



Queensland

*Fisheries Act 1994*

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

**Reprinted as in force on 1 April 2008**

**Reprint No. 2D**

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

[as amended by all amendments that commenced on or before 1 April 2008]

## **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 Objective of plan and its achievement**

- (1) The objective of this management plan is to provide for the use, conservation and enhancement of the community's gulf fin fish resources by managing the commercial fishery for gulf fin fish in a way that seeks to—

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- (a) apply and balance the principles of ecologically sustainable development; and
  - (b) promote ecologically sustainable development.
- (2) The objective is to be achieved mainly by—
- (a) restricting access to the gulf fin fish fishery for trade and commerce to holders of licences on which the fishery symbol ‘N3’, ‘N6’, ‘N7’ or ‘N9’ is written; and
  - (b) restricting the fishing apparatus used to take gulf fin fish under licences on which the fishery symbol ‘N3’, ‘N6’, ‘N7’ or ‘N9’ is written.
- (3) In this section—

*principles of ecologically sustainable development* see section 3(5) of the Act.

*Notes—*

- 1 This plan does not make any fisheries declarations. For relevant fisheries declarations for gulf fin fish, see chapters 2, 3 and 4 and schedule 2 of the regulation.
- 2 This plan does not regulate the taking of gulf fin fish by recreational fishers. For relevant provisions about that matter, see chapters 2, 3 and 4 and schedule 2 of the regulation.
- 3 This plan does not apply to acts done under Aboriginal tradition or Island custom. See section 14 (Aborigines’ and Torres Strait Islanders’ rights to take fisheries resources etc.) of the Act.

## 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 of provisions for subsection (2)—*

chapter 1, part 2, divisions 3 to 7 of the regulation

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



## **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.

#### **21A      Authorisations and conditions of licences under divs 3–6**

Each of divisions 3 to 6 provides for the authorisations and conditions applying to the relevant licence to which the division relates.

### **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—

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- (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.
- (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 in a regulated period for barramundi.

## **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.
- (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.

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- (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.
- (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—

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- (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.

### **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.

## **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>1</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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1 The ‘N6’ fishery symbol also applies to other areas outside the fishery. See sections 527 (Fishery symbol) and 528 (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.

**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.

## **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>2</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>2</sup> The ‘N7’ fishery symbol also applies to other areas outside the fishery. See sections 537 (Fishery symbol) and 538 (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 in a regulated period 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.

#### **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.

### **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.

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**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>3</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.

**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;

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3 Section 22 (Restrictions on writing fishery symbols on licences)

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- (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 in a regulated period for barramundi.

**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 requirements apply**

- (1) Subject to subsection (2), the licence holder or person in control of the primary boat or substitute primary boat identified in the licence must ensure that VMS equipment is installed, maintained and used on the boat in compliance with the VMS equipment requirements.

*Note—*

See chapter 14 (Reporting), part 7 (VMS equipment requirements) of the regulation.

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(2) If the VMS equipment malfunctions, the licence holder or person in control of the boat must, as well as complying with the VMS equipment requirements, also ensure that fishing apparatus is not used from the boat until the malfunction is rectified.

(3) In this section—

*substitute primary boat* means any tender boat that, under section 246(1)(c) of the regulation, is being used as the primary boat.

## 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



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- (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
  - (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.

### **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.



## Schedule 4      Dictionary

section 5(3)

### 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.

### Part 3              Other definitions

*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.

#### Schedule 4 (continued)

***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.

***regulated period***, for barramundi, means a regulated period under section 44(2)(b) of the regulation, for barramundi taken in the Gulf of Carpentaria regulated waters mentioned in schedule 1, column 2 of the regulation.

***regulation*** means the *Fisheries Regulation 2008*.

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

***stowed and secured*** see section 14 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 1 April 2008. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
pres	= present	unnum	= unnumbered
prev	= previous		

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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	
2D	2008 SL No. 84	1 April 2008	

## 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 1162–6

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 1162–6

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  
ss 1, 2(1), pt 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))

**Fisheries Management Plans Amendment Management Plan (No. 1) 2008 SL No. 84  
pts 1, 5**

notfd gaz 28 March 2008 pp 1721–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2008 (see s 2)

Note— An explanatory note was prepared

## **6 List of annotations**

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

s 2 sub 2006 SL No. 25 s 93

### **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  
sub 2008 SL No. 84 s 72

### **Interpretation**

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

s 5 amd 2006 SL No. 25 s 95(2)–(3); 2008 SL No. 84 s 73

### **PART 2—CLOSED SEASON DECLARATIONS**

pt hdg om 2008 SL No. 84 s 74

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

s 6 amd 2003 SL No. 261 s 29; 2005 SL No. 165 s 5  
om 2008 SL No. 84 s 74

#### **Exemptions**

s 7 om 2008 SL No. 84 s 74

### **PART 3—CLOSED WATERS DECLARATIONS**

pt hdg om 2008 SL No. 84 s 74

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

s 8 amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

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

s 9 amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

#### **Closure for ‘N9’ waters**

s 10 amd 2006 SL No. 25 s 96; 2006 SL No. 25 s 97  
om 2008 SL No. 84 s 74

#### **Exemptions—general**

prov hdg sub 2002 SL No. 340 s 13

s 11 amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

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

s 11A ins 2002 SL No. 340 s 14  
amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

### **PART 4—REGULATED FISH DECLARATIONS**

pt hdg om 2008 SL No. 84 s 74



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

**div hdg** om 2008 SL No. 84 s 74

**Application of div 1**

**s 12** om 2008 SL No. 84 s 74

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**s 13** amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

**Fin fish regulated by size**

**s 14** amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

**Mangrove jack regulated by number**

**s 15** sub 2002 SL No. 340 s 15  
om 2008 SL No. 84 s 74

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

**div hdg** om 2008 SL No. 84 s 74

**Application of div 2**

**s 16** om 2008 SL No. 84 s 74

**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  
om 2008 SL No. 84 s 74

**Black jewfish regulated by number and size**

**s 18** sub 2002 SL No. 340 s 17  
om 2008 SL No. 84 s 74

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

**s 19** amd 2006 SL No. 25 s 96  
om 2008 SL No. 84 s 74

**PART 5—COMMERCIAL FISHERIES**

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**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

**Authorisations and conditions of licences under divs 3–6**

**s 21A** ins 2008 SL No. 84 s 75

**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

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**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

**Time quota**

**s 29** amd 2008 SL No. 84 s 76

**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

**Time quota**

**s 55** amd 2008 SL No. 84 s 76

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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**

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**s 65** amd 2006 SL No. 25 s 100

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**s 66** amd 2008 SL No. 84 s 76

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sub 2008 SL No. 84 s 77

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

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

**PART 6—RECREATIONAL FISHERY**

**pt hdg** om 2008 SL No. 84 s 78

**Division 1—Preliminary**

**div hdg** om 2008 SL No. 84 s 78

**Application of pt 6**

**s 76** amd 2006 SL No. 25 s 96

om 2008 SL No. 84 s 78

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

om 2008 SL No. 84 s 78

**Subdivision 1—General**

**sdiv hdg** om 2008 SL No. 84 s 78

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**s 77** om 2008 SL No. 84 s 78

**Permitted area**

**s 78** amd 2006 SL No. 25 s 102

om 2008 SL No. 84 s 78

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Management Plan 1999*

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**What fish may be taken**

**s 79**            amd 2006 SL No. 25 s 96  
                    om 2008 SL No. 84 s 78

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**sdiv hdg**      om 2008 SL No. 84 s 78

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**Scoop nets**

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**Seine nets**

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**Division 3—Use of boats**

**div hdg**      om 2008 SL No. 84 s 78

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**s 84**            amd 2006 SL No. 25 s 96  
                    om 2008 SL No. 84 s 78

**Using commercial fishing boats for recreational fishing**

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

**div hdg**      amd 2006 SL No. 25 s 96  
                    om 2008 SL No. 84 s 78

**General prohibitions**

**s 86**            amd 2006 SL No. 25 s 103  
                    om 2008 SL No. 84 s 78

**Prohibitions for spotted grunter bream**

**s 87**            amd 2003 SL No. 261 s 31  
                    om 2008 SL No. 84 s 78

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**s 88**            amd 2006 SL No. 25 s 96  
                    om 2008 SL No. 84 s 78

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**pt hdg**      sub 2006 SL No. 136 s 20  
                    om 2008 SL No. 84 s 78

**Review**

**prov hdg**    amd 2006 SL No. 136 s 21  
**s 89**            amd 2000 SL No. 211 s 21  
                    om 2008 SL No. 84 s 78

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**Consultation requirements for review**

**s 90**      amd 2000 SL No. 211 s 21  
              om 2008 SL No. 84 s 78

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              om 2006 SL No. 136 s 22  
              amd 2006 SL No. 25 s 102 (amdt could not be given effect)

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              om 2008 SL No. 84 s 79

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

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**PART 1—DESCRIPTION**

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

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

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**Recreational fishery**

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

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

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

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

**Recreational fishery**

**s 11**           om 2006 SL No. 25 s 105

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**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

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                  om 2008 SL No. 84 s 81

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**pt hdg**        amd 2006 SL No. 25 s 106(1)  
                  om 2008 SL No. 84 s 81

**Definitions for pt 1**

**s 1**            amd 2006 SL No. 25 s 106(2)  
                  om 2008 SL No. 84 s 81

**How objective is to be achieved**

**s 2**            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(1)  
                  om 2008 SL No. 84 s 81

**How achievement is to be measured**

**s 3**            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 102, 106(1)  
                  om 2008 SL No. 84 s 81

**Review event**

**s 4**            amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 102  
                  om 2008 SL No. 84 s 81

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**pt 2 (ss 5–8)** om 2008 SL No. 84 s 81

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**Definition for pt 3**

s 9 om 2008 SL No. 84 s 81

**How objective is to be achieved**

s 10 amd 2000 SL No. 211 s 27(1)  
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**How achievement is to be measured**

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

s 12 om 2008 SL No. 84 s 81

**PART 4—PROVIDING A VIABLE COMMERCIAL GULF INSHORE FIN FISH  
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pt hdg amd 2006 SL No. 25 s 106(3)  
om 2008 SL No. 84 s 81

**Definition for pt 4**

s 13 amd 2006 SL No. 25 s 106(3)  
om 2008 SL No. 84 s 81

**How objective is to be achieved**

s 14 om 2008 SL No. 84 s 81

**How achievement is to be measured**

s 15 amd 2000 SL No. 211 s 27(1)  
om 2008 SL No. 84 s 81

**Review event**

s 16 amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(4)  
om 2008 SL No. 84 s 81

**PART 5—PROVIDING A RECREATIONAL FISHERY THAT GIVES  
ECONOMIC AND SOCIAL BENEFITS TO THE LOCAL AND  
REGIONAL ECONOMIES**

pt hdg om 2008 SL No. 84 s 81

**Definition for pt 5**

s 17 om 2008 SL No. 84 s 81

**How objective is to be achieved**

s 18 amd 2006 SL No. 25 s 106(1)  
om 2008 SL No. 84 s 81

**How achievement is to be measured**

s 19 amd 2000 SL No. 211 s 27(1)  
om 2008 SL No. 84 s 81

**Review event**

s 20 amd 2000 SL No. 211 s 27(1)  
om 2008 SL No. 84 s 81

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**PART 6—SATISFYING THE TRADITIONAL OR CUSTOMARY FISHING  
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**pt hdg** om 2008 SL No. 84 s 81

**Definition for pt 6**

**s 21** om 2008 SL No. 84 s 81

**How objective is to be achieved**

**s 22** amd 2006 SL No. 25 s 106(1)  
om 2008 SL No. 84 s 81

**How achievement is to be measured**

**s 23** amd 2000 SL No. 211 s 27(1); 2006 SL No. 25 s 106(1)  
om 2008 SL No. 84 s 81

**Review event**

**s 24** amd 2000 SL No. 211 s 27(2)  
om 2008 SL No. 84 s 81

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

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

**sch 3** om 2008 SL No. 84 s 81

**PART 1—WATERS CLOSED FOR ALL NETS**

**pt hdg** om 2008 SL No. 84 s 81

**Pine River**

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

**Pine River Bay area**

**s 2** om 2008 SL No. 84 s 81

**Mission River, Embley River and Hey River**

**s 3** om 2008 SL No. 84 s 81

**Watson River**

**s 4** om 2008 SL No. 84 s 81

**Kirke River**

**s 4A** ins 2003 SL No. 215 s 26  
om 2008 SL No. 84 s 81

**Moonkan Creek**

**s 5** om 2008 SL No. 84 s 81

**Chapman River**

**s 6** om 2008 SL No. 84 s 81

**Chapman River to Moonkan Creek**

**s 7** om 2008 SL No. 84 s 81

**Mitchell River**

**s 8** om 2008 SL No. 84 s 81



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**Staaten River**

s 9 om 2008 SL No. 84 s 81

**Gilbert River**

s 10 om 2008 SL No. 84 s 81

**Bronco's Creek**

s 11 om 2008 SL No. 84 s 81

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

s 12 sub 2003 SL No. 261 s 32  
om 2008 SL No. 84 s 81

**Norman River—upstream area**

s 12A ins 2003 SL No. 261 s 32  
om 2008 SL No. 84 s 81

**Bynoe River and Little Bynoe River**

s 13 om 2008 SL No. 84 s 81

**Flinders River and Armstrong Creek**

s 14 om 2008 SL No. 84 s 81

**Albert River**

s 15 om 2008 SL No. 84 s 81

**Nicholson River**

s 16 om 2008 SL No. 84 s 81

**Gin Arm Creek**

s 17 om 2008 SL No. 84 s 81

**Elizabeth River on Mornington Island**

s 18 om 2008 SL No. 84 s 81

**Sandalwood Place River on Mornington Island**

s 19 om 2008 SL No. 84 s 81

**PART 2—WATERS CLOSED FOR SET MESH NETS**

pt hdg om 2008 SL No. 84 s 81

**Port Musgrave and Wenlock River**

s 20 om 2008 SL No. 84 s 81

**Wellesley Islands Protected Wildlife Area**

s 21 ins 2002 SL No. 340 s 18  
om 2008 SL No. 84 s 81

**SCHEDULE 4—DICTIONARY**

sch hdg sub 2008 SL No. 84 s 82(1)

**PART 1—PROVISIONS AIDING INTERPRETATION**

pt hdg om 2008 SL No. 84 s 82(2)

**Division 1—Working out boundaries**

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

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**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)

**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)  
om 2008 SL No. 84 s 82(2)

**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—OTHER DEFINITIONS**

**pt hdg** sub 2008 SL No. 84 s 82(3)

**pt 3** 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)

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- 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)  
     om 2008 SL No. 84 s 82(4)  
 def “**recreational fisher**” om 2006 SL No. 25 s 107(6)  
 def “**recreational fishing apparatus**” om 2008 SL No. 84 s 82(4)  
 def “**regulated period**” ins 2008 SL No. 84 s 82(5)  
 def “**regulation**” sub 2008 SL No. 84 s 82(4)–(5)  
 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)  
 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)  
     om 2008 SL No. 84 s 82(4)  
 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)  
     om 2008 SL No. 84 s 82(4)  
 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)