Use in a river or creek**

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

### **31 Use on a foreshore**

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

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<sup>4</sup> For the closed season, see section 6 (Closed seasons for barramundi).

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

### **32 Use in offshore waters**

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

### **33 Marking nets**

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



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

## **Subdivision 4      Use of primary boats**

### **34      Use of primary boats**

A primary boat longer than 14m must not be used.<sup>5</sup>

### **35      Permitted distance for an assistant fisher to be under direction**

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

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<sup>5</sup> See however, section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation.

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

### **Subdivision 1              Preliminary**

#### **36              Application of div 4**

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

#### **37              Area for ‘N6’ symbol**

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

- (a) in the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore that are between the 25n mile line and—
  - (i) the mainland shore; or
  - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).<sup>6</sup>

### **Subdivision 2              General**

#### **38              Where gulf fin fish may be taken**

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

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<sup>6</sup> The ‘N6’ fishery symbol also applies to other areas outside the fishery. See schedule 13, sections 1 (Fishery symbol) and 2 (Fishery area) of the regulation.

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**39 What gulf fin fish may be taken**

Only the following gulf fin fish may be taken—

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

**40 Permitted ways of taking gulf fin fish**

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

**41 Prohibited ways of taking gulf fin fish**

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

**Subdivision 3 Use of nets**

**42 Cast net**

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

**43 Scoop net**

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

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

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

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

**45 Mesh net in offshore waters**

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

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

**Subdivision 4 Miscellaneous**

**46 Use of primary boats**

A primary boat longer than 20m must not be used.<sup>7</sup>

**47 Use of tender boats**

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

**48 Permitted distance for an assistant fisher to be under direction**

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

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<sup>7</sup> See however, section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation.

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

### **Subdivision 1            Preliminary**

#### **49            Application of div 5**

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

#### **50            Area for ‘N7’ symbol**

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

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

### **Subdivision 2            General**

#### **51            Where gulf fin fish may be taken**

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

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<sup>8</sup> The ‘N7’ fishery symbol also applies to other areas outside the fishery. See schedule 13, sections 10 (Fishery symbol) and 11 (Fishery area) of the regulation.

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**52 What gulf fin fish may be taken**

Only the following gulf fin fish may be taken—

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

**53 Permitted ways of taking gulf fin fish**

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

**54 Prohibited ways of taking gulf fin fish**

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

**55 Time quota**

A net must not be used during a closed season for barramundi.<sup>9</sup>

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<sup>9</sup> For the closed season, see section 6 (Closed seasons for barramundi).

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### **Subdivision 3      Use of nets**

#### **56      Use of nets**

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

### **Subdivision 4      Miscellaneous**

#### **57      Use of primary boats**

A primary boat longer than 14m must not be used.<sup>10</sup>

#### **58      Use of tender boats**

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

#### **59      Permitted distance for an assistant fisher to be under direction**

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

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<sup>10</sup> See however, section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation.

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

**Subdivision 1              Preliminary**

**60              Application of div 6**

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

**61              Meaning of *authorised length* for div 6**

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

- (a) if 2 ‘N3’ fishery symbols have been taken off the licences, other than the stated licence, mentioned in section 22(2)(a)<sup>11</sup>—1200m; or
- (b) if 3 or more ‘N3’ fishery symbols have been taken off the licences, other than the stated licence, mentioned in section 22(2)(a)—1800m.

**62              Area for ‘N9’ symbol**

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

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



## **Subdivision 2      General**

### **63      Where gulf fin fish may be taken**

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

### **64      What gulf fin fish may be taken**

Only the following gulf fin fish may be taken—

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

### **65      Permitted ways of taking gulf fin fish**

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

## 66 Time quota

A net must not be used during a closed season for barramundi.<sup>12</sup>

## Subdivision 3 Additional licence conditions

### 67 Purpose of sdiv 3

This subdivision prescribes additional conditions to which the commercial fishing boat licence is subject.

### 68 VMS equipment conditions—installation and registration

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

*approved* means approved by the chief executive.

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

*substitute primary boat* means any tender boat that, under section 53<sup>13</sup> of the regulation, is being used as the primary boat.

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

13 Section 53 (Commercial fishing boat licences) of the regulation

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**69 VMS equipment conditions—maintenance and use**

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

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

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

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

## **Subdivision 4 Use and marking of nets**

### **71 Use of nets**

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

### **72 Marking nets**

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

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

## **Subdivision 5      Miscellaneous**

### **73      Use of primary boats**

A primary boat longer than 20m must not be used.<sup>14</sup>

### **74      Use of tender boats**

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

### **75      Permitted distance for an assistant fisher to be under direction**

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

## **Part 6                      Recreational fishery**

### **Division 1              Preliminary**

#### **76      Application of pt 6**

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

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<sup>14</sup> See however, section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation.

## **Division 2            How gulf fin fish may be taken**

### **Subdivision 1        General**

#### **77        Recreational fishing apparatus**

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

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

#### **78        Permitted area**

Recreational fishing apparatus may be used or possessed in any waters in the gulf inshore fin fish fishery.<sup>15</sup>

#### **79        What fish may be taken**

- (1) Any gulf fin fish may be taken with recreational fishing apparatus.
- (2) However, a recreational fishing apparatus may be used only if the apparatus and its use complies with subdivision 2.

### **Subdivision 2        Requirements for recreational fishing apparatus and their use**

#### **80        Fishing lines—number of hooks**

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

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<sup>15</sup> However, parts 2 (Closed season declarations), 3 (Closed waters declarations) and 4 (Regulated fish declarations) impose restrictions on the taking and possession of gulf fin fish by recreational fishers.

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**81 Cast nets**

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

**82 Scoop nets**

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

**83 Seine nets**

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

**Division 3 Use of boats****84 Obligation of person in control about number of fishing lines used**

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

Maximum penalty—100 penalty units.

**85 Using commercial fishing boats for recreational fishing**

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

Maximum penalty—100 penalty units.

## **Division 4                      Prohibitions to allow identification or counting of gulf fin fish**

### **86            General prohibitions**

- (1) A recreational fisher who possesses gulf 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 gulf fin fish ashore and removes its skin, the recreational fisher must not return the fish to the boat.

Maximum penalty—100 penalty units.

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

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

Maximum penalty—100 penalty units.

### **87            Prohibitions for spotted grunter bream**

- (1) This section—
  - (a) applies to a recreational fisher who possesses a spotted grunter bream; and
  - (b) is in addition to section 86.
- (2) If the recreational fisher possesses a spotted grunter bream on a boat, the recreational fisher must not fillet it or remove its head or tail until it is brought ashore.

Maximum penalty—100 penalty units.







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- (c) possessing a fish taken from closed waters under section 13;<sup>20</sup>
- (d) unlawfully using or possessing fishing apparatus in the fishery;<sup>21</sup>
- (e) contravening section 28;<sup>22</sup>
- (f) using or possessing more net on a power assisted device than permitted;<sup>23</sup>
- (g) failing to give the chief executive a return for gulf fin fish taken in the gulf inshore fin fish fishery;<sup>24</sup>
- (h) obstructing, hindering or resisting an inspector exercising a power in relation to the gulf inshore fin fish fishery.<sup>25</sup>

### 93 Criteria for suspension of licences

- (1) This section applies to a commercial fisher licence or commercial fishing boat licence if the licence holder has been convicted (*conviction*) of a serious fisheries offence mentioned in section 92.
- (2) However, this section does not apply if the conviction is a spent conviction.
- (3) For section 68B(4)(b)(i)<sup>26</sup> of the Act, the criteria prescribed for a court suspending the licence are for the holder's—
  - (a) first conviction—3 to 9 months suspension; or
  - (b) second conviction—9 months to 5 years suspension; or
  - (c) third or subsequent conviction—5 years suspension.

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20 Section 13 (Fin fish taken from closed waters)

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

22 Section 28 (Prohibitions on use of set mesh nets)

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

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

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

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

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

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(4) In this section—

*spent conviction* means a conviction—

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

**94 Interfering with approved VMS seals**

(1) A person must not interfere with an approved seal on installed VMS equipment under section 68(1),<sup>27</sup> unless the person has a reasonable excuse for interfering with it.

Maximum penalty—20 penalty units.

(2) In this section—

*interfere with* includes damage, destroy, mark and remove.

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<sup>27</sup> Section 68 (VMS equipment conditions—installation and registration)

## **Schedule 2      How the objectives are to be achieved**

section 4(2) and (3)

### **Part 1                      Maintaining inshore gulf fin fish stocks at sustainable levels**

#### **1                      Definitions for pt 1**

In this part—

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

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

#### **2                      How objective is to be achieved**

The objective is to be achieved by the following—

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

### Schedule 2 (continued)

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

## **3 How achievement is to be measured**

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

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

## **4 Review event**

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

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

### Schedule 2 (continued)

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

## **Part 2                      Protecting spawning target species**

### **5            Definition for pt 2**

In this part—

*objective* means the objective of protecting spawning target species.

### **6            How objective is to be achieved**

The objective is to be achieved by—

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

### **7            How achievement is to be measured**

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

## Schedule 2 (continued)

### **8 Review event**

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

## **Part 3 Minimising unintended adverse effects of fishing on protected wildlife**

### **9 Definition for pt 3**

In this part—

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

### **10 How objective is to be achieved**

The objective is to be achieved by—

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

### **11 How achievement is to be measured**

Achievement of the objective may be measured only by—

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



### Schedule 2 (continued)

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

#### 12 Review event

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

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

## Part 4

### **Providing a viable commercial gulf inshore fin fish fishery that gives economic and social benefits to the local, regional and State economies**

#### 13 Definition for pt 4

In this part—

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

#### 14 How objective is to be achieved

The objective is to be achieved by—

### Schedule 2 (continued)

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

#### **15 How achievement is to be measured**

Achievement of the objective may be measured only by—

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

#### **16 Review event**

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

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

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

#### **17 Definition for pt 5**

In this part—

## Schedule 2 (continued)

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

### **18 How objective is to be achieved**

The objective is to be achieved by—

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

### **19 How achievement is to be measured**

Achievement of the objective may be measured only by—

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

### **20 Review event**

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

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

Schedule 2 (continued)

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

**21**      **Definition for pt 6**

In this part—

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

**22**      **How objective is to be achieved**

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

**23**      **How achievement is to be measured**

Achievement of the objective may be measured only by—

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

**24**      **Review event**

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

**Schedule 2 (continued)**

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

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

section 9

### **Part 1                      Waters closed for all nets**

#### **2            Pine River Bay area**

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

#### **3            Mission River, Embley River and Hey River**

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

#### **4            Watson River**

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

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

#### **4A        Kirke River**

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

Schedule 3 (continued)

- 5 Moonkan Creek**  
Moonkan Creek and waterways joining it.
- 6 Chapman River**  
Chapman River and waterways joining it.
- 7 Chapman River to Moonkan Creek**  
Foreshore waters and waters within 1km out to sea from low water between an F↑B sign about 1km south of the banks of the Chapman River and an F↑B sign about 1km north of the banks of Moonkan Creek.
- 8 Mitchell River**  
Mitchell River and waterways joining it, upstream of a line between F↑B signs on opposite sides of the river near the banks of West Mottle Creek.
- 9 Staaten River**  
Staaten River and waterways joining it, upstream of the road crossing between Picnic Waterhole and Bayswater Waterhole, near Gailbraith.
- 10 Gilbert River**  
Gilbert River and waterways joining it, upstream of the road crossing near Goose Lagoon and Mosquito Waterhole.
- 11 Bronco's Creek**  
Bronco's Creek.

Schedule 3 (continued)

**12 Norman River—downstream area and particular adjoining waters**

- (1) The part, and waterways adjoining the part, of the Norman River downstream of where the Normanton to Karumba water pipeline crosses the river.
- (2) The waters, joining the Norman River, within the following boundary—
  - from the northern bank of Bronco's Creek to the Fairway Beacon<sup>28</sup>
  - to the eastern bank of the Bynoe River
  - along the mainland shore to the northern bank of Bronco's Creek.

**12A Norman River—upstream area**

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

**13 Bynoe River and Little Bynoe River**

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

**14 Flinders River and Armstrong Creek**

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

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<sup>28</sup> The Fairway Beacon is at approximately latitude 17°25.50' south, longitude 140°43.10' east.



Schedule 3 (continued)

**15 Albert River**

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

**16 Nicholson River**

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

**17 Gin Arm Creek**

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

**18 Elizabeth River on Mornington Island**

Elizabeth River and waterways joining it.

**19 Sandalwood Place River on Mornington Island**

Sandalwood Place River and waterways joining it.

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

**20 Port Musgrave and Wenlock River**

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

Schedule 3 (continued)

**21 Wellesley Islands Protected Wildlife Area**

Waters within the following boundary—

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

## Schedule 4      Aids to interpretation and definitions

section 5

### Part 1              Provisions aiding interpretation

#### 8              Scientific names of fish

The scientific name of giant trevally—

- (a) is *Caranx ignobilis*; and
- (b) follows Randall, J E, Allen, G R and Steene, R C, 1997, 'The Complete Divers and Fishermen's Guide to Fishes of the Great Barrier Reef and Coral Sea', 2nd revised ed, University of Hawaii Press, United States of America.

### Part 2              Extended definitions

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

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

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

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

### Schedule 4 (continued)

## Part 3                      **Dictionary**

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

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

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

*Example of effort—*

the number of days over which the person fished

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

***gulf fin fish*** see section 2.

***gulf inshore fin fish fishery*** see section 2.

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

***notice*** means notice in writing.

***plan*** means management plan.

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

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

***protected wildlife*** see the *Nature Conservation Act 1992*, schedule.<sup>29</sup>

***recreational fishing apparatus*** see section 77.

***regulation*** means the *Fisheries Regulation 1995*.

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

***stowed and secured*** see section 14 of this schedule.

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<sup>29</sup> *Nature Conservation Act 1992*, schedule (Dictionary)

Schedule 4 (continued)

*target species* means all or any of the following—

- barramundi
- black jewfish
- blue salmon
- grey mackerel
- jewel fish
- king salmon
- large-scale sea perch
- mangrove jack
- pikey bream
- queenfish
- Queensland school mackerel
- shark
- silver jewfish
- snub-nosed dart
- spotted grunter bream
- spotted mackerel
- yellow-finned bream.

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

## 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 1 July 2006. Future amendments of the Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

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

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## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

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

  

Reprint No.	Amendments included	Effective	Notes
1B	2002 SL No. 338 2002 SL No. 340	6 December 2002	
1C	2003 SL No. 212 2003 SL No. 215	12 September 2003	
1D	2003 SL No. 261	31 October 2003	
1E	2004 SL No. 111	25 June 2004	R1E withdrawn, see R2
2	—	25 June 2004	
2A	2005 SL No. 165	22 July 2005	
2B	2006 SL No. 136	16 June 2006	
2C	2006 SL No. 25	1 July 2006	

## 5 List of legislation

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

made by the Queensland Fisheries Management Authority on 31 March 1999  
notfd gaz 1 April 1999 pp 1534–6

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

remaining provisions commenced on date of notification

exp 1 September 2009 (see SIA s 54)

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

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

amending legislation—

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

notfd gaz 11 August 2000 pp 1322–3

commenced on date of notification

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

notfd gaz 6 December 2002 pp 1162–66

commenced on date of notification

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

notfd gaz 6 December 2002 pp 1162–66  
commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

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

notfd gaz 12 September 2003 pp 128–31  
commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

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

notfd gaz 12 September 2003 pp 128–31  
commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

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

notfd gaz 31 October 2003 pp 691–4  
commenced on date of notification

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

notfd gaz 25 June 2004 pp 573–81  
commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 2) 2005 SL No. 165  
pts 1, 3**

notfd gaz 22 July 2005 pp 988–9  
commenced on date of notification

**Fisheries Management Plans Amendment Management Plan (No. 1) 2006 SL No. 25  
pts 1, 5**

notfd gaz 24 February 2006 pp 798–801  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2006 (see s 2)

Note— An explanatory note was prepared

**Fisheries Management Plans Amendment Management Plan (No. 2) 2006 SL No. 136  
pts 1, 5**

notfd gaz 16 June 2006 pp 787–90  
ss 1–2 commenced on date of notification  
remaining provisions commenced 16 June 2006 (see s 2(1))

## 6 List of annotations

**What is the “gulf inshore fin fish fishery”**

s 2 sub 2006 SL No. 25 s 93



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**Application of plan**

s 3 sub 2006 SL No. 25 s 93

**Objectives of plan and their achievement**

s 4 amd 2000 SL No. 211 s 21; 2006 SL No. 25 s 94

**Interpretation**

prov hdg sub 2006 SL No. 25 s 95(1)

s 5 amd 2006 SL No. 25 s 95(2)–(3)

**Closed seasons for barramundi**

s 6 amd 2003 SL No. 261 s 29; 2005 SL No. 165 s 5

**South Mitchell River closed to everybody**

s 8 amd 2006 SL No. 25 s 96

**Closures for trade or commerce—sch 3**

s 9 amd 2006 SL No. 25 s 96

**Closure for ‘N9’ waters**

s 10 amd 2006 SL No. 25 s 96; 2006 SL No. 25 s 97

**Exemptions—general**

prov hdg sub 2002 SL No. 340 s 13

s 11 amd 2006 SL No. 25 s 96

**Exemptions—Wellesley Islands Protected Wildlife Area**

s 11A ins 2002 SL No. 340 s 14

amd 2006 SL No. 25 s 96

**Fin fish taken from closed waters**

s 13 amd 2006 SL No. 25 s 96

**Fin fish regulated by size**

s 14 amd 2006 SL No. 25 s 96

**Mangrove jack regulated by number**

s 15 sub 2002 SL No. 340 s 15

**Gulf fin fish regulated by number**

prov hdg amd 2006 SL No. 25 s 100

s 17 amd 2002 SL No. 340 s 16; 2006 SL No. 25 s 96

**Black jewfish regulated by number and size**

s 18 sub 2002 SL No. 340 s 17

**‘Catch and release’ declaration for part of Pine River Bay**

s 19 amd 2006 SL No. 25 s 96

**Application of pt 5**

s 20 amd 2006 SL No. 25 s 96

**Who may fish for trade or commerce**

s 21 amd 2006 SL No. 25 ss 96, 98

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**Restrictions on writing fishery symbols on licences**

**prov hdg** amd 2006 SL No. 25 s 99(1)

**s 22** amd 2000 SL No. 211 ss 21, 22; 2006 SL No. 25 s 99(2)–(4)

**Application of div 3**

**s 23** amd 2006 SL No. 25 s 97

**Where gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 25** amd 2006 SL No. 25 ss 96, 100

**What gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 26** amd 2006 SL No. 25 s 96

**Permitted ways of taking gulf fin fish—set mesh nets**

**prov hdg** amd 2006 SL No. 25 s 96

**s 27** amd 2006 SL No. 25 s 100

**Application of div 4**

**s 36** amd 2006 SL No. 25 s 97

**Where gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 38** amd 2006 SL No. 25 s 96, 100

**What gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 39** amd 2006 SL No. 25 s 96

**Permitted ways of taking gulf fin fish**

**s 40 prov hdg** amd 2006 SL No. 25 s 96

**Prohibited ways of taking gulf fin fish**

**s 41 prov hdg** amd 2006 SL No. 25 s 96

**Application of div 5**

**s 49** amd 2006 SL No. 25 s 97

**Where gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 51** amd 2006 SL No. 25 s 96, 100

**What gulf fin fish may be taken**

**prov hdg** amd 2006 SL No. 25 s 96

**s 52** amd 2006 SL No. 25 s 96

**Permitted ways of taking gulf fin fish**

**prov hdg** amd 2006 SL No. 25 s 96

**s 53** amd 2006 SL No. 25 s 100

**Prohibited ways of taking gulf fin fish**

**s 54 prov hdg** amd 2006 SL No. 25 s 96

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**Application of div 6**

s 60            amd 2006 SL No. 25 s 97

**Where gulf fin fish may be taken**

prov hdg    amd 2006 SL No. 25 s 96

s 63            amd 2006 SL No. 25 s 96, 100

**What gulf fin fish may be taken**

prov hdg    amd 2006 SL No. 25 s 96

s 64            amd 2006 SL No. 25 s 96

**Permitted ways of taking gulf fin fish**

prov hdg    amd 2006 SL No. 25 s 96

s 65            amd 2006 SL No. 25 s 100

**Purpose of sdiv 3**

s 67            amd 2006 SL No. 25 s 97

**VMS equipment conditions—installation and registration**

s 68            amd 2000 SL No. 211 ss 21, 23; 2006 SL No. 25 s 101

**VMS equipment conditions—maintenance and use**

s 69            amd 2000 SL No. 211 s 21; 2006 SL No. 25 s 97

**Notice of entry to ‘N3’ waters from ‘N9’ waters**

s 70            amd 2000 SL No. 211 s 24; 2003 SL No. 261 s 30; 2006 SL No. 25 s 97

**Application of pt 6**

s 76            amd 2006 SL No. 25 s 96

**Division 2—How gulf fin fish may be taken**

div hdg      amd 2006 SL No. 25 s 96

**Permitted area**

s 78            amd 2006 SL No. 25 s 102

**What fish may be taken**

s 79            amd 2006 SL No. 25 s 96

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

s 84            amd 2006 SL No. 25 s 96

**Division 4—Prohibitions to allow identification or counting of gulf fin fish**

div hdg      amd 2006 SL No. 25 s 96

**General prohibitions**

s 86            amd 2006 SL No. 25 s 103

**Prohibitions for spotted grunter bream**

s 87            amd 2003 SL No. 261 s 31

**Aboriginal and Torres Strait Islander rights not affected**

s 88            amd 2006 SL No. 25 s 96

**PART 8—REVIEW OF PLAN**

pt hdg        sub 2006 SL No. 136 s 20

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**Review**

**prov hdg** amd 2006 SL No. 136 s 21  
**s 89** amd 2000 SL No. 211 s 21

**Consultation requirements for review**

**s 90** amd 2000 SL No. 211 s 21

**How plan may be amended**

**s 91** amd 2000 SL No. 211 ss 21, 25  
om 2006 SL No. 136 s 22  
amd 2006 SL No. 25 s 102 (amdt could not be given effect)

**Serious fisheries offences**

**s 92** amd 2000 SL No. 211 s 21; 2006 SL No. 25 s 96, 104

**Criteria for suspension of licences**

**s 93** amd 2002 SL No. 338 s 8; 2004 SL No. 111 s 65

**PART 10—SAVINGS AND TRANSITIONAL**

**pt 10 (ss 95–96)** exp 2 April 1999 (see s 96)

**SCHEDULE 1—THE FISHERY**

**sch hdg** om 2006 SL No. 25 s 105

**PART 1—DESCRIPTION**

**pt hdg** om 2006 SL No. 25 s 105

**Area**

**s 1** om 2006 SL No. 25 s 105

**Major fin fish species taken**

**s 2** om 2006 SL No. 25 s 105

**Fishing for trade or commerce—fishery symbols required**

**s 3** om 2006 SL No. 25 s 105

**Commercial fishery**

**s 4** om 2006 SL No. 25 s 105

**Recreational fishery**

**s 5** om 2006 SL No. 25 s 105

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

**s 6** om 2006 SL No. 25 s 105

**PART 1—KNOWN STATUS**

**pt hdg** om 2006 SL No. 25 s 105

**Division 1—Commercial fishery**

**div hdg** om 2006 SL No. 25 s 105

**General**

**s 7** om 2006 SL No. 25 s 105

**Logbook program**

**s 8** amd 2000 SL No. 211 s 26(1)  
om 2006 SL No. 25 s 105

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**Catch levels**

s 9            amd 2000 SL No. 211 s 26(2)  
                 om 2006 SL No. 25 s 105

**Markets**

s 10           om 2006 SL No. 25 s 105

**Division 2—Recreational fishery**

div hdg      om 2006 SL No. 25 s 105

**Recreational fishery**

s 11           om 2006 SL No. 25 s 105

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

div hdg      om 2006 SL No. 25 s 105

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

s 12           amd 2000 SL No. 211 s 26(2)  
                 om 2006 SL No. 25 s 105

**SCHEDULE 2—HOW THE OBJECTIVES ARE TO BE ACHIEVED****PART 1—MAINTAINING INSHORE GULF FIN FISH STOCKS AT SUSTAINABLE LEVELS**

pt hdg       amd 2006 SL No. 25 s 106(1)

**Definitions for pt 1**

s 1            amd 2006 SL No. 25 s 106(2)

**How objective is to be achieved**

s 2            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(1)

**How achievement is to be measured**

s 3            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 102, 106(1)

**Review event**

s 4            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 102

**How objective is to be achieved**

s 10           amd 2000 SL No. 211 s 27(1)

**How achievement is to be measured**

s 11           amd 2000 SL No. 211 s 27(1)

**PART 4—PROVIDING A VIABLE COMMERCIAL GULF INSHORE FIN FISH FISHERY THAT GIVES ECONOMIC AND SOCIAL BENEFITS TO THE LOCAL, REGIONAL AND STATE ECONOMIES**

pt hdg       amd 2006 SL No. 25 s 106(3)

**Definition for pt 4**

s 13           amd 2006 SL No. 25 s 106(3)

**How achievement is to be measured**

s 15           amd 2000 SL No. 211 s 27(1)

**Review event**

s 16           amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(4)

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**How objective is to be achieved**

s 18            amd 2006 SL No. 25 s 106(1)

**How achievement is to be measured**

s 19            amd 2000 SL No. 211 s 27(1)

**Review event**

s 20            amd 2000 SL No. 211 s 27(1)

**How objective is to be achieved**

s 22            amd 2006 SL No. 25 s 106(1)

**How achievement is to be measured**

s 23            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(1)

**Review event**

s 24            amd 2000 SL No. 211 s 27(2)

**SCHEDULE 3—WATERS CLOSED TO TAKING GULF FIN FISH FOR TRADE  
OR COMMERCE**

sch hdg        amd 2006 SL No. 25 s 96

**Pine River**

s 1            exp 28 January 2000 (see sch 3 s 1(2))

**Kirke River**

s 4A           ins 2003 SL No. 215 s 26

**Norman River—downstream area and particular adjoining waters**

s 12            sub 2003 SL No. 261 s 32

**Norman River—upstream area**

s 12A          ins 2003 SL No. 261 s 32

**Wellesley Islands Protected Wildlife Area**

s 21            ins 2002 SL No. 340 s 18

**SCHEDULE 4—AIDS TO INTERPRETATION AND DEFINITIONS  
PART 1—PROVISIONS AIDING INTERPRETATION**

**Division 1—Working out boundaries**

div 1 (ss 1–3) om 2006 SL No. 25 s 107(1)

**Division 2—Miscellaneous**

div hdg        om 2006 SL No. 25 s 107(2)

**Fishing under primary licence includes tender licence**

s 4            om 2006 SL No. 25 s 107(3)

**References to possession of fish**

s 5            om 2006 SL No. 25 s 107(3)

**References to distances between nets**

s 6            om 2006 SL No. 25 s 107(3)

**References to drops and number of meshes**

s 7            om 2006 SL No. 25 s 107(3)

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**Scientific names of fish**

- s 8**            amd 2000 SL No. 211 s 28(1); 2003 SL No. 212 s 163(1)–(2)  
                  sub 2003 SL No. 261 s 33  
                  amd 2006 SL No. 25 s 107(4)–(5)

**Meaning of “fin fish”**

- s 9**            sub 2003 SL No. 212 s 163(3)  
                  om 2006 SL No. 25 s 107(3)

**Meaning of “length” of a commercial fishing boat**

- s 10**           om 2006 SL No. 25 s 107(3)

**Meaning of “length” of a net**

- s 11**           om 2006 SL No. 25 s 107(3)

**Meaning of “mesh size” of a net**

- s 12**           om 2006 SL No. 25 s 107(3)

**Meaning of “under direction” for an assistant fisher**

- s 15**           om 2006 SL No. 25 s 107(3)

**PART 3—DICTIONARY**

- def “**assistant fisher**” om 2006 SL No. 25 s 107(6)  
def “**boat mark**” amd 2000 SL No. 211 s 28(2)  
                  om 2006 SL No. 25 s 107(6)  
def “**commercial fisher**” om 2006 SL No. 25 s 107(6)  
def “**commercial fisher licence**” amd 2000 SL No. 211 s 28(3)  
                  om 2006 SL No. 25 s 107(6)  
def “**commercial fishing boat**” om 2006 SL No. 25 s 107(6)  
def “**commercial fishing boat licence**” amd 2000 SL No. 211 s 28(3)  
                  om 2006 SL No. 25 s 107(6)  
def “**CPUE**” amd 2006 SL No. 25 s 107(8)  
def “**F<sup>↑</sup>B sign**” amd 2000 SL No. 211 s 28(2)  
                  om 2006 SL No. 25 s 107(6)  
def “**fin fish**” om 2006 SL No. 25 s 107(6)  
def “**fishing line**” om 2006 SL No. 25 s 107(6)  
def “**fix**” om 2006 SL No. 25 s 107(6)  
def “**gulf fin fish**” ins 2006 SL No. 25 s 107(7)  
def “**gulf inshore fin fish fishery**” ins 2006 SL No. 25 s 107(7)  
def “**length**” om 2006 SL No. 25 s 107(6)  
def “**mesh net**” om 2006 SL No. 25 s 107(6)  
def “**mesh size**” om 2006 SL No. 25 s 107(6)  
def “**n mile**” om 2006 SL No. 25 s 107(6)  
def “**offshore waters**” om 2006 SL No. 25 s 107(6)  
def “**primary boat**” om 2006 SL No. 25 s 107(6)  
def “**primary licence**” om 2006 SL No. 25 s 107(6)  
def “**protected wildlife**” sub 2004 SL No. 111 s 66(1)–(2)  
def “**recreational fisher**” om 2006 SL No. 25 s 107(6)  
def “**ring net**” om 2006 SL No. 25 s 107(6)  
def “**seine net**” om 2006 SL No. 25 s 107(6)  
def “**set**” om 2006 SL No. 25 s 107(6)

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- def “**set mesh net**” om 2006 SL No. 25 s 107(6)
- def “**shoot**” om 2006 SL No. 25 s 107(6)
- def “**spear gun**” om 2006 SL No. 25 s 107(6)
- def “**target species**” sub 2006 SL No. 25 s 107(6)–(7)
- def “**tender boat**” om 2006 SL No. 25 s 107(6)
- def “**tender licence**” om 2006 SL No. 25 s 107(6)
- def “**territorial sea baseline**” sub 2004 SL No. 111 s 66(1)–(2)  
om 2006 SL No. 25 s 107(6)
- def “**the fishery**” om 2006 SL No. 25 s 107(6)
- def “**the 7n mile line**” amd 2004 SL No. 111 s 66(3)
- def “**the 25n mile line**” amd 2004 SL No. 111 s 66(3)  
om 2006 SL No. 25 s 107(6)
- def “**under direction**” om 2006 SL No. 25 s 107(6)
- def “**use**” om 2006 SL No. 25 s 107(6)