



Queensland

*Fisheries Act 1994*

# **Fisheries (Spanner Crab) Management Plan 1999**

**Reprinted as in force on 13 June 2008**

**Reprint No. 4**

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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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Queensland

# Fisheries (Spanner Crab) Management Plan 1999

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# Fisheries (Spanner Crab) Management Plan 1999

[as amended by all amendments that commenced on or before 13 June 2008]

## Part 1 Preliminary

### 1 Short title

This management plan may be cited as the *Fisheries (Spanner Crab) Management Plan 1999*.

### 2 What is the *spanner crab fishery*

The *spanner crab fishery* is activities by way of fishing relating to spanner crabs in—

- (a) tidal waters south of latitude 23° south, and east of longitude 151°45' east (*managed area A*); and
- (b) the following tidal waters (*managed area B*)—
  - (i) waters north of managed area A and east of longitude 142°31'49" east;
  - (ii) waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
  - (iii) waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland at high water mark, south of latitude 10°48' south.

### 3 Application of plan

This plan applies in relation to the taking, possessing and other uses of spanner crabs.

#### 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 spanner crab resources by managing the spanner crab fishery in a way that seeks to—
  - (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 spanner crab fishery for trade and commerce to holders of licences on which the fishery symbol 'C2' or 'C3' is written; and
  - (b) using ITQ units to limit the annual commercial harvest of spanner crabs by holders of licences on which the fishery symbol 'C2' is written; and
  - (c) using a daily quota to limit the annual commercial harvest of spanner crabs by holders of licences on which the fishery symbol 'C3' is written; and
  - (d) restricting the fishing apparatus used to take spanner crabs under licences on which the 'C2' or 'C3' fishery symbol 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 spanner crab, see chapters 2, 3 and 4 and schedule 2 of the regulation.
- 2 This plan does not regulate the taking of spanner crab 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) The dictionary in schedule 3 defines particular words used in this plan.

# **Part 4 Commercial fishery (managed area A)**

## **Division 1 General**

### **13 Application of pt 4**

This part applies only to the taking of spanner crabs for trade or commerce in managed area A or the possession of spanner crabs taken in managed area A.

### **14 Who may take spanner crabs for trade or commerce**

A person may only take or possess a spanner crab in a quota year if—

- (a) either—
  - (i) the person is a ‘C2’ licence holder and also holds ITQ units, 1 or more of which has an entitlement for that year that has not been used; or

*Editor’s note—*

For use of ITQ units, see sections 27 (Meaning of *entitlement* of ITQ unit holder) and 28 (When entitlement is *used* for a quota year).

- (ii) a 'C2' licence holder mentioned in subparagraph (i) has allowed the person to take or possess spanner crabs under the licence; and
- (b) the primary boat identified in the 'C2' licence is used to take the spanner crab; and
- (c) the person is a commercial or assistant fisher.

## **15 Restrictions on writing 'C2' fishery symbol on licence**

The chief executive may write a 'C2' fishery symbol on a commercial fishing boat licence only if—

- (a) the chief executive—
  - (i) has approved an application to transfer ITQ units to the licence holder; and
  - (ii) transfers the ITQ units to the licence holder when the chief executive writes the symbol on the licence; or
- (b) 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) the licence is a replacement licence for a 'C2' licence.

## **Division 2 How spanner crabs may be taken**

### **Subdivision 1 General**

#### **16 Permitted apparatus—dillies**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A dilly may be used only if it complies with subdivision 2 and its use complies with section 17.

#### **17 Dillies—permitted number**

- (1) No more than 45 dillies may be used at a time.

- (2) No more than 15 dillies may be set on a line.
- (3) No more than 50 dillies may be on, or attached to, a boat being used to take spanner crab.

## **Subdivision 2      Requirements for dillies**

### **18      Frame area**

A dilly must have an area within its frame of no more than 1m<sup>2</sup> and a net drop below its frame of no more than 10cm.

### **19      Net**

- (1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- (2) The mesh size of the net must be at least 25mm.

### **20      Identification of dillies**

- (1) A dilly must have—
  - (a) a tag with the owner's name written on it or be marked with the owner's boat mark; and
  - (b) a float attached to it or be set on a line that has a float attached to at least 1 of its ends.
- (2) The float must—
  - (a) be at least 15cm in each of its dimensions; and
  - (b) have the owner's boat mark on it; and
  - (c) have a flag attached to it that is at least 2m above the water.

## **Division 3              Annual quota**

### **21      Annual quota**

The annual quota for spanner crabs in managed area A is 1923t.

**22 Period for each annual quota**

The period (*quota year*) for each annual quota is—

- (a) for the first annual quota—1 June 1999 to the end of 31 May 2000; or
- (b) for each other annual quota—each period from 1 June to the end of the next 31 May.

**Division 4 ITQs****Subdivision 1 General****23 Issue of ITQ units**

- (1) ITQ units must be issued by the chief executive under part 10, division 1.
- (2) Each ITQ unit is an authority.

**24 No ITQ units to be issued after 1 June 1999**

The chief executive must not issue any ITQ units after 1 June 1999.

**25 ITQ units must be whole amounts**

ITQ units can only be expressed as a whole amount.

**27 Meaning of *entitlement* of ITQ unit holder**

- (1) Subject to subdivision 3, ITQ units held by a person authorise the person to take, or allow someone else to take, in a quota year the weight of spanner crabs fixed by dividing the annual quota for the year by the total number of ITQ units that have been issued.
- (2) The authorisation for each quota year is the person's *entitlement* under the person's ITQ units for the year.
- (3) However, the entitlement applies only while the holder holds a 'C2' licence that is in force.

- (4) The entitlement is subject to any relevant prohibitions or restrictions under the regulation, this plan or a condition or other provision of the ITQ unit or 'C2' licence.

*Examples of relevant restrictions—*

the restrictions under sections 263 to 269 of the regulation

## **28 When entitlement is *used* for a quota year**

The entitlement of the holder of an ITQ unit under the unit is *used* for a quota year—

- (a) when the unit holder, or a person acting under the unit, has, in that year, taken an amount of spanner crabs equalling the total entitlements under the ITQ units held by the holder; or
- (b) if section 29(2) applies.

## **28A Particular notice is evidence of unused entitlement**

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

## **29 No carrying forward of unused entitlement**

- (1) This section applies if, in any quota year, an ITQ unit holder takes less than the amount of spanner crabs equalling the total entitlements under the ITQ units held by the holder.
- (2) The holder is taken, at the end of the quota year, to have used all the entitlements under the ITQ units held by the holder for that year.
- (3) For the next quota year, the entitlement of the holder under each ITQ unit held by the holder is the same as the entitlement of any other ITQ unit holder under each unit held by them for that year.

**30 ITQ certificates**

- (1) The chief executive must issue a certificate to each person who holds ITQ units.
- (2) The ITQ certificate must state the following—
  - (a) the holder's name;
  - (b) that the certificate is issued for the taking of spanner crabs in managed area A;
  - (c) how many ITQ units the holder has;
  - (d) if the chief executive has imposed conditions on the ITQ units—the conditions.

**30A Evidentiary provision for ITQ certificate**

An ITQ certificate is evidence of—

- (a) the number of ITQ units held when the certificate was issued under section 30, replaced under section 71 of the Act or changed or replaced under section 31; and
- (b) the conditions, if any, imposed on the ITQ units.

**Subdivision 2 Applications to register ITQ transfers****31 ITQ certificate changes required**

If, under section 65B of the Act, an application to transfer an ITQ unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor's and transferee's current ITQ certificates.

**Subdivision 3 Entitlement of transferee under transferred ITQ units****39 Entitlement**

- (1) The entitlement of the transferee under a transferred ITQ unit is the unused entitlement of the transferor under the unit

immediately before the chief executive registers the transfer under section 65B of the Act.

*Example—*

If the chief executive registers a transfer of 10 ITQ units and, immediately before the registration the transferor had, in the quota year of the registration, taken an amount of spanner crabs equalling the total entitlement under 6 ITQ units, the entitlement of the transferee under the transferred units is—

- (a) for the rest of the quota year—an amount of spanner crabs equalling the total entitlement under 4 ITQ units; and
  - (b) for each subsequent quota year—an amount of spanner crabs equalling the total entitlement under 10 ITQ units.
- (2) However, if the transferor has, immediately before the registration of the transfer, taken any spanner crabs under a transferred ITQ unit, the transferee's entitlement under the unit for the rest of the quota year in which the transfer was registered is zero.

*Example—*

If the chief executive registers a transfer of 10 ITQ units and, immediately before the registration, the transferor had, in the quota year of the registration, taken an amount of spanner crabs equalling the total entitlements under 6.25 ITQ units, the entitlement of the transferee under the transferred units is an amount of spanner crabs equalling the total entitlement under 3 ITQ units.

## **Division 5                      Carrier boats**

### **40            No more carrier boat licences**

- (1) The chief executive must not issue a carrier boat licence that allows the use of a boat in managed area A.
- (2) However, the chief executive may issue a replacement licence for a carrier boat licence.
  - (a) issue a replacement licence for a carrier boat licence; or
  - (b) renew a carrier boat licence.

### **41            Person in control must identify spanner crabs**

A person in control of a carrier boat must ensure—

- (a) each spanner crab on board the boat is held in a container; and
- (b) the container only holds spanner crabs taken under the same commercial fishing boat licence; and
- (c) the container is marked with the boat mark for the boat used to take the spanner crabs in the container.

Maximum penalty—500 penalty units.

## **Division 6                      Miscellaneous**

### **42            Use of primary boats**

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

### **43            Use of tender boats**

A tender boat must not be longer than 7m or used more than 800m from its primary boat.

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

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

## **Part 5                              Commercial fishery (managed area B)**

### **Division 1                      General**

#### **45            Application of pt 5**

This part applies only to the taking of spanner crabs for trade or commerce in managed area B or the possession of spanner crabs taken in managed area B.



**46 Who may take spanner crabs for trade or commerce**

A person may take or possess a spanner crab only if—

- (a) either—
  - (i) the person holds a ‘C3’ licence; or
  - (ii) the holder of a ‘C3’ licence has allowed the person to take or possess spanner crabs under the licence; and
- (b) the primary boat identified in the licence is used to take the crab; and
- (c) the person is a commercial or assistant fisher.

**47 Restriction on writing ‘C3’ fishery symbol on licence**

The chief executive may write a ‘C3’ fishery symbol on a commercial fishing boat licence only if—

- (a) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
- (b) the licence is a replacement licence for a ‘C3’ licence.

**Division 2 How spanner crabs may be taken****Subdivision 1 General****48 Permitted apparatus—dillies**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A dilly may be used only if it complies with subdivision 2 and its use complies with section 49.

**49 Dillies—permitted number**

- (1) No more than 30 dillies may be used at a time.
- (2) No more than 10 dillies may be set on a line.

- (3) No more than 35 dillies may be on, or attached to, a boat being used to take spanner crabs.

## **Subdivision 2      Requirements for dillies**

### **50      Frame area**

A dilly must have an area within its frame of no more than 1m<sup>2</sup> and a net drop below its frame of no more than 10cm.

### **51      Net**

- (1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- (2) The mesh size of the net must be at least 25mm.

### **52      Identification of dillies**

- (1) A dilly must have—
  - (a) a tag with the owner's name written on it or be marked with the owner's boat mark; and
  - (b) a float attached to it or be set on a line that has a float attached to at least 1 of its ends.
- (2) The float must—
  - (a) be at least 15cm in each of its dimensions; and
  - (b) have the owner's boat mark on it; and
  - (c) have a flag attached to it that is at least 2m above the water.

## **Division 3              Daily quota**

### **53      Daily quota**

- (1) The quota of spanner crabs that may be taken or possessed each day under a 'C3' licence is 16 containers of spanner crabs.

- (2) For subsection (1)—
- (a) a container must be counted as 2 containers if it—
    - (i) has a whole spanner crab protruding above its top; or
    - (ii) can not have another container stacked on top of it so that the other container's bottom touches the top of the container on all sides; and
  - (b) if the spanner crabs are not held in a container—the number of containers is worked out by dividing the number of crabs taken or possessed by 30.

#### **54 Prohibition**

A person fishing in managed area B must not take more spanner crabs than allowed by the daily quota.

#### **55 Exemption**

It is not unlawful for a person to unintentionally take more spanner crabs than allowed by the daily quota if the crabs are not intentionally or recklessly injured or damaged and are immediately put back.

### **Division 4 Carrying spanner crabs**

#### **Subdivision 1 Carrier boat licences**

#### **56 Restrictions on issuing**

The chief executive must not issue a carrier boat licence to carry spanner crabs taken in managed area B for—

- (a) a commercial fishing boat if the boat is a primary boat with a 'C3' licence; or
- (b) a tender boat for a primary boat being used under a 'C3' licence; or

- (c) a period that ends after 10 years after the notification day.

### **Subdivision 3      How spanner crabs may be carried**

#### **60      Requirements for carrying**

A person may carry a spanner crab taken in managed area B or allow a spanner crab taken in managed area B to be carried only if—

- (a) the spanner crab was taken under a ‘C3’ licence and the person carries them on the primary boat or a tender boat for the licence; or
- (b) the person holds, or is acting under, a carrier boat licence and—
  - (i) the licence specifically allows the boat identified in the licence to carry spanner crabs taken in managed area B; and
  - (ii) the crab is carried on the boat; and
  - (iii) the boat is not at the same time being used to carry a spanner crab taken in managed area A.

Maximum penalty—500 penalty units.

#### **61      Person in control must identify spanner crabs**

A person in control of a carrier boat must ensure—

- (a) each spanner crab on board the boat is held in a container; and
- (b) the container only holds spanner crabs taken under the same commercial fishing boat licence; and
- (c) the container is marked with the boat mark for the boat used to take the spanner crabs in the container.

Maximum penalty—500 penalty units.

## **Division 5                      Miscellaneous**

### **62        Where spanner crabs may be brought ashore**

A spanner crab may be brought ashore only on the mainland west of longitude 151°45' east.<sup>1</sup>

### **63        Requirements for entering and leaving managed area B**

- (1) This section applies if—
  - (a) a commercial fishing boat has been used to take a spanner crab; or
  - (b) the person in control of the boat intends to take a spanner crab in managed area B.
- (2) Before entering or leaving managed area B, the person in control of the boat must notify 1 of the following by telephone that the boat is entering or leaving the area—
  - (a) Link Communications Pty Ltd (ACN 006 085 534);
  - (b) any other person stated for that purpose in a notice given to the person by the chief executive.

Maximum penalty—500 penalty units.

### **64        Use of primary boats**

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

### **65        Use of tender boats**

A tender boat must not be longer than 7m or used more than 800m from its primary boat.

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<sup>1</sup> This means that a spanner crab taken in managed area B may be brought ashore only on land adjoining managed area B.

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

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

## **Part 9 Miscellaneous**

**82 Taking spanner crabs in more than 1 managed area**

A person who takes a spanner crab (the *first crab*) in managed area A or B must not take a crab in the other managed area until the first crab has been brought ashore on the mainland.

**83 Buyer licences—conditions**

A buyer licence is subject to the condition that the holder of the licence must allow any premises at which spanner crabs are possessed or processed under the licence to be open for inspection.

**84 Serious fisheries offences**

For the schedule, definition *serious fisheries offence*, of the Act, the offences under sections 41, 60 and 63(2) are prescribed to be serious fisheries offences.

*Note—*

Other fisheries offences are also prescribed to be serious fisheries offences under section 625 of the regulation.

**85 Criteria for suspending certain authorities—convictions**

(1) This section applies to an authority as follows if the authority holder has been convicted (*conviction*) of a serious fisheries offence mentioned in section 84 or prescribed under section 625 of the regulation—

- (a) a commercial fisher licence;
- (b) a commercial fishing boat licence;

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- (c) a buyer licence;
  - (d) an ITQ unit.
- (2) However, this section does not apply if the conviction is a spent conviction.
- (3) For section 68B(4)(b)(i) of the Act, the criteria prescribed for a court suspending the authority are—
- (a) if the conviction is for an offence mentioned in section 84 or prescribed under section 625 of the regulation, other than an offence under section 79 of the Act, for the holder's—
    - (i) first conviction—2 to 3 months suspension; or
    - (ii) second conviction—6 months to 1 year's suspension; or
    - (iii) third or subsequent conviction—1 to 5 years suspension; or
  - (b) if the conviction is for an offence under section 79 of the Act, for the holder's—
    - (i) first conviction—1 year's suspension; or
    - (ii) second or subsequent conviction—1 to 5 years suspension.

*Note—*

section 79 (Quota offences) of the Act

- (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.

## **Part 10 Savings and transitional**

### **Division 1 Issue of ITQ units**

#### **Subdivision 1 Preliminary**

##### **87 Definitions for div 1**

In this division—

*eligible licence* means—

- (a) a ‘C2’ licence; or
- (b) a commercial fishing boat licence with a ‘C4’, ‘C5’ or ‘C6’ fishery symbol written on it; or
- (c) a written approval from the chief executive for a ‘C2’, ‘C4’, ‘C5’ or ‘C6’ fishery symbol to be written on a commercial fishing boat licence.

*eligible person* means a person who holds an eligible licence on the notification day.

*fishery’s reported catch* means the reported catch under all eligible licences and their former licences, fixed under subdivision 4.

*former Authority Act* means the *Fishing Industry Organisation and Marketing Act 1982*.

*former licence*, of an eligible licence, means a licence that—

- (a) the eligible licence replaced or renewed; or
- (b) expired before the eligible licence was issued that—
  - (i) authorised the same, or substantially the same, things; and
  - (ii) was issued to the same person as the holder of the eligible licence when it was issued; or
- (c) was replaced or renewed by a former licence under paragraph (a) or (b); or



- (d) expired before the issue of a former licence under paragraph (a), (b) or (c) that—
  - (i) authorised the same, or substantially the same, things; and
  - (ii) was issued to the same person as the holder of the former licence when it was issued.

## **Subdivision 2 Issue of ITQ units**

### **88 Chief executive must issue ITQ units**

- (1) The chief executive must, on or before 1 June 1999, issue to each eligible person an amount of ITQ units worked out under subdivisions 3 and 4.
- (2) The chief executive is taken to have complied with the obligation under subsection (1) if, for each eligible person the chief executive—
  - (a) gives the person an ITQ certificate for the first quota year; and
  - (b) records in the register of authorities kept under section 73 of the Act, the information for the ITQ units mentioned in section 62 of the regulation.

### **89 When ITQ units take effect**

The ITQ units take effect on 1 June 1999.

## **Subdivision 3 Working out amount of ITQ units to be issued**

### **90 Amount to be issued**

- (1) The amount of ITQ units that must be issued to each eligible person is the amount worked out under section 91.
- (2) Despite, subsection (1), if the amount of ITQ units to be issued to an eligible person worked out under section 91 is less than 18 units, 18 units must be issued to the person.

**91 Formula for amount**

- (1) To work out the amount of ITQ units, the chief executive must apply the following formula—

$$\text{ITQ units} = \frac{(0.5 + \text{IRC} \times 2671.5) \times 100000}{2800}$$

where—

**IRC** means the proportion of the reported catch of spanner crabs under the eligible licence and its former licences in managed area A during the period 1 January 1990 to 4 October 1996 of the fishery's reported catch for the period.

*Editor's note—*

The figure 0.5 represents half a tonne. This weight equates to the weight of the minimum number of units (18) that must be issued.

The figure of 2671.5 represents the first annual quota of 2800t under sections 21 and 22 less the total of the minimum issues of 128.5.

The figure of 100000 is the minimum number of ITQ units to be issued.

- (2) For subsection (1)—
- (a) the reported catch must be fixed under subdivision 4; and
  - (b) the proportion must be fixed by dividing the reported catch by the fishery's reported catch.
- (3) If after applying the formula the amount (the ***worked out amount***) is not a whole number of ITQ units, the amount of ITQ units is taken to be—
- (a) for a number ending in a decimal fraction less than 0.5—the nearest whole number, rounded down; or

*Example—*

a worked out amount of 25.329 is taken to be 25 ITQ units

- (b) for a number ending in 0.5—the nearest even whole number; or

*Example—*

a worked out amount of 26.5 is taken to be 26 ITQ units

a worked out amount of 27.5 is taken to be 28 ITQ units

- (c) for a number ending in a decimal fraction more than 0.5—the nearest whole number, rounded up.

*Example—*

a worked out amount of 25.729 is taken to be 26 ITQ units

## **Subdivision 4 Fixing reported catch**

### **92 Purpose of sdiv 4**

This subdivision provides for how the reported catch under the eligible licence and its former licences must be fixed.

### **93 Logbook returns that must be used**

- (1) The reported catch must be fixed only from logbook returns given by the holder of the eligible licence or its former licences under the Act or the former Authority Act.
- (2) The chief executive must not use a logbook return for fixing the reported catch if the return was—
  - (a) from a logbook issued after 4 October 1996; or
  - (b) received after 1 October 1998.
- (3) Despite subsection (2), the Authority must also use a completed logbook return from a logbook issued before 4 October 1996 that was received from 2 October 1998 to 31 January 1999 if—
  - (a) the licensee or former licensee gives the chief executive the return and the required documents for the return; and
  - (b) the total weight or number of spanner crabs mentioned in the required documents equals the weight or number of spanner crabs recorded in the return.
- (4) In this section—
 

***required documents***, for a logbook return, means—

  - (a) a statutory declaration by the licensee or former licensee and by each person who bought any of the spanner crabs in the catch recorded in the return stating—

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- (i) how many spanner crabs were sold or the weight of the spanner crabs sold; and
- (ii) when the crabs were sold; and
- (b) for each sale to each person who bought any of the spanner crabs, either—
  - (i) a copy of the required docket under section 86 of the Act or a docket to evidence the sale under section 44 of the former Authority Act; or
  - (ii) an original statement by a financial institution for an account of the licensee or former licensee with the institution that recorded the deposit of the proceeds of the sale into the account.

**94 Adjustment for transfers from 1990 to 21 January 1994**

- (1) This section applies if—
  - (a) the eligible licence was transferred to the holder on a day (the *transfer day*) after 31 December 1989 but before 22 January 1994; and
  - (b) the holder held the licence continually from the transfer day to the day the chief executive issues ITQ units to the holder under this division; and
  - (c) the holder's proportion of the fishery's reported catch from the transfer day to 4 October 1996 was more than the proportion of the reported catch under the licence or its former licences of the fishery's reported catch from 1 January 1990 to the transfer day.
- (2) The reported catch under the eligible licence or its former licences is taken to be the reported catch worked out by applying the following formula—

$$RC = UFRC \times \frac{LRC}{FRC}$$

where—

*RC* means the reported catch.

*UFRC* means the fishery's reported catch from 1 January 1990 to 4 October 1996 other than for this section.

**LRC** means the reported catch under the eligible licence from the transfer day to 4 October 1996.

**FRC** means the fishery's reported catch from the transfer day to 4 October 1996.

**95 No adjustment for area or seasonal abundance**

In fixing the reported catch, the chief executive must not adjust the catch to take account of—

- (a) where the spanner crabs were taken; or
- (b) seasonal abundances of spanner crabs.

**Division 2 Provisions that commence on 1 June 1999**

**96 Fishery symbols (other than a 'C3' fishery symbol)**

If, immediately before 1 June 1999, a commercial fishing boat licence has a 'C2', 'C4', 'C5' or 'C6' fishery symbol written on it, on 1 June 1999—

- (a) the 'C4', 'C5' or 'C6' fishery symbols are taken to be removed from the licence; and
- (b) the licence is taken to only have 1 'C2' fishery symbol written on it; and
- (c) the licence is also taken to have a 'C3' symbol written on it for each 'C2' or 'C6' fishery symbol written on it immediately before 1 June 1999.

**97 Approvals for fishery symbol (other than for a 'C3' fishery symbol)**

- (1) This section applies if, immediately before 1 June 1999, a person holds a written approval for a 'C2', 'C4', 'C5' or 'C6' fishery symbol to be written on a commercial fishing boat licence.
- (2) On 1 June 1999 the approval is taken to be an approval for—

- (a) only 1 'C2' fishery symbol to be written on the licence; and
- (b) if the approval was for the writing of a 'C2' or 'C6' fishery symbol on the licence—the writing of a 'C3' fishery symbol on the licence for each 'C2' or 'C6' fishery symbol to which the approval relates.

**98 'C3' licences from 1 June 1999**

If, immediately before 1 June 1999, a commercial fishing boat licence had a 'C3' fishery symbol written on it, from 1 June 1999 the licence continues in force under this plan, with the fishery symbol written on it.

**99 Approval for 'C3' fishery symbol**

If, immediately before 1 June 1999, a person held a written approval for a 'C3' fishery symbol to be written on a commercial fishing boat licence, from 1 June 1999 the approval continues in force under this plan.

**100 Existing carrier boat licences**

A carrier boat licence that allowed the carrying of spanner crabs taken in managed area A held immediately before 1 June 1999 continues in force under this plan for managed area A.

## Schedule 3      Dictionary

section 5(3)

**annual quota** means the annual quota under section 21 for managed area A.

**‘C2’ licence** means a commercial fishing boat licence with a ‘C2’ fishery symbol written on it or that is taken to have a ‘C2’ fishery symbol written on it.

**‘C3’ licence** means a commercial fishing boat licence with a ‘C3’ fishery symbol written on it or that is taken to have a ‘C3’ fishery symbol written on it.

**carrier boat** means the boat identified in a carrier boat licence.

**container**, of spanner crabs, means a container with a capacity of no more than 66L.

*Editor’s note—*

An empty container that has internal dimensions of 571mm x 381mm x 305mm has a capacity of approximately 66L. Containers used to hold spanner crabs are commonly called ‘baskets’.

**entitlement**, of an ITQ unit holder, see section 27.

**fishery symbol** means the fishery symbol ‘C2’, ‘C3’, ‘C4’, ‘C5’ or ‘C6’.

**ITQ** means individual transferable quota.

**ITQ certificate** means a certificate issued under section 30, as replaced under section 71 of the Act or changed or replaced under section 31.

**ITQ unit** means an ITQ unit issued under section 23 and part 10, division 1.

**managed area A** see section 2(a).

**managed area B** see section 2(b).

**notice** means written notice.

**notification day** means the day this plan is gazetted.

## Schedule 3 (continued)

**plan** means management plan.

**quota year**, for an annual quota, see section 22.

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

**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 spanner crab fishery.

**spanner crab fishery** see section 2.

**used**, for an ITQ unit, see section 28.



## 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 13 June 2008. Future amendments of the Fisheries (Spanner Crab) 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 |
| para   | = paragraph                    | SL      | = subordinate legislation               |
| prec   | = preceding                    | sub     | = substituted                           |
| pres   | = present                      | unnum   | = unnumbered                            |
| prev   | = previous                     |         |   |

## 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 June 1999    | 4 June 1999      |
| 1A          | 2000 SL No. 211 | 11 August 2000 | 6 September 2000 |
| 1B          | 2001 SL No. 63  | 1 June 2001    | 8 June 2001      |
| 1C          | 2002 SL No. 126 | 1 June 2002    | 13 June 2002     |

  

| Reprint No. | Amendments included                | Effective         | Notes                 |
|-------------|------------------------------------|-------------------|-----------------------|
| 1D          | 2002 SL No. 338<br>2002 SL No. 340 | 6 December 2002   |                       |
| 1E          | 2003 SL No. 31                     | 28 February 2003  |                       |
| 1F          | 2003 SL No. 215                    | 12 September 2003 | R1F withdrawn, see R2 |
| 2           | —                                  | 12 September 2003 |                       |
| 2A          | 2003 SL No. 261                    | 31 October 2003   |                       |
| 2B          | 2003 SL No. 379                    | 19 December 2003  |                       |
| 2C          | 2004 SL No. 111                    | 25 June 2004      |                       |
| 2D          | 2005 SL No. 27                     | 4 March 2005      | R2D withdrawn, see R3 |
| 3           | —                                  | 4 March 2005      |                       |
| 3A          | 2006 SL No. 136                    | 16 June 2006      |                       |
| 3B          | 2006 SL No. 25<br>2006 SL No. 136  | 1 July 2006       |                       |
| 3C          | 2008 SL No. 84                     | 1 April 2008      |                       |
| 3D          | 2008 SL No. 157                    | 13 June 2008      | R3D withdrawn, see R4 |
| 4           | —                                  | 13 June 2008      |                       |

## 5 List of legislation

### **Fisheries (Spanner Crab) Management Plan 1999 SL No. 56**

made by the Queensland Fisheries Management Authority on 31 March 1999

notfd gaz 1 April 1999 pp 1534–6

pt 1, s 15(1), pt 4 divs 3–4, pt 10 div 1, sch 1–3 commenced on date of notification (see s 2(1))

remaining provisions commenced 1 June 1999 (see s 2(2))

exp 1 September 2009 (see SIA s 54)

Notes—(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, 5**

notfd gaz 11 August 2000 pp 1322–3

commenced on date of notification

**Fisheries (Spanner Crab) Amendment Management Plan (No. 1) 2001 SL No. 63**

notfd gaz 1 June 2001 pp 416–17

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries (Spanner Crab) Amendment Management Plan (No. 1) 2002 SL No. 126**

notfd gaz 31 May 2002 pp 482–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 June 2002 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 1) 2002 SL No. 338 pts 1, 5**

notfd gaz 6 December 2002 pp 1162–66

commenced on date of notification

**Fisheries Management Plans Amendment Management Plan (No. 2) 2002 SL No. 340 pts 1, 4**

notfd gaz 6 December 2002 pp 1162–6

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 1) 2003 SL No. 31 pts 1, 3**

notfd gaz 28 February 2003 pp 774–5

commenced on date of notification

**Fisheries Management Plans Amendment Management Plan (No. 2) 2003 SL No. 215 s 1, pt 5**

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, 5**

notfd gaz 31 October 2003 pp 691–4

commenced on date of notification

**Fisheries Management Plans Amendment Management Plan (No. 5) 2003 SL No. 379 pts 1, 4**

notfd gaz 19 December 2003 pp 1307–13

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 1) 2004 SL No. 111 pts 1, 6**

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. 1) 2005 SL No. 27**  
**pts 1, 5**

notfd gaz 4 March 2005 pp 758–9  
commenced on date of notification

**Fisheries Management Plans Amendment Management Plan (No. 1) 2006 SL No. 25**  
**pts 1, 6**

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, 6**

notfd gaz 16 June 2006 pp 787–90  
ss 1–2 commenced on date of notification  
s 24 commenced 1 July 2006 (see s 2(2))  
remaining provisions commenced 16 June 2006 (see s 2(1))

**Fisheries Management Plans Amendment Management Plan (No. 1) 2008 SL No. 84**  
**pts 1, 6**

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

**Fisheries Management Plans Amendment Management Plan (No. 2) 2008 SL No. 157**  
**pts 1, 6**

notfd gaz 13 June 2008 pp 948–51  
commenced on date of notification

## **6 List of annotations**

**What is the “spanner crab fishery”**

s 2 sub 2006 SL No. 25 s 109

**Application of plan**

s 3 sub 2006 SL No. 25 s 109

**Objective of plan and its achievement**

s 4 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 110  
sub 2008 SL No. 84 s 84

**Interpretation**

prov hdg sub 2006 SL No. 25 s 111(1)

s 5 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 111(2)–(3); 2008 SL No. 84 s 85

**PART 2—CLOSED SEASON DECLARATION**

pt 2 (ss 6–8) om 2008 SL No. 84 s 86

**PART 2A—CLOSED WATERS DECLARATION**

**pt hdg** ins 2003 SL No. 379 s 15  
om 2008 SL No. 84 s 86

**Division 1—Schedule 2A, part 1**

**div 1 (ss 8A–8B)** ins 2003 SL No. 379 s 15  
om 2008 SL No. 84 s 86

**Division 2—Schedule 2A, part 2**

**div 2 (ss 8C–8F)** ins 2003 SL No. 379 s 15  
om 2008 SL No. 84 s 86

**PART 3—REGULATED FISH DECLARATIONS**

**pt hdg** om 2008 SL No. 84 s 86

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

**div 1 (ss 9–11)** om 2008 SL No. 84 s 86

**Division 2—Declaration that applies only to recreational fishers**

**div hdg** om 2008 SL No. 84 s 86

**Spanner crabs regulated by number**

**s 12** amd 2002 SL No. 340 s 20  
om 2008 SL No. 84 s 86

**Who may take spanner crabs for trade or commerce**

**s 14** amd 2006 SL No. 25 s 112

**Restrictions on writing ‘C2’ fishery symbol on licence**

**s 15** amd 2000 SL No. 211 ss 30, 31  
sub 2006 SL No. 25 s 113

**Dillies—permitted number**

**s 17** amd 2003 SL No. 215 s 28

**Net**

**s 19** sub 2003 SL No. 215 s 29  
amd 2004 SL No. 111 s 68

**Annual quota**

**s 21** amd 2001 SL No. 63 s 3; 2006 SL No. 136 s 24

**Issue of ITQ units**

**s 23** amd 2000 SL No. 211 s 30

**No ITQ units to be issued after 1 June 1999**

**s 24** amd 2000 SL No. 211 s 30; 2002 SL No. 340 s 3

**Minimum ITQ unit holding**

**s 26** om 2003 SL No. 261 s 35

**Meaning of “entitlement” of ITQ unit holder**

**s 27** sub 2006 SL No. 25 s 114  
amd 2008 SL No. 157 s 14

**When entitlement is “used” for a quota year**

**s 28** amd 2004 SL No. 111 s 69

**Particular notice is evidence of unused entitlement**

s 28A ins 2006 SL No. 25 s 115

**ITQ certificates**

s 30 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 116

**Evidentiary provision for ITQ certificate**

s 30A ins 2006 SL No. 25 s 117

**Purpose of sdiv 2**

s 31 amd 2000 SL No. 211 s 30

**Subdivision 2—Applications to register ITQ transfers**

sdiv hdg sub 2006 SL No. 25 s 118

**ITQ certificate changes required**

s 31 sub 2006 SL No. 25 s 118

**Conditions for transfers before 2 June 2001**

s 32 amd 2000 SL No. 211 s 30

om 2006 SL No. 25 s 118

**Transferee must hold ‘C2’ licence or approval**

s 33 amd 2000 SL No. 211 s 30

om 2006 SL No. 25 s 118

**Transferor’s and transferee’s ITQ certificates must be amended**

s 34 amd 2000 SL No. 211 s 30

om 2006 SL No. 25 s 118

**No serious fisheries offences by transferee**

s 35 om 2006 SL No. 25 s 118

**No transfers of less than 5 ITQ units**

s 36 om 2003 SL No. 261 s 35

**Minimum number of ITQ units after transfer**

s 37 om 2003 SL No. 261 s 35

**Payment of fees for transferred units**

s 38 om 2006 SL No. 25 s 118

**Entitlement**

s 39 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 119

**No more carrier boat licences**

s 40 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 120

**Person in control must identify spanner crabs**

s 41 amd 2006 SL No. 25 s 121

**Who may take spanner crabs for trade or commerce**

s 46 amd 2006 SL No. 25 s 112

**Restriction on writing ‘C3’ fishery symbol on licence**

s 47 amd 2000 SL No. 211 s 30

sub 2006 SL No. 25 s 122

**Dillies—permitted number**

s 49 amd 2003 SL No. 215 s 30; 2004 SL No. 111 s 70

**Net**

s 51 sub 2003 SL No. 215 s 31  
amd 2004 SL No. 111 s 71

**Restrictions on issuing**

s 56 amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 123

**Subdivision 2—Carrier approvals**

sdiv hdg om 2006 SL No. 25 s 124

**Chief executive may issue**

prov hdg amd 2000 SL No. 211 s 32  
s 57 amd 2000 SL No. 211 s 30  
om 2006 SL No. 25 s 124

**Who may apply for carrier approval**

s 58 om 2006 SL No. 25 s 124

**Consideration of application**

s 59 amd 2000 SL No. 211 s 30  
om 2006 SL No. 25 s 124

**Requirements for carrying**

s 60 amd 2006 SL No. 25 s 125

**Person in control must identify spanner crabs**

s 61 amd 2006 SL No. 25 s 121

**Requirements for entering and leaving managed area B**

s 63 amd 2000 SL No. 211 s 33

**PART 6—RECREATIONAL FISHERY**

pt hdg om 2008 SL No. 84 s 87

**Division 1—General**

div hdg om 2008 SL No. 84 s 87

**Application of pt 6**

s 67 amd 2003 SL No. 379 s 16  
om 2008 SL No. 84 s 87

**Permitted ways of taking spanner crabs**

s 68 om 2008 SL No. 84 s 87

**Crab apparatus—permitted number**

s 69 om 2008 SL No. 84 s 87

**Division 2—Requirements for crab apparatus**

div 2 (ss 70–73) om 2008 SL No. 84 s 87

**PART 7—ABORIGINES' AND TORRES STRAIT ISLANDERS' FISHERY**

pt 7 (s 74) om 2008 SL No. 84 s 87

**PART 8—REVIEWS**

**pt hdg** sub 2006 SL No. 136 s 25  
om 2008 SL No. 84 s 87

**Division 1—Annual quota reviews**

**div hdg** om 2008 SL No. 84 s 87

**Review of annual quota**

**s 75** amd 2000 SL No. 211 s 30  
sub 2003 SL No. 31 s 6  
om 2008 SL No. 84 s 87

**Review rules**

**s 76** amd 2000 SL No. 211 s 30; 2003 SL No. 31 ss 7–8  
om 2008 SL No. 84 s 87

**Notice of result of review**

**s 77** amd 2000 SL No. 211 ss 30, 34; 2003 SL No. 31 s 8  
om 2008 SL No. 84 s 87

**Division 2—Other reviews**

**div hdg** om 2008 SL No. 84 s 87

**Dilly review**

**s 78** amd 2000 SL No. 211 s 30  
om 2008 SL No. 84 s 87

**General review**

**s 79** amd 2000 SL No. 211 s 30  
om 2008 SL No. 84 s 87

**Consultation requirements for other reviews**

**s 80** amd 2000 SL No. 211 s 30  
om 2008 SL No. 84 s 87

**Division 3—Amendment or repeal of plan**

**div hdg** om 2006 SL No. 136 s 26

**How plan may be amended**

**s 81** amd 2000 SL No. 211 ss 30, 34; 2003 SL No. 31 s 9  
om 2006 SL No. 136 s 26  
amd 2006 SL No. 25 s 110 (amdt could not be given effect)

**PART 9—MISCELLANEOUS****Buyer licences—conditions**

**s 83** amd 2000 SL No. 211 s 35; 2006 SL No. 25 s 126

**Serious fisheries offences**

**s 84** amd 2000 SL No. 211 s 30; 2006 SL No. 25 ss 110, 127  
sub 2008 SL No. 84 s 88

**Criteria for suspending certain authorities—convictions**

**s 85** amd 2002 SL No. 338 s 10; 2004 SL No. 111 s 72; 2008 SL No. 84 s 89

**Additional criteria for suspending ITQ unit—failure to pay fee**

**s 86** om 2006 SL No. 25 s 128



**Definitions for div 1**

s 87 def “eligible licence” amd 2000 SL No. 211 s 30; 2006 SL No. 25 s 121

**Chief executive must issue ITQ units**

prov hdg amd 2000 SL No. 211 s 36(1)

s 88 amd 2000 SL No. 211 ss 30, 36(2)–(4)

**Formula for amount**

s 91 amd 2000 SL No. 211 s 30

**Logbook returns that must be used**

s 93 amd 2000 SL No. 211 ss 30, 37

**Adjustment for transfers from 1990 to 21 January 1994**

s 94 amd 2000 SL No. 211 s 30

**No adjustment for area or seasonal abundance**

s 95 amd 2000 SL No. 211 s 30

**Fishery symbols (other than a ‘C3’ fishery symbol)**

s 96 amd 2006 SL No. 25 s 121

**Approvals for fishery symbol (other than for a ‘C3’ fishery symbol)**

s 97 amd 2000 SL No. 211 s 38; 2006 SL No. 25 s 121

**‘C3’ licences from 1 June 1999**

s 98 amd 2006 SL No. 25 s 121

**Approval for ‘C3’ fishery symbol**

s 99 amd 2000 SL No. 211 s 38; 2006 SL No. 25 s 121

**SCHEDULE 1—THE FISHERY**

sch 1 om 2006 SL No. 25 s 129

**PART 1—DESCRIPTION**

pt hdg om 2006 SL No. 25 s 129

**Division 1—Fishery’s area**

div 1 (s 1) om 2006 SL No. 25 s 129

**Division 2—Spanner crabs**

div 2 (ss 2–13) om 2006 SL No. 25 s 129

**Division 3—Fishery symbols and boats**

div 3 (ss 14–15) om 2006 SL No. 25 s 129

**Division 4—Fishing methods and apparatus**

div hdg om 2006 SL No. 25 s 129

**Subdivision 1—Commercial fishery**

sdiv hdg om 2006 SL No. 25 s 129

**Fishing apparatus**

s 16 amd 2003 SL No. 215 s 32

om 2006 SL No. 25 s 129

**Using apparatus**

s 17 om 2006 SL No. 25 s 129

**Fishing times**

s 18 om 2006 SL No. 25 s 129

**Subdivision 2—Recreational fishery**

sdiv hdg om 2006 SL No. 25 s 129

**Recreational fishery**

s 19 om 2006 SL No. 25 s 129

**Subdivision 3—Aborigines' and Torres Strait Islanders' fishery**

sdiv hdg om 2006 SL No. 25 s 129

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

s 20 amd 2000 SL No. 211 s 39(1)

**Division 5—Closed season**

div 5 (s 21) om 2006 SL No. 25 s 129

**PART 2—KNOWN STATUS**

pt hdg om 2006 SL No. 25 s 129

**Division 1—Commercial fishery**

div hdg om 2006 SL No. 25 s 129

**Logbook program**s 22 amd 2000 SL No. 211 s 39(2)  
om 2006 SL No. 25 s 129**Markets**

s 23 om 2006 SL No. 25 s 129

**Catch levels**

s 24 om 2006 SL No. 25 s 129

**Division 2—Recreational fishery**

div 2 (s 25) om 2006 SL No. 25 s 129

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

div hdg om 2006 SL No. 25 s 129

**Aborigines' and Torres Strait Islanders' fishery**s 26 amd 2000 SL No. 211 s 39(1)  
om 2006 SL No. 25 s 129**SCHEDULE 2—HOW OBJECTIVES ARE TO BE ACHIEVED**

sch 2 om 2008 SL No. 84 s 90

**PART 1—ECOLOGICALLY SUSTAINABLE USE OF SPANNER CRABS**

pt hdg om 2008 SL No. 84 s 90

**Definition for pt 1**

s 1 om 2008 SL No. 84 s 90

**How objective is to be achieved**

s 2 om 2008 SL No. 84 s 90

**How achievement is to be measured**

s 3 om 2008 SL No. 84 s 90

**Review event**

- s 4            amd 2000 SL No. 211 s 40(1)  
                 om 2008 SL No. 84 s 90

**PART 2—MANAGING THE SPANNER CRAB FISHERY TO GIVE OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT**

- pt hdg        amd 2006 SL No. 25 s 110  
                 om 2008 SL No. 84 s 90

**Definition for pt 2**

- s 5            amd 2006 SL No. 25 s 110  
                 om 2008 SL No. 84 s 90

**How objective is to be achieved**

- s 6            om 2008 SL No. 84 s 90

**How achievement is to be measured**

- s 7            amd 2000 SL No. 211 s 40(1)  
                 om 2008 SL No. 84 s 90

**Review event**

- s 8            amd 2000 SL No. 211 s 40(1)–(2)  
                 om 2008 SL No. 84 s 90

**PART 3—MANAGING THE COMMERCIAL FISHERY TO ACHIEVE OPTIMAL, BUT SUSTAINABLE, ECONOMIC EFFICIENCY**

- pt hdg        om 2008 SL No. 84 s 90

**Definition for pt 3**

- s 9            om 2008 SL No. 84 s 90

**How objective is to be achieved**

- s 10          om 2008 SL No. 84 s 90

**How achievement is to be measured**

- s 11          amd 2000 SL No. 211 s 40(1)  
                 om 2008 SL No. 84 s 90

**Review event**

- s 12          amd 2000 SL No. 211 s 40(1)  
                 om 2008 SL No. 84 s 90

**PART 4—ENSURING A FAIR DIVISION OF ACCESS TO SPANNER CRABS**

- pt hdg        om 2008 SL No. 84 s 90

**Definition for pt 4**

- s 13          om 2008 SL No. 84 s 90

**How objective is to be achieved**

- s 14          om 2008 SL No. 84 s 90

**How achievement is to be measured**

- s 15          amd 2000 SL No. 211 s 40(1)  
                 om 2008 SL No. 84 s 90

**Review event**

- s 16 amd 2000 SL No. 211 s 40(1)  
om 2008 SL No. 84 s 90

**PART 5—MONITORING AND REVIEWING THE COMMERCIAL SPANNER CRAB CATCH**

- pt hdg om 2008 SL No. 84 s 90

**Definition for pt 5**

- s 17 om 2008 SL No. 84 s 90

**How objective is to be achieved**

- s 18 amd 2000 SL No. 211 s 40(1), (3)  
om 2008 SL No. 84 s 90

**How achievement is to be measured**

- s 19 amd 2000 SL No. 211 s 40(1)  
om 2008 SL No. 84 s 90

**Review event**

- s 20 amd 2000 SL No. 211 s 40(1)  
om 2008 SL No. 84 s 90

**SCHEDULE 2A—WATER CLOSURES**

- ins 2003 SL No. 379 s 17  
om 2008 SL No. 84 s 90

**SCHEDULE 3—DICTIONARY**

- sch hdg sub 2008 SL No. 84 s 91(1)

**PART 1—PROVISIONS AIDING INTERPRETATION**

- pt hdg om 2008 SL No. 84 s 91(2)

**Measuring carapace or sternite length**

- s 1 amd 2002 SL No. 338 s 11  
om 2008 SL No. 84 s 91(2)

**References to possession of fish**

- s 2 om 2006 SL No. 25 s 130(1)

**Fishing under primary licence includes tender licence**

- s 3 om 2006 SL No. 25 s 130(1)

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

- s 4 om 2008 SL No. 84 s 91(2)

**References to latitudes and longitudes—sch 2A**

- s 4A ins 2004 SL No. 379 s 18  
om 2008 SL No. 84 s 91(2)

**PART 2—DICTIONARY**

- pt hdg om 2006 SL No. 25 s 130(2)  
(prev pt 3 hdg) renum 2006 SL No. 25 s 130(3)  
om 2008 SL No. 84 s 91(3)

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

- s 5 om 2006 SL No. 25 s 130(2)

**Meaning of “mesh size” of a net**

**s 6** om 2006 SL No. 25 s 130(2)

**sch 3**

- def “**annual review**” om 2003 SL No. 31 s 10(1)
- def “**assistant fisher**” om 2006 SL No. 25 s 130(4)
- def “**biennial review**” ins 2003 SL No. 31 s 10(2)
  - om 2008 SL No. 84 s 91(4)
- def “**boat mark**” amd 2000 SL No. 211 s 41(1)
  - om 2006 SL No. 25 s 130(4)
- def “**buyer**” om 2006 SL No. 25 s 130(4)
- def “**buyer licence**” amd 2000 SL No. 211 s 41(2)
  - om 2006 SL No. 25 s 130(4)
- def “**“C2’ licence**” amd 2006 SL No. 25 s 130(6)
- def “**“C3’ licence**” amd 2006 SL No. 25 s 130(6)
- def “**carapace length**” om 2008 SL No. 84 s 91(4)
- def “**carrier approval**” om 2006 SL No. 25 s 130(4)
- def “**carrier boat licence**” amd 2005 SL No. 27 s 12
  - om 2006 SL No. 25 s 130(4)
- def “**commercial fisher**” om 2006 SL No. 25 s 130(4)
- def “**commercial fisher licence**” amd 2000 SL No. 211 s 41(2)
  - om 2006 SL No. 25 s 130(4)
- def “**commercial fishing boat**” om 2006 SL No. 25 s 130(4)
- def “**commercial fishing boat licence**” amd 2000 SL No. 211 s 41(2)
  - om 2006 SL No. 25 s 130(4)
- def “**crab apparatus**” om 2008 SL No. 84 s 91(4)
- def “**crab pot**” om 2006 SL No. 25 s 130(4)
- def “**dilly**” om 2006 SL No. 25 s 130(4)
- def “**dilly review**” om 2008 SL No. 84 s 91(4)
- def “**fisher**” om 2006 SL No. 25 s 130(4)
- def “**general review**” om 2008 SL No. 84 s 91(4)
- def “**inverted dilly**” om 2006 SL No. 25 s 130(4)
- def “**ITQ certificate**” sub 2006 SL No. 25 s 130(4)–(5)
- def “**length**” om 2006 SL No. 25 s 130(4)
- def “**managed area A**” sub 2006 SL No. 25 s 130(4)–(5)
- def “**managed area B**” sub 2006 SL No. 25 s 130(4)–(5)
- def “**mesh size**” om 2006 SL No. 25 s 130(4)
- def “**primary boat**” om 2006 SL No. 25 s 130(4)
- def “**primary licence**” om 2006 SL No. 25 s 130(4)
- def “**recreational fisher**” om 2006 SL No. 25 s 130(4)
- def “**regulation**” sub 2008 SL No. 84 s 91(4)–(5)
- def “**replacement licence**” amd 2006 SL No. 25 s 130(7)
- def “**review rules**” om 2008 SL No. 84 s 91(4)
- def “**spanner crab**” om 2006 SL No. 25 s 130(4)
- def “**spanner crab fishery**” ins 2006 SL No. 25 s 130(5)
- def “**tender boat**” om 2006 SL No. 25 s 130(4)
- def “**tender licence**” om 2006 SL No. 25 s 130(4)
- def “**territorial sea baseline**” sub 2004 SL No. 111 s 73(1)
  - om 2006 SL No. 25 s 130(4)
- def “**the 25 n mile line**” amd 2004 SL No. 111 s 73(2)
  - om 2006 SL No. 25 s 130(4)

def **“the fishery”** om 2006 SL No. 25 s 130(4)

def **“under direction”** om 2008 SL No. 84 s 91(4)