



Queensland

Fisheries Act 1994

Fisheries (Coral Reef Fin Fish) Management Plan 2003

Reprinted as in force on 9 October 2009

Reprint No. 3B

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[as amended by all amendments that commenced on or before 9 October 2009]

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This management plan may be cited as the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

2 What is the *reef line fishery*

The *reef line fishery* is activities by way of fishing relating to coral reef fin fish.

3 Application of plan

This plan applies to the taking, possessing and other uses of coral reef fin fish for trade or commerce under licences on which the fishery symbol 'RQ' is written.

4 Objective of plan and its achievement

- (1) The objective of this management plan is to provide for the the use, conservation and enhancement of the community's coral reef fin fish resources by managing commercial fishing for the reef line 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 reef line fishery for trade and commerce to holders of licences on which the fishery symbol ‘RQ’ is written; and
 - (b) using line units to limit the annual commercial harvest of coral reef fin fish by all holders of licences on which the fishery symbol ‘RQ’ 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 coral reef fin fish, see chapters 2, 3 and 4 and schedule 2 of the regulation.
- 2 This plan does not regulate the taking of coral reef 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 (Defence for Aborigines and Torres Strait Islanders for particular offences) of the Act.
- 4 Coral reef fin fish may also be taken in particular commercial fisheries under the regulation. See chapter 7, part 1 (Aquarium fish fishery (‘A1’, ‘A2’)) and chapter 8, part 3 (Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) (‘L4’)) of the regulation.

Part 2 Interpretation

5 Interpretation

- (1) Unless this plan provides otherwise, terms used in it have the meaning given in the regulation.
- (2) Subsection (1) is not limited to a term defined in 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 8 defines particular terms used in this plan.

Chapter 3 Commercial fishery

Part 1 Fishery symbols

Division 1 General provisions

14 Fishery symbols for commercial fishery

The following are the fishery symbols for the commercial fishery—

- (a) 'RQ';
- (b) 'A1' and 'A2'.

15 Restrictions on writing 'RQ' fishery symbol

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

- (a) under division 2 or 3; 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) if the licence is a replacement of a commercial fishing boat licence on which the symbol was written.

Division 2 Obtaining fishery symbol ‘RQ’

Subdivision 1 Preliminary

16 Simplified outline of div 2

In outline, this division—

- (a) states, in subdivision 2—
 - (i) the commercial fishing boat licences to which this division applies; and
 - (ii) the criteria that must be met for the chief executive to be required to write the fishery symbol ‘RQ’ on the licences; and
- (b) limits, in subdivision 3, the information the chief executive may use when considering whether a licence meets the criteria; and
- (c) provides, in subdivision 4—
 - (i) for the chief executive to give the holder a preliminary notice if the chief executive is not reasonably satisfied the licence meets the criteria; and
 - (ii) for the grounds on which the holder may ask the chief executive to reconsider whether the licence meets the criteria; and
- (d) states, in subdivision 5, how the criteria are adjusted for a reconsideration; and
- (e) provides, in subdivision 6, for the chief executive to give the holder an amendment notice if the chief executive is reasonably satisfied the licence meets the criteria or adjusted criteria.

17 Definitions for div 2

In this division—

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adjusted criteria—

- (a) for a special south-east Queensland licence—see section 36E(1); or
- (b) for another relevant licence—see section 33(1)(a).

amendment notice means an amendment notice given to a licence holder under subdivision 6.

criteria, for a relevant licence, means—

- (a) if the licence has the fishery symbol ‘L3’ written on it—the first and second criteria; or
- (b) if the licence does not have the fishery symbol ‘L3’ written on it—the second criteria.

disregarded fish means coral reef fin fish—

- (a) recorded in relevant logbook information; and
- (b) disregarded by the chief executive under section 27(3).

event, for an event-based special circumstance, means an event, or a combination of events, mentioned in section 18(1)(b).

event-based special circumstance see section 18.

event period, for an event-based special circumstance, see section 18(1)(a).

first criteria means the criteria stated in section 24.

preliminary notice means a preliminary notice given to a licence holder under subdivision 4.

prescribed period, for the first or second criteria, means a prescribed period stated for the criteria in section 24 or 25.

reason for reconsideration see section 29(d).

recent entrant special circumstance see section 19.

reconsideration notice see section 30(2).

relevant licence see section 22.

seasonal effect special circumstance see section 20.

second criteria means the criteria stated in section 25.

special circumstance, for a the holder of a relevant licence, means an event-based special circumstance, a recent entrant special circumstance or a seasonal effect special circumstance.

special reconsideration notice see section 36B(3).

special south-east Queensland licence see section 20A.

18 Meaning of *event-based special circumstance*

- (1) An ***event-based special circumstance*** exists for the holder of a relevant licence if—
 - (a) for an uninterrupted period (the ***event period***) of at least 6 months during a prescribed period for the first or second criteria—
 - (i) fish were not taken under any fishery symbol written on the relevant licence; and
 - (ii) either—
 - (A) the boat identified on the licence was not used for taking fish under any fishery symbol; or
 - (B) there was no boat identified on the licence; and
 - (b) fish were not taken during the event period because of any of the following—
 - (i) a relevant person was affected by illness or injury;
 - (ii) the death of a relevant person other than the holder;
 - (iii) for an event period starting on or before 19 May 1997—the boat identified on the licence—
 - (A) was destroyed or was unusable as a commercial fishing boat; and
 - (B) was not replaced or made usable during the period;
 - (iv) for an event period starting after 19 May 1997—the boat identified on the licence—

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- (A) was destroyed, or made unusable as a commercial fishing boat, by an unforeseeable and uncontrollable event; and
 - (B) was not replaced or made usable during the period; and
 - (c) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence throughout the event period.
- (2) In this section—
- relevant person*** means—
- (a) if the holder of the licence is an individual—
 - (i) the holder; or
 - (ii) a close relative of the holder; or
 - (b) if the holder of the licence is a corporation—
 - (i) a director or member of the corporation; or
 - (ii) a close relative of the director or member.

19 Meaning of *recent entrant special circumstance*

- (1) A ***recent entrant special circumstance*** exists for the holder of a relevant licence if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 1 January 1996 and 19 May 1997.
- (2) However, a recent entrant special circumstance does not exist for the holder if—
 - (a) there is more than 1 holder of the licence; and
 - (b) any of the holders held the licence on or before 1 January 1996.

20 Meaning of *seasonal effect special circumstance*

- (1) A ***seasonal effect special circumstance*** exists for an eligible holder if—

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- (a) the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 20 May 1995 and 31 December 1995; and
 - (b) the majority of coral reef fin fish taken under the licence, or a former licence for the licence, during 1996 or 1997 were taken between 1 July and 31 December in the year.
- (2) However, a seasonal effect special circumstance does not exist for the holder if—
- (a) there is more than 1 holder of the licence; and
 - (b) any of the holders held the licence on or before 20 May 1995.

20A Meaning of *special south-east Queensland licence*

- (1) A relevant licence is a *special south-east Queensland licence* if—
- (a) the licence has written on it the fishery symbol ‘L3’ and any of the following fishery symbols—
 - (i) ‘L1’;
 - (ii) ‘L6’;
 - (iii) ‘L7’; and
 - (b) during the relevant period, coral reef fin fish were lawfully taken, under the licence, from waters between latitude 24°30.00’ south and the New South Wales–Queensland border.
- (2) In this section—
- relevant period* means the period between 20 May 1997 and 31 December 2001.

21 Effect of transfer of licence to corporation for ss 18–20

For sections 18 to 20—

- (a) an individual who transfers a licence to a corporation

does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—

- (i) the individual;
 - (ii) a close relative of the individual; and
- (b) a corporation that transfers a licence to an individual does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
- (i) the individual;
 - (ii) a close relative of the individual.

Subdivision 2 Relevant licences and criteria

22 Application of div 2 to relevant licences

This division applies to a commercial fishing boat licence (a *relevant licence*)—

- (a) that, on the notification day—
 - (i) is in force; or
 - (ii) has expired, if the holder has applied to the chief executive for the licence's renewal and the chief executive has not decided the application; and
- (b) on which 1 or more prescribed fishery symbols is written on the notification day.

23 Criteria to be met for relevant licence

- (1) The criteria to be used by the chief executive to decide whether the fishery symbol 'RQ' must be written on a relevant licence are stated in sections 24 and 25.
- (2) For a relevant licence with the fishery symbol 'L3' written on it, both the first and second criteria must be met.
- (3) For a relevant licence that does not have the fishery symbol 'L3' written on it, only the second criteria must be met.

24 First criteria

- (1) This section applies to a relevant licence with the fishery symbol 'L3' written on it.
- (2) At least the minimum amount of coral reef fin fish stated in subsection (3) for a prescribed period stated in the subsection must have been taken lawfully—
 - (a) during at least 2 of the periods; and
 - (b) under a prescribed fishery symbol written on the relevant licence and any former licence for the relevant licence.
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
 - 1 January 1994 to 31 December 1994—500kg
 - 1 January 1995 to 31 December 1995—500kg
 - 1 January 1996 to 31 December 1996—500kg
 - 1 January 1997 to 19 May 1997—190kg.

25 Second criteria

- (1) This section applies—
 - (a) to a relevant licence that does not have the fishery symbol 'L3' written on it; and
 - (b) to a relevant licence with the fishery symbol 'L3' written on it only if the chief executive is reasonably satisfied the first criteria is met for the licence.¹
- (2) At least the minimum amount of coral reef fin fish stated in subsection (3) for a prescribed period stated in the subsection must have been taken lawfully—
 - (a) during at least 2 of the periods; and
 - (b) under a prescribed fishery symbol written on the relevant licence and any former licence for the relevant licence.

¹ However, for a special south-east Queensland licence, see section 36F.

- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
- 20 May 1997 to 31 December 1997—310kg
 - 1 January 1998 to 31 December 1998—500kg
 - 1 January 1999 to 31 December 1999—500kg
 - 1 January 2000 to 31 December 2000—500kg
 - 1 January 2001 to 31 December 2001—500kg.

Subdivision 3 First consideration by chief executive

26 First consideration of relevant licences by chief executive

- (1) Within 3 months after this division commences, the chief executive must decide whether the criteria for each relevant licence are met.
- (2) For subsection (1), the chief executive must consider only relevant logbook information for a prescribed period for the criteria.
- (3) The chief executive must round up to the nearest multiple of 10kg the total amount of fish recorded in the relevant logbook information for a prescribed period.
- (4) This section is subject to section 27.

27 Interpretation of unlawful, ambiguous or incomplete logbook information

- (1) If relevant logbook information considered by the chief executive under section 26 is ambiguous or incomplete, the chief executive may—
- (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (3) The chief executive must disregard relevant logbook information considered under section 26 if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (4) For subsection (3), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 4 Preliminary notice and application for reconsideration

28 Chief executive to give preliminary notice

- (1) The chief executive must give the holder of a relevant licence a preliminary notice if the chief executive is not reasonably satisfied, under subdivision 3, the criteria for the licence are met.
- (2) The chief executive must give the notice as soon as practicable after making the decision.

29 Requirements for preliminary notice

A preliminary notice must state, in writing, each of the following—

- (a) that the chief executive is not reasonably satisfied the criteria for the licence are met;
- (b) from the relevant logbook information considered by the chief executive, for each prescribed period for the criteria—
 - (i) the amount of coral reef fin fish taken under the licence; and

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- (ii) the amount of unidentified fish interpreted by the chief executive as an amount of coral reef fin fish under section 27; and
- (iii) the amount of disregarded fish;
- (c) if there is an amount of disregarded fish—the documents or information used by the chief executive to decide whether the fish were not taken or were taken unlawfully;
- (d) that the holder may, by written notice, ask the chief executive to reconsider the decision only if the holder can establish any of the following (a *reason for reconsideration*)—
 - (i) an amount of coral reef fin fish recorded in the relevant logbook information for a prescribed period for the criteria, other than an amount of disregarded fish, was not used by the chief executive in deciding whether the criteria are met;
 - (ii) disregarded fish were taken and were not taken unlawfully;
 - (iii) a special circumstance for the holder exists;
- (e) that a reconsideration notice must be given within 6 weeks after the preliminary notice is given to the holder;
- (f) that if the holder does not give the chief executive a reconsideration notice under section 30—
 - (i) the preliminary notice is taken to be final notice of the chief executive's decision; and
 - (ii) the holder may appeal against the decision to the tribunal within 28 days after the end of the 6 week period mentioned in paragraph (e); and
 - (iii) how to appeal.

30 Applying for reconsideration

- (1) The holder of a relevant licence may, by written notice, ask the chief executive to reconsider the chief executive's decision under subdivision 3.

- (2) The notice (the ***reconsideration notice***) must—
 - (a) be given to the chief executive within 6 weeks after the preliminary notice is given to the holder; and
 - (b) state the reason for reconsideration; and
 - (c) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully or that special circumstances exist for the holder—be accompanied by all documents or information on which the holder relies to establish the reason for reconsideration.
- (3) Despite subsection (2)(a), the chief executive may consider a reconsideration notice received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the notice to the chief executive within the period by reasons beyond the holder's control.

31 Chief executive to decide whether reason for reconsideration established

- (1) As soon as practicable after receiving a reconsideration notice, the chief executive must, using only the information stated in section 32, decide whether the reason for reconsideration stated in the notice is established.
- (2) If the chief executive is not reasonably satisfied the reason for reconsideration is established, the chief executive must give the holder a decision notice about the decision.

32 Information chief executive may consider in deciding whether reason for reconsideration is established

- (1) For section 31(1), the information is—
 - (a) the relevant logbook information; and
 - (b) the documents or information accompanying the notice; and
 - (c) any further information or evidence given to the chief executive within the stated period under subsection (3); and

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- (d) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully—
 - (i) the documents or information used by the chief executive under section 27(4); and
 - (ii) any further information or evidence obtained by the chief executive under subsection (5) and any response from the holder received by the chief executive within the stated period under subsection (6).
- (2) However, if the reason for reconsideration is that a seasonal effect special circumstance exists for the holder, the chief executive must not use the documents, information or evidence mentioned in subsection (1)(c) in deciding whether section 20(1)(b) is complied with for the holder.
- (3) The chief executive may ask the holder to give, within a stated period of at least 14 days, any further relevant information or evidence the chief executive requires to decide whether—
 - (a) disregarded fish were not taken or were taken unlawfully; or
 - (b) a special circumstance exists for the holder.
- (4) The holder must give the chief executive the further information or evidence requested.
- (5) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded fish were not taken or were taken unlawfully.
- (6) If the chief executive obtains information or evidence under subsection (5), the chief executive must, before deciding whether the reason for reconsideration is established, give the holder a notice stating—
 - (a) the information or evidence obtained; and
 - (b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.

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- executive within the stated period under section 32(3);
and
- (c) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully—the documents or information mentioned in section 32(1)(d).
- (3) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
 - (4) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
 - (5) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
 - (6) The chief executive must give the licence holder the following notice—
 - (a) if the chief executive is reasonably satisfied the criteria or adjusted criteria are met for the licence—an amendment notice;
 - (b) if paragraph (a) does not apply—a decision notice about the decision.

34 Adjusted criteria for event-based special circumstance

- (1) This section applies, for section 33(1)(a)—
 - (a) if the special circumstance is an event-based special circumstance; and
 - (b) for the first and second criteria.
- (2) The amount of coral reef fin fish taken under the relevant

licence, and a former licence for the relevant licence, for a prescribed period must be decided as required under schedule 5.

35 Adjusted first criteria for recent entrant special circumstance

- (1) This section applies, for section 33(1)(a)—
 - (a) if the special circumstance is a recent entrant special circumstance; and
 - (b) only for the first criteria.
- (2) The prescribed periods and minimum amounts stated in subsection (3) apply instead of the prescribed periods and minimum amounts stated in section 24(3).
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
 - 1 January 1996 to 31 December 1996—500kg
 - 1 January 1997 to 19 May 1997—190kg
 - 20 May 1997 to 31 December 1997—310kg
 - 1 January 1998 to 31 December 1998—500kg.
- (4) The chief executive must round up to the nearest multiple of 10kg the total amount of fish recorded in the relevant logbook information for a prescribed period mentioned in subsection (3).

36 Adjusted first criteria for seasonal effect special circumstance

- (1) This section applies, for section 33(1)(a)—
 - (a) if the special circumstance is a seasonal effect special circumstance; and
 - (b) only for the first criteria.
- (2) The prescribed periods and minimum amounts stated in subsection (3) apply instead of the prescribed periods and minimum amounts stated in section 24(3).

- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
- 1 January 1996 to 31 December 1996—500kg
 - 1 January 1997 to 19 May 1997—190kg
 - 20 May 1997 to 31 December 1997—310kg.
- (4) The chief executive must round up to the nearest multiple of 10kg the total amount of fish recorded in the relevant logbook information for a prescribed period mentioned in subsection (3).

Subdivision 5A Special reconsideration for special south-east Queensland licences

36A Application and purpose of subdiv 5A

This subdivision—

- (a) applies to a relevant licence—
- (i) that is a special south-east Queensland licence; and
 - (ii) on which the fishery symbol ‘RQ’ is not written at the commencement of this section; and
- (b) states the procedure that applies for writing the fishery symbol ‘RQ’ on the licence.

36B Application for special reconsideration of particular licences

- (1) A holder of a relevant licence that is a special south-east Queensland licence may, by written notice, ask the chief executive to reconsider the chief executive’s decision under subdivision 3.
- (2) Subsection (1) applies whether or not—
- (a) the chief executive has given the holder a preliminary notice under section 29 that is taken to be a final notice under section 29(f)(i); or
 - (b) the holder has given the chief executive a

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- reconsideration notice under section 30; or
- (c) the holder has lodged an appeal against a decision of the chief executive under subdivision 3 or 5.
- (3) The written notice (the *special reconsideration notice*) must—
- (a) state—
 - (i) that the holder’s licence is a special south-east Queensland licence; and
 - (ii) if an event-based special circumstance exists for the holder—that an event-based special circumstance exists for the holder; and
 - (b) be given to the chief executive within 6 weeks after the commencement of this section; and
 - (c) be accompanied by an application for an amendment of the relevant licence to remove the fishery symbol ‘L3’ from the licence.
- (4) Despite subsection (3)(b), the chief executive may consider a special reconsideration notice received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the notice to the chief executive within the period by reasons beyond the holder’s control.
- (5) If a person makes an application under this section, the making of the application does not affect—
- (a) the person’s right to appeal against a decision of the chief executive under subdivision 3 or 5; or
 - (b) if the person has lodged an appeal against a decision of the chief executive under subdivision 3 or 5—the appeal.

36C Chief executive to decide whether licence is special south-east Queensland licence

- (1) As soon as practicable after receiving a special reconsideration notice, the chief executive must, using only the information stated in section 36D, decide whether the

licence the subject of the notice is a special south-east Queensland licence.

- (2) If the chief executive is not reasonably satisfied the licence is a special south-east Queensland licence, the chief executive must give the holder a decision notice about the decision.

36D Information chief executive may consider in deciding whether licence is a special south-east Queensland licence

- (1) For section 36C(1), the information is—
 - (a) the relevant logbook information; and
 - (b) the documents or information accompanying the special reconsideration notice.
- (2) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (3) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (4) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

36E Criteria reapplied if licence is special south-east Queensland licence

- (1) If the chief executive is reasonably satisfied the relevant licence the subject of a special reconsideration notice is a special south-east Queensland licence, the chief executive must consider whether the criteria stated in section 36F (the *adjusted criteria*) are met for the relevant licence.

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- (2) In considering whether the adjusted criteria are met, the chief executive must use only—
 - (a) the relevant logbook information relating to coral reef fin fish taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border; and
 - (b) any further information or evidence given to the chief executive within the stated period under subsection (3).
- (3) If the notice states an event-based special circumstance exists for the holder, the chief executive may ask the holder to give, within a stated period of at least 14 days, any further relevant information or evidence the chief executive requires to decide whether an event-based special circumstance exists for the holder.
- (4) The holder must give the chief executive the further information or evidence requested.
- (5) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (6) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (7) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information—
 - (a) were not taken; or
 - (b) were not taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border; or
 - (c) were taken unlawfully.

- (8) The chief executive must give the holder the following notice—
 - (a) if the chief executive is reasonably satisfied the adjusted criteria are met for the licence—an amendment notice;
 - (b) if paragraph (a) does not apply—a decision notice about the decision.

36F Adjusted criteria for special south-east Queensland licences

- (1) For section 36E(1), the criteria are that—
 - (a) the second criteria must be met for the licence; and
 - (b) the second criteria must be met taking into account only coral reef fin fish taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border.
- (2) The first criteria need not be met for the licence.
- (3) If the chief executive is reasonably satisfied that an event-based special circumstance exists for the holder of the licence, for working out whether the second criteria is met for the licence, the amount of coral reef fin fish taken under the licence and a former licence for the licence for a prescribed period must be decided as required under schedule 5.
- (4) Subsections (1) and (2) apply despite section 23(2).

Subdivision 6 Amendment notice and amendment of licences

37 Chief executive to amend licences and give amendment notice

- (1) This section applies if the chief executive is reasonably satisfied—
 - (a) under subdivision 3 or 5, that the criteria for a relevant licence are met; or

- (b) under subdivision 5 or 5A, that the adjusted criteria are met.
- (2) As soon as practicable after making the decision, the chief executive must—
 - (a) amend the licence by writing the fishery symbol 'RQ' on the licence; and
 - (b) give the holder an amendment notice.

38 Requirements for amendment notice

An amendment notice must state, in writing, each of the following—

- (a) that the chief executive is reasonably satisfied the criteria, or the adjusted criteria, for the relevant licence are met;
- (b) how the licence has been amended;
- (c) that the amendment takes effect when the holder receives the amendment notice;
- (d) that, until each of the following happens, a person taking or possessing coral reef fin fish under the fishery symbol 'RQ' must have the amendment notice available for immediate inspection while the person is taking or possessing the fish—
 - (i) the chief executive writes the fishery symbol 'RQ' on the licence;
 - (ii) the amended licence is returned to the holder;
- (e) that the holder may appeal against the decision to the tribunal within 28 days after the holder receives the amendment notice;
- (f) how to appeal.

39 Taking or possessing coral reef fin fish under amended licence

- (1) During the period stated in subsection (2), a relevant licence amended under this subdivision is subject to the condition that

a person taking or possessing coral reef fin fish under the fishery symbol 'RQ' must have the amendment notice available for immediate inspection while the person is taking or possessing the fish.

- (2) For subsection (1), the period—
 - (a) starts on the day the holder receives the amendment notice; and
 - (b) ends on the day the amended licence is returned to the holder with the fishery symbol 'RQ' written on it.

Part 2 Line units

Division 1 General

43 Simplified outline of pt 2

- (1) This part provides for the issue of line units, their entitlements and conditions for their transfer.
- (2) The following are the 3 types of line units—
 - (a) CT line units, for coral trout;
 - (b) RTE line units, for redthroat emperor;
 - (c) OS line units, for other coral reef fin fish.
- (3) The holder of a licence on which the fishery symbol 'RQ' was written under part 1, division 2 (an *eligible holder*) may apply to the chief executive for the issue of—
 - (a) if the licence is a special south-east Queensland licence—only OS line units in relation to the licence; or
 - (b) if paragraph (a) does not apply—CT line units, RTE line units and OS line units in relation to the licence.
- (4) Division 3 states how the chief executive must decide the number of line units to be issued to an applicant in relation to an RQ licence.

- (5) Under division 3, the total entitlements under all line units must not be more than the following amounts—
 - (a) for CT line units—1350t of coral trout;
 - (b) for RTE line units—700t of redthroat emperor;
 - (c) for OS line units—1011t of other coral reef fin fish.
- (6) Division 3A requires the chief executive to issue additional CT line units, RTE line units or OS line units to particular holders if the entitlement under the CT line units, RTE line units or OS line units on a particular day is less than 80% of the prescribed recorded catch for the CT line units, RTE line units and OS line units.
- (7) Division 4 requires the chief executive, after all line units have been issued under division 3, to reduce the total entitlements of the line units if any of the entitlements mentioned in subsection (5) is exceeded.
- (8) Divisions 5 and 6 provide for the entitlements of line units and working out when they are used.
- (9) Division 7 prescribes conditions for the transfer of line units and provides for the entitlement under transferred line units.

44 Definitions for pt 2

In this part—

adjusted allocation provisions see section 62.

disregarded fish means coral reef fin fish—

- (a) recorded in relevant logbook information; and
- (b) disregarded by the chief executive under section 57(4).

eligible holder see section 43(3).

event, for an event-based special circumstance, means an event, or a combination of events, mentioned in section 45(1)(b).

event-based special circumstance see section 45.

event period, for an event-based special circumstance, see section 45(1)(a).

issued see section 50.

line unit factor, of an RQ licence, for CT line units, RTE line units or OS line units means the factor of the licence for the line units worked out under section 54.

prescribed recorded catch means—

- (a) for CT line units—the average recorded catch for coral trout, worked out under section 65D, for the holder of the RQ licence to which the line units relate; or
- (b) for RTE line units—the average recorded catch for redthroat emperor, worked out under section 65D, for the holder of the RQ licence to which the line units relate; or
- (c) for OS line units—the average recorded catch for other coral reef fin fish, worked out under section 65D, for the holder of the RQ licence to which the line units relate.

reason for adjusted allocation see section 59(e).

recent entrant special circumstance see section 46.

recorded catch amount see section 56(2).

relevant years see section 56(1).

special circumstance, for an eligible holder, means an event-based special circumstance or a recent entrant special circumstance.

standardised catch amount, for an eligible holder's RQ licence for a relevant year, means an amount worked out under section 56.

45 Meaning of *event-based special circumstance*

- (1) An ***event-based special circumstance*** exists for an eligible holder if—
 - (a) for an uninterrupted period (the ***event period***) of at least 6 months between 1 January 1994 and 31 December 2001—
 - (i) fish were not taken under any fishery symbol written on the relevant licence; and

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- (ii) either—
 - (A) the boat identified on the licence was not used for taking fish under any fishery symbol; or
 - (B) there was no boat identified on the licence; and
 - (b) fish were not taken during the event period because of any of the following—
 - (i) a relevant person was affected by illness or injury;
 - (ii) the death of a relevant person other than the holder;
 - (iii) for an event period starting on or before 19 May 1997—the boat identified on the licence—
 - (A) was destroyed or was unusable as a commercial fishing boat; and
 - (B) was not replaced or made usable during the period;
 - (iv) for an event period starting after 19 May 1997—the boat identified on the licence—
 - (A) was destroyed, or made unusable as a commercial fishing boat, by an unforeseeable or uncontrollable event; and
 - (B) was not replaced or made usable during the period; and
 - (c) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence throughout the event period.
- (2) However, an event-based special circumstance does not exist for the holder if an event did not happen for at least 1 year in each of the following periods—
- (a) 1 January 1994 to 31 December 1996;
 - (b) 1 January 1998 to 31 December 2001.
- (3) In this section—
- relevant person*** means—

- (a) if the holder of the licence is an individual—
 - (i) the holder; or
 - (ii) a close relative of the holder; or
- (b) if the holder of the licence is a corporation—
 - (i) a director or member of the corporation; or
 - (ii) a close relative of the director or member.

46 Meaning of recent entrant special circumstance

- (1) A *recent entrant special circumstance* exists for an eligible holder if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 1 January 1996 and 19 May 1997.
- (2) However, a recent entrant special circumstance does not exist for the holder if—
 - (a) there is more than 1 holder of the licence; and
 - (b) any of the holders held the licence on or before 1 January 1996.

47 Effect of transfer of licence to corporation for ss 45, 46 and 65A

For sections 45, 46 and 65A—

- (a) an individual who transfers a licence to a corporation does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual; and
- (b) a corporation that transfers a licence to an individual does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual.

Division 2 General provisions about line units

48 Nature of a line unit

Each line unit is—

- (a) an authority, the entitlement for which is provided for under division 5; and
- (b) a quota for the reef line fishery.

49 General condition for issue of line units

A line unit may be issued only under this part.

50 When line unit is *issued*

A line unit is *issued* when—

- (a) a line unit certificate that includes the unit is issued; or
- (b) a line unit certificate is amended under this part to include the unit.

Division 3 Issue of line units

Subdivision 1 Number of line units to be issued to eligible holders

51 Purpose of subdiv 1

- (1) This subdivision provides for how the chief executive must work out the number of line units to be issued to an eligible holder, in relation to an RQ licence, if the holder applies for the issue of line units under section 60.
- (2) This subdivision is subject to section 62.

52 Number of line units to be issued to eligible holders

The number of line units the chief executive must issue to an eligible holder, in relation to an RQ licence, is—

- (a) the following—
 - (i) if the licence is a special south-east Queensland licence—800 OS line units;
 - (ii) if subparagraph (i) does not apply—each of the following—
 - (A) 800 CT line units;
 - (B) 400 RTE line units;
 - (C) 800 OS line units; and
- (b) if the line unit factor of the licence, for CT line units, RTE line units or OS line units, is greater than 0—the number of additional line units worked out by the chief executive under section 53.

53 Working out number of additional line units

- (1) For section 52(b), the number of additional CT line units, RTE line units or OS line units is the number worked out by applying the following formula—

$$AU = \left(\frac{LUF}{B} \right) \times C$$

where—

AU means the number of additional CT line units, RTE line units or OS line units, rounded up to the nearest whole number, worked out by applying the formula.

LUF means the line unit factor, of the holder's RQ licence, for CT line units, RTE line units or OS line units.

B means the following amount—

- (a) for CT line units—1129130;
- (b) for RTE line units—574828;
- (c) for OS line units—749305.

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C means the following amount—

- (a) for CT line units—918000;
- (b) for RTE line units—482000;
- (c) for OS line units—613000.

54 Working out line unit factor

The line unit factor, of an eligible's holder RQ licence, for CT line units, RTE line units or OS line units is the factor worked out by applying the following formula—

$$\mathbf{LUF} = \left(\frac{\mathbf{AC}}{\mathbf{B}} \times \mathbf{C} \right) - \mathbf{D}$$

where—

LUF means the line unit factor, of the licence, for CT line units, RTE line units or OS line units worked out by applying the formula.

AC means the average catch amount (in kilograms) for the licence, worked out under section 55, of the prescribed coral reef fin fish for the line units.

B means the following amount—

- (a) for CT line units—2069764;
- (b) for RTE line units—1131411;
- (c) for OS line units—1492651.

C means the following amount—

- (a) for CT line units—1350000;
- (b) for RTE line units—700000;
- (c) for OS line units—1011000.

D means the following amount—

- (a) for CT line units—800;
- (b) for RTE line units—400;
- (c) for OS line units—800.

55 Average catch amount

- (1) For section 54, the average catch amount (in kilograms), for an eligible holder's RQ licence, of the prescribed coral reef fin fish for CT line units, RTE line units or OS line units is one-half of the total of the 2 highest amounts mentioned in subsection (2).
- (2) For subsection (1), the amounts are—
 - (a) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1994, 1995 or 1996; and
 - (b) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1997; and
 - (c) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1998, 1999, 2000 or 2001.

56 Standardised catch amount

- (1) This section provides for how the chief executive must work out the standardised catch amount, for an eligible holder's RQ licence, for each year from 1994 to 2001 (the *relevant years*), of the prescribed coral reef fin fish for CT line units, RTE line units or OS line units.
- (2) The standardised catch amount is the amount worked out by applying the following formula—

$$SC = \frac{RC \times A}{TC}$$

where—

SC means the standardised catch amount (in kilograms), for the licence, of the prescribed coral reef fin fish worked out by applying the formula.

RC means the amount (in whole weight) (the *recorded catch amount*) of the prescribed coral reef fin fish taken lawfully during the year under a prescribed fishery symbol written on the RQ licence and a former licence for the RQ licence.

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A means the following amount—

- (a) for coral trout—1350000;
- (b) for redthroat emperor—700000;
- (c) for other coral reef fin fish—1011000.

TC means the total catch of the prescribed coral reef fin fish, for the year, worked out using the table in schedule 6.

- (3) Subject to section 57, in deciding the recorded catch amount the chief executive must consider only relevant logbook information for the relevant years.

57 Interpretation of unlawful, ambiguous or incomplete relevant logbook information

- (1) If relevant logbook information for a relevant year is ambiguous or incomplete the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information that the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (3) Despite subsections (1)(b) and (2), the chief executive must not interpret, as an amount of coral trout, an amount of unidentified fish recorded in the relevant logbook information if the relevant logbook information also records any of the following as being taken on the same day as the unidentified fish—
 - (a) an amount of fish identified as 'trout';
 - (b) an amount of fish identified as coral trout.
- (4) The chief executive must disregard relevant logbook information for a relevant year if the chief executive

reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

- (5) For subsection (4), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 2 Catch history notice

58 Chief executive to give catch history notice

- (1) The chief executive must give an eligible holder a catch history notice.
- (2) The catch history notice must accompany the amendment notice given to the holder under part 1, division 2, subdivision 2.

59 Requirements for catch history notice

A catch history notice must state, in writing, each of the following—

- (a) that the eligible holder may apply for the issue of line units in relation to an RQ licence held by the holder;
- (b) the recorded catch amounts, for the licence for each relevant year of—
 - (i) coral trout; and
 - (ii) redthroat emperor; and
 - (iii) other coral reef fin fish;
- (c) from relevant logbook information for each relevant year—
 - (i) the amount of unidentified fish interpreted by the chief executive as an amount of coral trout, redthroat emperor or other coral reef fin fish; and

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- (ii) the amount of fish taken under the licence for a relevant year that is—
 - (A) identified in the logbook information as ‘sweetlips’ or ‘emperor’; and
 - (B) not identified, in the logbook information, as a particular species of fish; and
 - (C) interpreted by the chief executive as an amount of redthroat emperor; and
- (iii) the amount of disregarded fish;
- (d) if there is an amount of disregarded fish—the documents or information used by the chief executive to decide whether the fish were not taken or were taken unlawfully;
- (e) that the holder may, when applying for the issue of line units, ask the chief executive to decide the number of line units to be issued to the holder using the adjusted allocation provisions if the holder can establish any of the following (*a reason for adjusted allocation*)—
 - (i) the relevant logbook information or copies of docketts identify, as coral trout—
 - (A) unidentified fish recorded in the relevant logbook information and interpreted by the chief executive as other coral reef fin fish, except if an amount of fish identified as ‘trout’ or coral trout is recorded in the logbook information as being taken on the same day as the unidentified fish; or
 - (B) fish (the *identified fish*) identified in the logbook information as other coral reef fin fish, except if an amount of fish identified as ‘trout’ or coral trout is recorded in the logbook information as being taken on the same day as the identified fish;
 - (ii) the relevant logbook information or copies of docketts identify, as redthroat emperor—

- (A) unidentified fish recorded in the relevant logbook information and interpreted by the chief executive as other coral reef fin fish; or
- (B) fish identified in the logbook information as other coral reef fin fish;
- (iii) the relevant logbook information or copies of dockets identify, as a species of coral reef fin fish other than redthroat emperor, fish mentioned in paragraph (c)(ii);
- (iv) disregarded fish were taken and were not taken unlawfully;
- (v) a special circumstance for the holder exists;
- (f) that an application for line units must be received by the chief executive on or after 2 February 2004 but before 15 March 2004.

Subdivision 3 Application for issue of line units

60 Application for issue of line units

- (1) An eligible holder may, by written notice, apply to the chief executive for the issue of line units under this part.
- (2) The application must—
 - (a) be received by the chief executive on or after 2 February 2004 but before 15 March 2004; and
 - (b) if the holder wishes the chief executive to decide the number of line units to be issued to the holder using the adjusted allocation provisions—
 - (i) state the reasons for adjusted allocation; and
 - (ii) be accompanied by all documents or information on which the holder relies to establish the reasons for adjusted allocation.
- (3) Despite subsection (2)(a), the chief executive may consider an application received after 15 March 2004 if the chief executive is reasonably satisfied the holder was prevented

from giving the application to the chief executive by 15 March 2004 by reasons beyond the holder's control.

61 Deciding application for issue of line units

- (1) The chief executive must, as soon as practicable after receiving an application for line units from an eligible holder, decide the number of line units to be issued to the holder.
- (2) If the application states a reason for adjusted allocation exists, the chief executive must decide whether the reason for adjusted allocation is established using only the following—
 - (a) the relevant logbook information;
 - (b) any copies of dockets accompanying the application;
 - (c) any further information or evidence given to the chief executive within the stated period under subsection (3);
 - (d) if the reason for adjusted allocation is that disregarded fish were taken and were not taken unlawfully—
 - (i) the documents or information used by the chief executive under section 57(5); and
 - (ii) the documents or information accompanying the application; and
 - (iii) any further information or evidence obtained by the chief executive under subsection (5) and any response from the holder received by the chief executive within the stated period under subsection (6).
- (3) The chief executive may ask the applicant to give, within the period stated by the chief executive of at least 14 days, further relevant information or evidence the chief executive requires to decide whether a reason for adjusted allocation exists.
- (4) The applicant must give the chief executive the further information or evidence requested.
- (5) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded fish were not taken or were taken unlawfully.

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- (6) If the chief executive obtains information or evidence under subsection (5), the chief executive must, before deciding the application, give the holder a notice stating—
 - (a) the information or evidence obtained; and
 - (b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.
- (7) In deciding the number of line units to be issued to the holder, the chief executive must use only the information mentioned in subsection (2)(a) to (d).
- (8) As soon as practicable after deciding the application, the chief executive must—
 - (a) issue to the holder—
 - (i) a line unit certificate for the line units for the first line year; and
 - (ii) a 4-digit identity number (a *unit PIN*) for the line units; and
 - (b) give the holder a decision notice for the decision.

61A Issue of fisher PIN

- (1) This section applies if the chief executive has decided under section 61 the number of line units to be issued to an eligible holder.
- (2) The chief executive must issue the holder a 4-digit identity number (a *fisher PIN*) for the line units issued to the holder—
 - (a) if the decision was made before the commencement of this section—immediately after the commencement of this section; or
 - (b) if paragraph (a) does not apply—when the chief executive issues the holder a line unit certificate for the line units under section 61.

62 Allocation provisions to be applied if reason for adjusted allocation is established

If the chief executive is reasonably satisfied a reason for adjusted allocation is established for an eligible holder, the chief executive must decide the number of line units to be issued to the holder using the following provisions (the *adjusted allocation provisions*)—

- (a) if the reason for adjusted allocation is that special circumstances exist for the holder—sections 52 to 57 adjusted under section 63 or 64;
- (b) for another reason for adjusted allocation—sections 52 to 57.

63 Adjusted allocation provisions for event-based special circumstance

- (1) This section applies if the special circumstance is an event-based special circumstance.
- (2) The amount mentioned in subsection (3) is taken to be an additional amount mentioned in section 55(2).
- (3) The amount is the recorded catch amount of the prescribed coral reef fin fish for the following period, whichever is higher—
 - (a) the year ending immediately before the start of the event;
 - (b) the year starting immediately after the end of the event.
- (4) However, coral reef fin fish taken before 1 January 1990 or after 31 December 2001 must not be included in the recorded catch amount.
- (5) If the standardised catch amounts mentioned in section 55(2)(a) to (c) for the RQ licence and a former licence for the RQ licence are 0kg, the average catch amount (in kilograms) of the prescribed coral reef fin fish is the amount mentioned in subsection (3).

64 Adjusted allocation provisions for recent entrant special circumstance

- (1) This section applies if the special circumstance is a recent entrant special circumstance.
- (2) The following amounts apply instead of the amounts mentioned in section 55(2)—
 - (a) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1997;
 - (b) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1998;
 - (c) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1999, 2000 or 2001.

65 Particular applications for line units must be decided before start of 1st line year

- (1) The chief executive must decide all on time applications for line units before the first line year starts.
- (2) In this section—

on time application for line units means an application for line units received by the chief executive before 15 March 2004.

Division 3A Additional units

65A Application of div 3A

This division applies if—

- (a) the chief executive has issued CT line units, RTE line units or OS line units under division 3, or has worked out the number of CT line units, RTE line units or OS line units to be issued under division 3, to an eligible holder in relation to an RQ licence; and
- (b) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence

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continuously from 19 May 1997 to the following day—

- (i) if line units were issued under division 3 before the commencement of this section—the day this section commences; or
- (ii) if subparagraph (i) does not apply—the day the chief executive works out the number of CT line units, RTE line units or OS line units to be issued under division 3; and
- (c) the entitlement under the CT line units, RTE line units or OS line units on the relevant day is less than 80% of the prescribed recorded catch for the CT line units, RTE line units or OS line units; and
- (d) if the CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—the holder applies to the chief executive as required under section 65F for the issue of additional units under this division.

65B Definitions for div 3A

In this division—

recorded catch amount, for an eligible holder, for a year, means the amount of coral trout, redthroat emperor or other coral reef fin fish—

- (a) taken lawfully during the year under a prescribed fishery symbol written on the holder's RQ licence and a former licence for the RQ licence; and
- (b) recorded in relevant logbook information.

relevant day means—

- (a) if CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—the day the line units were issued to the holder; or
- (b) if paragraph (a) does not apply—the day the chief executive decides the number of CT line units, RTE line units or OS line units to be issued to the holder under

division 3.

relevant period means the period starting on 1 January 1994 and ending on 31 December 1996.

65C Chief executive must issue additional units

- (1) The chief executive must issue enough additional CT line units, RTE line units or OS line units to the holder to ensure the entitlement, on the day the additional units are issued, under the total number of CT line units, RTE line units or OS line units issued to the holder is at least 80% of the prescribed recorded catch for the CT line units, RTE line units or OS line units.
- (2) The additional CT line units, RTE line units or OS line units must be issued to the holder—
 - (a) if CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—as soon as practicable after the chief executive receives the holder's application for the issue of additional CT line units, RTE line units or OS line units under this division; or
 - (b) if paragraph (a) does not apply—at the time the chief executive issues CT line units, RTE line units or OS line units to the holder under division 3.

65D Working out average recorded catch

- (1) For section 65C, the average recorded catch for coral trout, redthroat emperor or other coral reef fin fish for an eligible holder is—
 - (a) if subsection (3) does not apply—the average of the recorded catch amounts for the holder for each year of the relevant period; or
 - (b) if subsection (3) applies—the amount worked out under that subsection.
- (2) Subsection (3) applies if—
 - (a) the chief executive is reasonably satisfied that an

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- event-based special circumstance exists for the holder;
and
- (b) the event period for the event-based special circumstance happened wholly or partly within the relevant period, whether or not the event period happened for a whole year within the relevant period.
- (3) If this subsection applies, the average recorded catch for the holder is the average of the following recorded catch amounts for the holder—
- (a) for a year within the relevant period for which the event was not happening—the recorded catch amount for the holder for the year;
 - (b) for a year within the relevant period for which the event was happening—the highest of the following—
 - (i) the recorded catch amount for the holder for the last year ending before the start of the event;
 - (ii) the recorded catch amount for the holder for the first year starting after the end of the event;
 - (iii) the recorded catch amount for the holder for the year.
- (4) Subsection (3) applies despite section 45(2).
- (5) For working out the average recorded catch amount under subsection (3), the recorded catch amount for a year may be used more than once.
- (6) Subject to section 65E, in deciding the recorded catch amount the chief executive must consider only the relevant logbook information for the years during the relevant period.

65E Interpretation of unlawful, ambiguous or incomplete relevant logbook information

- (1) If relevant logbook information for a year during the relevant period is ambiguous or incomplete the chief executive may—
- (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

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Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information that the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (3) Despite subsections (1)(b) and (2), the chief executive must not interpret, as an amount of coral trout, an amount of unidentified fish recorded in the relevant logbook information if the relevant logbook information also records any of the following as being taken on the same day as the unidentified fish—
 - (a) an amount of fish identified as ‘trout’;
 - (b) an amount of fish identified as coral trout.
- (4) The chief executive must disregard relevant logbook information for a year during the relevant period if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (5) For subsection (4), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

65F Requirements for application for issue of additional line units

- (1) This section applies to an application for the issue of additional CT line units, RTE line units or OS line units under this division made by an eligible holder who was issued CT line units, RTE line units or OS line units before the commencement of this section.
- (2) The application must—
 - (a) be in writing; and
 - (b) if an event-based special circumstance exists for the holder—state that an event-based special circumstance

exists for the holder; and

- (c) be made within 6 weeks after the commencement of this section.
- (3) Despite subsection (2)(c), the chief executive may consider an application received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the application to the chief executive within the period by reasons beyond the holder's control.

Division 4 Reduction in entitlements of line units

66 Application of div 4

- (1) This division applies if, on the relevant day, more than any of the following line units have been issued—
 - (a) 1350000 CT line units;
 - (b) 700000 RTE line units;
 - (c) 1011000 OS line units.
- (2) In this section—

relevant day means the earliest day on which—

 - (a) the period for each eligible holder to apply for the issue of line units has ended; and
 - (b) the period to appeal against all decisions about the issue of line units or amending a licence by writing the fishery symbol 'RQ' on it has ended; and
 - (c) all appeals mentioned in paragraph (b) are ended or fully decided; and
 - (d) if, in deciding an appeal, the tribunal gave the chief executive directions—the directions have been complied with.

67 Chief executive to amend entitlements

The chief executive must amend this plan by reducing the entitlement of all CT line units, RTE line units or OS line units so that the total entitlements of the line units is not more than—

- (a) for CT line units—1350000t of coral trout; or
- (b) for RTE line units—700000t of redthroat emperor; or
- (c) for OS line units—1011000t of other coral reef fin fish.

68 Notice and taking of effect of reduction in entitlement

- (1) The chief executive must, as soon as practicable after the reduction of entitlements under section 67, give each line unit holder a written notice stating the reduction.
- (2) The reduction for the holder takes effect when the holder is given the written notice under subsection (1).

Division 5 Line unit entitlement and use

69 Meaning of *entitlement* of line unit holder

- (1) The holder of a line unit, or a person acting under the line unit, may take, in a line year, 1kg (whole weight) of the prescribed coral reef fin fish for the line unit.
- (2) The authorisation for each line year is the holder's *entitlement* under the line unit for that line year.
- (3) However, the entitlement applies only while the holder holds an RQ 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 line unit or RQ licence.

Examples of relevant restrictions—

the restrictions under sections 263 to 269 of the regulation

70 When line unit entitlement is *used* for a line year

- (1) The entitlement of a line unit held by a person is *used* for a line year—
 - (a) when the holder, or a person acting under the line unit, has taken, in that line year under any RQ licence held by the line unit holder, an amount (in whole weight) of the prescribed coral reef fish for the line unit equalling the holder's entitlement under the line unit; or
 - (b) if section 71(2) applies.
- (2) The *unused entitlement* of a holder's line unit for a line year is the amount (in whole weight) of the prescribed coral reef fin fish for the line unit that has not been taken, for the line year, under any RQ licence held by the line unit holder.

71 No carrying forward of unused entitlement

- (1) This section applies if, in a line year, a line unit holder takes an amount of the prescribed coral reef fin fish for the line units that is less than the total entitlements under the holder's line units.
- (2) The holder is taken, at the end of the line year, to have used all the entitlements under the line units held by the holder for the line year.

72 Line unit certificates

- (1) The chief executive must issue a single certificate to each person who holds line units.
- (2) The certificate must state each of the following—
 - (a) the certificate number;
 - (b) the holder's name;
 - (c) how many of the following line units the holder has—
 - (i) CT line units;
 - (ii) RTE line units;
 - (iii) OS line units;

- (d) if the chief executive has imposed conditions on the line units—the conditions;
- (e) if the chief executive has suspended any of the line units—
 - (i) the number and type of line units suspended; and
 - (ii) the period of the suspension.

73 Evidentiary provision for line unit certificate

A line unit certificate is evidence of—

- (a) the number of line units held when the certificate was issued under section 72, replaced under section 71 of the Act or changed or replaced under section 78; and
- (b) the conditions, if any, imposed on the line units.

Division 6 Evidentiary aids for use of entitlement

74 Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder, or another person acting for the holder, of CT line units, RTE line units or OS line units gives the chief executive an unloaded fish notice for the prescribed coral reef fin fish for the line units.
- (2) The notice is evidence that the holder has taken, under the line units, the whole weight equivalent of the amount of coral reef fin fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of coral reef fin fish stated in the notice is—
 - (a) for an amount stated for whole coral reef fin fish—the amount stated; or
 - (b) for an amount stated for coral reef fin fish that is not whole—the amount calculated in the way stated in schedule 7.

74A Particular notice is evidence of unused entitlement

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

Division 7 Transfer of line units**Subdivision 1 When line units may or may not be transferred****75 Purpose of sdiv 1**

This subdivision states, for section 65(1) of the Act, the circumstances in which line units may or may not be transferred.

76 Only whole line units may be transferred

A part of a line unit can not be transferred.

77 Eligibility of transferee

A line unit may be transferred only by the holder of the line unit to a person, other than the transferor, who holds an RQ licence.

Subdivision 2 Other provisions about line unit transfers

78 Line unit certificate changes required

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

80A Issue of fisher PIN for particular transferees

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

81 Entitlement of transferee

- (1) The entitlement of the transferee under transferred line units is—
 - (a) for the line year in which the transfer takes effect—the entitlement of the transferor under the units immediately before the chief executive registers the transfer under section 65B of the Act; and
 - (b) for a later line year—the entitlement the transferor would have had under the units, had the transfer not taken place, at the beginning of the line year.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred line unit is used, the whole entitlement of the transferee under the transferred line unit is taken to be used.

Division 9 Change of PINs

84 Change of unit PIN

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

85 Change of fisher PIN

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

Part 3 Conditions for authorities under fishery symbol ‘RQ’

Division 1 Preliminary

98 Application of divs 1–3

Divisions 1 to 3 apply to the taking and possessing of coral reef fin fish under a licence on which the fishery symbol ‘RQ’ is written.

Note—

See also section 208 (Authorisations subject to regulation, management plans and authorities) of the regulation.

99 Area for ‘RQ’ fishery symbol

The area for the fishery symbol ‘RQ’ consists of—

- (a) if the fishery symbol is written on a licence that also has the fishery symbol ‘L1’ written on it—the L1 fishery area; and
- (b) if the fishery symbol is written on a licence that also has the fishery symbol ‘L2’ or ‘L3’ written on it—the L2 or L3 fishery area; and
- (c) if the fishery symbol is written on a licence that also has the fishery symbol ‘L6’ or ‘L7’ written on it—the L6 or L7 fishery area; and
- (d) if the fishery symbol is written on an RQ(L8) licence—the L8 fishery area.

Division 2 General requirements about taking coral reef fin fish

100 Where coral reef fin fish may be taken

Coral reef fin fish may be taken from the areas mentioned in section 99.

101 What coral reef fin fish may be taken

- (1) The following coral reef fin fish may be taken—
 - (a) under an RQ(L8) licence—any coral reef fin fish other than coral trout and red emperor;
 - (b) under another licence on which the fishery symbol ‘RQ’ is written—any coral reef fin fish.
- (2) This section is subject to division 4.

102 Permitted ways of taking fish (other than under RQ(L8) licence)

- (1) This section applies to the taking of coral reef fin fish under a licence on which the fishery symbol 'RQ' is written, other than an RQ(L8) licence.
- (2) Coral reef fin fish may be taken only by using hand or mechanically operated fishing lines or fishing rods with hand or mechanically operated reels.
- (3) A person must not use more than 3 fishing lines at a time.
- (4) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

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

103 Permitted ways of taking fish—RQ(L8) licence

- (1) This section, and sections 104 and 105, apply to the taking of coral reef fin fish under an RQ(L8) licence.
- (2) Coral reef fin fish may be taken only by using drop lines or bottom set lines as required under section 104 or 105.
- (3) A person must be within 100m of a line or group of lines while they are in use.
- (4) A drop line and a bottom set line must not be used at the same time.

104 Using drop lines—RQ(L8) licence

- (1) A drop line must not have more than 50 hooks attached to it.
- (2) Not more than 6 drop lines may be used at a time.
- (3) Each drop line must have attached to it a light coloured float that is—

- (a) marked with the boat mark of the primary boat identified on the holder's RQ licence; and
- (b) at least 30cm in each of its dimensions.

105 Using bottom set lines—RQ(L8) licence

- (1) A bottom set line must not have more than 300 hooks attached to it.
- (2) Not more than 3 bottom set lines may be used at a time.
- (3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.
- (4) Each end of a bottom set line must have attached to it a light coloured float that is—
 - (a) marked with the boat mark of the primary boat identified on the holder's RQ licence; and
 - (b) at least 30cm in each of its dimensions.

106A Identification requirement to allow identification or counting of coral reef fin fish

- (1) This section applies if—
 - (a) coral reef fin fish are on board a commercial fishing boat; and
 - (b) any fish on board the boat are stored in a sealed container.
- (2) The person in control of the boat must ensure the container has attached to it a label stating, clearly and legibly—
 - (a) if the container contains coral trout—the words 'coral trout' and the number of coral trout inside the container; or
 - (b) if the container contains redthroat emperor—the words 'redthroat emperor' and the number of redthroat emperor inside the container; or

- (c) if the container contains other coral reef fin fish—the words ‘other coral reef fin fish’ and the number of other coral reef fin fish inside the container; or
- (d) if the container contains fish other than coral reef fin fish—the words ‘other species of fish’ and the number of fish inside the container.

Division 3 Use of commercial fishing boats

107 Using primary boats

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

108 Using tender boats

- (1) A tender boat must not be used—
 - (a) in the L1 fishery area, the L2 or L3 fishery area or the L6 or L7 fishery area—more than 5n miles from its primary boat; or
 - (b) in the L8 fishery area—more than 800m from its primary boat.
- (2) Subsection (1) does not apply if—
 - (a) the tender boat and its primary boat are located—
 - (i) in L2 or L3 fishery area; and
 - (ii) on the same reef; or
 - (b) both of the following apply—
 - (i) the tender boat is used only to carry—
 - (A) fish taken by its primary boat; or
 - (B) fishing apparatus used from its primary boat;
 - (ii) the tender boat and its primary boat are both within 2km of the mainland shore.

109 Permitted distance for assistant fisher to be under direction

- (1) If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction is—
 - (a) in the L8 fishery area—800m; or
 - (b) in other waters—5n miles.
- (2) However, any distance is permitted if the boats are located—
 - (a) in the L2 or L3 fishery area; and
 - (b) on the same reef.

Division 4 Line units

110 Purpose of div 4

This division prescribes conditions to which the following are subject—

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

111 Definitions for div 4

In this division—

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

- (a) for an amending notice amending the landing period or landing place mentioned in the prior notice—the earlier of the following—
 - (i) when the first authorised boat, for the line unit holder by or for whom the prior notice was given, enters the area that is within 0.5n miles of the landing place mentioned in the prior notice;

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- (ii) if the landing place mentioned in the prior notice is at or north of latitude 15°50.30' south²—3 hours before the landing period mentioned in the prior notice ends;
 - (iii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or
- (b) for another amending notice—the earlier of the following—
- (i) when the first authorised boat, for the line unit holder by or for whom the prior notice was given, enters the area that is within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) 1 hour before the landing period mentioned in the prior notice ends.

authorised boat, for a line unit holder, means—

- (a) the primary boat under any of the RQ licences held by the line unit holder; or
- (b) any of the primary boat's tender boats.

authorised unloading time, for unloading coral reef fin fish for which a prior notice or transshipment notice has not been given, means—

- (a) if the person unloading the fish has been given permission, by an inspector, to unload the fish on or after a stated time—the stated time; or
- (b) otherwise—
 - (i) if the authorised boat or transport vessel on which the fish are on board landed at or north of latitude 15°50.30' south³ and an unnotifiable landing notice for the landing was given before 9a.m. on the day the boat or vessel landed—3p.m. on the day the boat or vessel landed; or

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

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

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- (ii) if the authorised boat or transport vessel on which the fish are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9a.m. and 4p.m. on the day the boat or vessel landed—6 hours after the boat or vessel landed; or
- (iii) if the authorised boat or transport vessel on which the fish are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given after 4p.m. on the day the boat or vessel landed—3p.m. on the day after the boat or vessel landed; or
- (iv) if the authorised boat or transport vessel on which the fish are on board landed south of latitude 15°50.30' south—3 hours after the boat or vessel landed.

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

- (a) nominated by the chief executive; and
- (b) published on the department's website.⁴

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

landing place—

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

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

⁴ At 1 July 2004, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

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

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

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

prescribed person means each of the following—

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

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

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

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including, for example, a medical emergency, fire and extreme weather conditions; and

- (ii) the notice could not be given because of the event.

prior notice area means any of the following—

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

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

- (a) the time the first authorised boat, for the line unit holder by or for whom the notice is given, enters the prior notice area;
- (b) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south⁵ and the landing period mentioned in the notice ends during the period starting at 3p.m. and ending at 10p.m. on a day—6 hours before the first of the authorised boats, for the line unit holder by or for whom the notice is given, that will be landed at the place will land at the place;
- (c) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10p.m. on a day (the **first day**) and ending at 3p.m. on the following day—4p.m. on the first day;
- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—3 hours before the first of the authorised boats, for the line unit holder by or for whom the notice is given, that will be landed at the place will land at the place.

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

- (a) the current fisher PIN for the line units to which the notice relates;

⁵ Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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- (b) the numerical part of the licence number of the RQ licence to which the coral reef fin fish the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the **landing place**) at which any or all of the authorised boats, for the line holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload coral reef fin fish from or by using 1 or more of the authorised boats before the boats leave the unloading area for the landing place;
- (e) if the person giving the prior notice is prompted by the AIVR system to enter the following information—the following information—the estimated number of hours (the **landing period**), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
- (f) if the person giving the prior notice is prompted by the AIVR system to enter the following information—the following information—
 - (i) the total number of containers containing each of the following in filleted form that are on board all the authorised boats when the notice is given—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
 - (ii) the total number of each of the following on board all the authorised boats when the notice is given—
 - (A) coral trout that are whole or gilled and gutted;
 - (B) redthroat emperor that are whole or gilled and gutted;
 - (C) other coral reef fin fish that are whole or gilled and gutted;

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- (D) containers of other coral reef fin fish that are whole or gilled and gutted.

relevant equipment means equipment that can be used—

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

retained fish conditions means, for a prior notice, that an authorised boat must not leave the unloading area for the landing place for the prior notice with coral reef fin fish unless the holder, or someone else acting for the holder, has given the chief executive a retained fish notice for the fish at least the following period before the boat leaves the unloading area—

- (a) if the landing place is at or north of latitude 15°50.30' south—6 hours;
- (b) if the landing place is south of latitude 15°50.30' south—3 hours.

retained fish notice means a notice stating the retained fish notice particulars and given in compliance with the retained fish conditions.

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

- (a) the current fisher PIN for the line units to which the retained fish notice relates;
- (b) the numerical part of the licence number of the RQ licence that relates to the coral reef fin fish the subject of the retained fish notice;
- (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice for which the retained fish notice is given—the transaction number;
- (d) the total number of each of the things mentioned in the definition *prior notice particulars*, paragraph (f) that will be on board the authorised boats immediately after all the authorised boats have left the unloading area for the landing place mentioned in the prior notice.

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

- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number for the RQ licence to which the coral reef fin fish the subject of the notice relate;
- (c) the identification code for the transport vessel to which the notice relates;
- (d) the prescribed numerical code or the latitude and longitude coordinates for the places—
 - (i) at which the vessel will be landed (the ***landing place***); and
 - (ii) at which the coral reef fin fish that were transferred from the authorised boats, for the line unit holder by or for whom the notice is given, to the vessel will be unloaded;
- (e) the date on which the fish that were transferred from the authorised boats to the vessel will be unloaded;
- (f) if the person giving the transshipment notice is prompted by the AIVR system to enter the following information—the following information—
 - (i) the total number of containers containing each of the following in filleted form that were transferred from the authorised boats to the vessel—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
 - (ii) the total number of each of the following that are whole or gilled and gutted and were transferred from the authorised boats to the vessel—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish.

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

- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number for the RQ licence to which the coral reef fin fish the subject of the notice relate;
- (c) if the person giving the unloaded fish notice is prompted by the AIVR system to enter the transaction number for a prior notice, transshipment notice or unnotifiable landing notice given in relation to the coral reef fin fish mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of the following that were unloaded by or for the holder—
 - (i) each of the following in whole form—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
 - (ii) each of the following in gilled and gutted form—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
 - (iii) each of the following in filleted form—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) fish of a species of cod or grouper and rosy snapper or lavender snapper;
 - (D) goldband snapper;
 - (E) fish of a species of tropical snapper or seaperch not mentioned in subsubparagraph (C) or (D);

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- (F) fish of a species of emperor, other than redthroat emperor;
- (G) fish of any other species of coral reef fin fish or an unidentified species.

unloading area, for a landing place, means—

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

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

unnotifiable landing notice see section 119(2)(b).

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

- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number for the RQ licence to which the coral reef fin fish the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the places—
 - (i) at which the authorised boats or transport vessel to which the notice relates have been landed (the ***landing place***); and
 - (ii) at which the coral reef fin fish on board the boats or vessel will be unloaded;
- (d) if the person giving the unnotifiable landing notice is prompted by the AIVR system to enter the following information—the following information—

- (i) the total number of containers containing each of the following in filleted form that are on board the boats or vessel when the notice is given—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
- (ii) the total number of each of the following that are whole or gilled and gutted and are on board the boats or vessel when the notice is given—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish.

112 Requirements for taking or possessing fish on authorised boat

A prescribed person may take coral reef fin fish from, or possess coral reef fin fish on board, an authorised boat for a line unit holder in a line year only if the holder holds the following line units with unused entitlements for the line year—

- (a) for coral trout—CT line units;
- (b) for redthroat emperor—RTE line units;
- (c) for other coral reef fin fish—OS line units.

113 Requirement to give prior notice

- (1) This section applies if—
 - (a) coral reef fin fish are on board an authorised boat for a line unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and
 - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.

- (2) The holder must give notice (*prior notice*) of the prior notice particulars to the chief executive before the prior notice deadline for the notice has passed.
- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) This section does not apply if—
 - (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—
 - (i) north of latitude 15°16.57' south;⁶ or
 - (ii) on an island other than Bribie Island, Fraser Island, Magnetic Island, Moreton Island, North Stradbroke Island or South Stradbroke Island; and
 - (b) it is not proposed to unload coral reef fin fish at the place.

114 Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder under section 113; and
 - (b) the notice stated that coral reef fin fish were not to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload coral reef fin fish before the boats leave the unloading area.
- (2) The holder must give another notice (also a *prior notice*) to the chief executive stating that coral reef fin fish will be unloaded before the boats leave the unloading area.

⁶ Latitude 15°16.57' south runs through South Cape Bedford.

- (3) The notice must—
 - (a) state all the prior notice particulars; and
 - (b) be given before the prior notice deadline for the notice has passed.
- (4) A prior notice given under this section replaces the prior notice given under section 113.
- (5) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection and subsection (3), for the holder.

115 Amendment or withdrawal of prior notice

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

116 General requirements after prior notice given

- (1) This section applies if a prior notice has been given by or for a line unit holder.
- (2) The person in control of a relevant authorised boat must ensure that—
 - (a) the boat lands—

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- (i) at the landing place mentioned in the notice; and
 - (ii) not more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) the total number of each of the following on board all the authorised boats for the holder when the relevant authorised boat lands is a number (a ***complying number***) that is the same as the number stated in the prior notice or is, having regard to the circumstances, close to that number—
 - (i) coral trout;
 - (ii) redthroat emperor;
 - (iii) other coral reef fin fish; and
 - (c) if the person giving the prior notice was prompted by the AIVR system to enter the total number of the following on board the authorised boats for the holder—the total number of the following on board the authorised boats when the relevant authorised boat lands is a complying number—
 - (i) containers containing each of the following in filleted form—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish;
 - (ii) each of the following other than in filleted form—
 - (A) coral trout;
 - (B) redthroat emperor;
 - (C) other coral reef fin fish.
- (3) Also, if a relevant authorised boat lands at the landing place mentioned in the notice before the landing period mentioned in the notice ends, the person in control of the boat must ensure the boat stays at the landing place until the landing period has ended.

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- (4) In deciding under subsection (2)(a) or (b), whether a number is close, regard must be had to the degree of difficulty in counting the number stated in the prior notice.
- (5) Subsection (2)(a) does not apply if the relevant authorised boat does not land at the place, or does not land within the period, mentioned in that subsection because of a reason beyond the control of the person in control of the boat.
- (6) Subsection (3) does not require the person in control of the relevant authorised boat to be on board the boat after the boat has landed.
- (7) In this section—
relevant authorised boat, in relation to a prior notice, means an authorised boat, for the line unit holder by or for whom the notice was given, that is proposed to be landed at the landing place mentioned in the notice.

117 Additional requirements if prior notice stated fish will be unloaded

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder; and
 - (b) the notice stated that coral reef fin fish were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take coral reef fin fish from an authorised boat for the holder after the prescribed time unless—
 - (a) all the coral reef fin fish on board all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 122, for the fish.
- (3) However, subsection (2)(a) does not apply if the prescribed person complies with the retained fish conditions.

- (4) Also, if asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
- (a) the place (the ***unloading place***) where the fish on board the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the ***unloading time***) at which the fish are to be unloaded.
- (5) If subsection (4) applies, a prescribed person must not unload, or allow to be unloaded, the fish on board the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—
- prescribed time***, in relation to a prior notice, means the earlier of the following—
- (a) the time the first authorised boat, for the line unit holder by or for whom the notice is given, enters the area within 0.5n miles of the landing place mentioned in the notice;
 - (b) 1 hour before the landing period mentioned in the prior notice ends.

118 Requirement to give transshipment notice

- (1) This section applies if coral reef fin fish are—
- (a) taken from an authorised boat for a line unit holder; and
 - (b) transferred, before the fish are unloaded, to a following vessel (a ***transport vessel***)—
 - (i) a boat identified in a carrier boat licence;
 - (ii) a commercial ship registered under the *Transport Operations (Marine Safety) Act 1994*; and
 - (c) proposed to be unloaded from or by using the vessel.
- (2) As soon as practicable after the fish are transferred to the vessel, the holder must give notice (***transshipment notice***) of the transshipment notice particulars to the chief executive.

- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) In this section—
commercial ship see the *Transport Operations (Marine Safety) Regulation 2004*, schedule 15.

119 General requirement for unloading fish

- (1) A prescribed person must not unload, or allow to be unloaded, coral reef fin fish taken from an authorised boat for a line unit holder unless—
 - (a) a prior notice as required under section 113 or 114 has been given by or for the holder and the notice stated the fish were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
 - (b) a transshipment notice as required under section 118 has been given by or for the holder for the fish.
- (2) It is a defence to an offence relating to non-compliance with subsection (1) if the prescribed person proves—
 - (a) the prior notice or transshipment notice was not given by or for the holder because of a prescribed reason; and
 - (b) the holder or another person acting for the holder gave the chief executive a notice (an *unnotifiable landing notice*) for the landing of the authorised boats for the holder, or the transport vessel to which the coral reef fin fish taken from the boats were transferred—
 - (i) immediately after the first of the boats, or the vessel, lands; and
 - (ii) stating the unnotifiable landing notice particulars; and
 - (c) the prescribed person did not, before the authorised unloading time—

- (i) move, or allow to be moved, the boats or vessel to a place more than 200m from, or not visible to a person at, the landing place mentioned in the unnotifiable landing notice; or
- (ii) move, or allow to be moved, the fish from the boats or vessel.

120 Additional requirements for unloading fish if prior notice given

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder; and
 - (b) the notice stated that coral reef fin fish were to be unloaded from or by using 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the coral reef fin fish unless section 116 has been complied with in relation to the notice.
- (3) Also, a prescribed person may unload, or allow to be unloaded, the fish—
 - (a) only after the landing period mentioned in the notice has ended; and
 - (b) if the fish are to be unloaded from or by using a tender boat of a primary boat for the holder—only if the tender boat is attached to, or is within 200m of, the primary boat; and
 - (c) only at a place that is open for entry, under the Act, by an inspector and is any of the following—
 - (i) the landing place mentioned in the notice;
 - (ii) if the landing place is within a defined port area—another place that is within the defined port area;

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

121 Requirements for weighing unloaded fish

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

122 Requirement to give unloaded fish notice

- (1) This section applies if coral reef fin fish—
 - (a) were taken from an authorised boat for a line unit holder; and
 - (b) are unloaded from or by using the boat or a transport vessel.
- (2) The holder must give notice (*unloaded fish notice*) of the unloaded fish notice particulars to the chief executive—

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- (a) as soon as practicable after the first time the coral reef fin fish on board the boat or vessel are unloaded from or by using the boat or vessel; and
 - (b) if the coral reef fin fish are first unloaded by moving the boat or vessel carrying the fish to a place on land—as soon as practicable after the fish are first moved from the boat or vessel.
- (3) Also, the holder, or a commercial fisher acting for the holder, must—
- (a) retain possession of the coral reef fin fish until the unloaded fish notice is given; or
 - (b) for a live fish that is sold or given to another person—remain within 200m of the fish until the unloaded fish notice is given.
- (4) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.

123 Notices to chief executive under this division

- (1) This section applies to each of the following notices—
- (a) a notice required to be given under section 113, 114 or 115;
 - (b) a retained fish notice;
 - (c) a transshipment notice;
 - (d) an unnotifiable landing notice;
 - (e) an unloaded fish notice.
- (2) The notice must be given to the chief executive by using the AIVR system.

Part 4 Conditions for boat licences

126 Conditions of RQ licences about transhipping

- (1) An RQ licence is subject to the conditions mentioned in this section.
- (2) Coral reef fin fish taken from the primary boat must not be transhipped to any of the following boats (the *prescribed boats*)—
 - (a) another primary boat;
 - (b) the tender boat of another primary boat.
- (3) Coral reef fin fish taken from a prescribed boat must not be transhipped to the primary boat.
- (4) Coral reef fin fish taken from a tender boat must not be transhipped to a boat other than—
 - (a) the tender boat's primary boat; or
 - (b) another tender boat of the primary boat.
- (5) Coral reef fin fish taken from any of the following boats must not be transhipped to a tender boat (the *relevant tender boat*)—
 - (a) a primary boat other than the relevant tender boat's primary boat;
 - (b) a tender boat of a primary boat other than the relevant tender boat's primary boat.

128 No new carrier boat licences

- (1) The chief executive must not issue a carrier boat licence allowing the carriage of coral reef fin fish.
- (2) The chief executive may replace a carrier boat licence allowing the carriage of coral reef fin fish only if—
 - (a) the licence was issued before the notification day; and
 - (b) the holder applying for the replacement has held the licence continuously from the notification day; and

- (c) the application is for the replacement of the licence on the same, or substantially the same, conditions.
- (3) A carrier boat licence issued before the notification day is subject to the condition that the boat must not be used to carry live coral reef fin fish unless—
 - (a) the boat is also identified in a commercial fishing boat licence; and
 - (b) the fish were taken from any of the following—
 - (i) the boat;
 - (ii) if the boat is a tender boat—the boat’s primary boat;
 - (iii) if the boat is a primary boat—a tender boat of the boat.

Part 5 Filleting permits

129 Chief executive may issue filleting permits

- (1) The chief executive may issue filleting permits.
- (2) The chief executive may issue a filleting permit only to the holder of an RQ licence.

130 What filleting permit authorises

The holder of a filleting permit, or a commercial fisher acting under the holder’s RQ licence, may fillet coral reef fin fish stated in the permit on board the primary boat identified on the holder’s RQ licence.

Chapter 5 Miscellaneous provisions

Part 2 Offences and criteria for suspension and cancellation

Division 1 Prescribed serious fisheries offences

149 Serious fisheries offences

For the Act, schedule, definition *serious fisheries offence*, an offence constituted by any of the following in relation to the reef line fishery is a serious fisheries offence—

- (a) entering or using a zone, within the meaning of the *Great Barrier Reef Marine Park Act 1975* (Cwlth), in contravention of section 38A of that Act;
- (b) using a tender boat in a way that contravenes the *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), section 49 or 51;
- (c) entering or using a marine park in contravention of the *Marine Parks Act 2004*, section 43 or the *Marine Parks Regulation 2006*, section 109.

Note—

Other fisheries offences are prescribed as serious fisheries offences under section 625 of the regulation.

Division 2 Prescribed suspension and cancellation criteria

150 Criteria for suspending authorities

- (1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court suspending any of the following authorities under section 68B(2) of the Act—

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- (a) a commercial fisher licence;
 - (b) a commercial fishing boat licence;
 - (c) an authority with the fishery symbol 'A1' or 'A2' written on it;
 - (d) a buyer licence.
- (2) The prescribed criteria stated in subsection (3) apply only if—
- (a) the authority holder has been convicted of a serious fisheries offence—
 - (i) mentioned in section 149; or
 - (ii) prescribed under section 625 of the regulation, other than an offence under section 79 of the Act; and
 - (b) the conviction is not a spent conviction.
- (3) For subsection (2), the prescribed criteria are as follows—
- (a) for the first conviction—2 to 3 months suspension;
 - (b) for the second conviction—6 months to 1 year's suspension;
 - (c) for the third or subsequent conviction—1 to 5 years suspension.
- (4) The prescribed criteria stated in subsection (5) apply only if—
- (a) the authority holder has been convicted of an offence under section 79 of the Act; and
 - (b) the conviction is not a spent conviction.

Editor's note—

section 79 (Quota offences) of the Act

- (5) For subsection (4), the prescribed criteria are as follows—
- (a) for the first conviction—1 year's suspension;
 - (b) for the second or subsequent conviction—1 to 5 years suspension.
- (6) 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 under section 11 of that Act.

151 Criteria for suspending line units

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

152 Criteria for cancelling line units

- (1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court cancelling line units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a line year, a line unit holder is convicted of a serious fisheries offence involving taking or possessing an amount of coral reef fin fish that exceeds the holder's unused line unit entitlements for the line year by 500kg (whole weight) or more.

- (3) The prescribed criteria are cancellation of the number of the holder's line units with an entitlement equivalent to the amount of coral reef fin fish unlawfully taken or possessed by the holder.

Part 3 Provisions about reporting

Division 1 Preliminary

153 Definitions for div 1

In this division—

group of species, of coral reef fin fish, means the fish in each group of species of fish mentioned in a part under schedule 5 of the regulation.

Editor's note—

schedule 5 (Glossary of scientific names for particular coral reef fin fish species) of the regulation

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

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

relevant fishery area means the 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8' fishery area.

Division 2 Fish imported or taken from outside State or relevant fishery area

154 Definition for div 2

In this division—

the State includes Queensland waters.

155 Information requirement—coral reef fin fish bought outside the State

- (1) This section applies if a person buys coral reef fin fish outside the State and brings the coral reef fin fish into the State for trade or commerce.
- (2) The person must keep, in the approved form, a record of the particulars relating to the sale of the coral reef fin fish that would be required for a sale docket for the fish under section 655 of the regulation.
- (3) The person must keep the record for the period starting on the day the person brings the coral reef fin fish into the State and ending 5 years after the day the person stops possessing the coral reef fin fish.

155A Information requirement—coral reef fin fish taken outside relevant fishery area

- (1) This section applies if a person—
 - (a) takes, for trade or commerce, coral reef fin fish from Queensland waters other than waters within a relevant fishery area; and
 - (b) unloads the coral reef fin fish in the State.
- (2) The person must keep, in the approved form, a record of the following information—
 - (a) the date the person took the coral reef fin fish;
 - (b) the number of coral reef fin fish taken by the person.

- (3) The person must keep the record for the period starting immediately before the person unloads the coral reef fin fish in the State and ending 5 years after the day the person stops possessing the coral reef fin fish.
- (4) For subsection (1), a person conducting a charter fishing trip does not take coral reef fin fish for trade or commerce only because the person takes the fish during the charter fishing trip.

Division 3 Commercial carriage and storage

156 Records to be kept about commercial carriage of coral reef fin fish

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

carriage information, for a person transporting coral reef fin fish for another person, means the following—

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

156A Records to be kept about commercial storage of coral reef fin fish

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

Chapter 6 Transitional provisions

Division 2 Transitional provision for the Fisheries Management Plans Amendment Management Plan (No. 1) 2004

162 Existing notice identity numbers

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

Schedule 5 Adjusted criteria for event-based special circumstances

section 34(2) and schedule 8, definitions *eligible coral reef fin fish*,
event and *unaffected year*

1 Definitions for sch 5

In this schedule—

eligible coral reef fin fish, for a period, means—

- (a) for a special south-east Queensland licence—coral reef fin fish—
 - (i) taken lawfully—
 - (A) during the period under a prescribed fishery symbol written on the licence and a former licence for the licence; and
 - (B) from waters between latitude 24°30.00' south and the New South Wales–Queensland border; and
 - (ii) recorded in relevant logbook information; or
- (b) for another RQ licence—coral reef fin fish—
 - (i) taken lawfully during the period under a prescribed fishery symbol written on the licence and a former licence for the licence; and
 - (ii) recorded in relevant logbook information.

2 Prescribed period of 1 year's duration

- (1) This section applies for a prescribed period for the first or second criteria, other than a prescribed period mentioned in section 3 or 4 of this schedule.
- (2) If the chief executive is reasonably satisfied an event happened for at least 9 months during the prescribed period,

Schedule 5 (continued)

the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—

- (a) the amount of eligible coral reef fin fish for the year ending immediately before the start of the event;
 - (b) the amount of eligible coral reef fin fish for the year starting immediately after the end of the event;
 - (c) the amount of eligible coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the amount of eligible coral reef fin fish for the number of days in the period when an event did not happen increased by a rateable amount for 365 days.

3 Prescribed period 1/1/97–19/5/97

- (1) This section applies for the prescribed period 1 January 1997 to 19 May 1997.
- (2) If the chief executive is reasonably satisfied an event happened for at least 109 days during the prescribed period, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of eligible coral reef fin fish for the period 1 January to 19 May in the first unaffected year after 1997;
 - (b) the amount of eligible coral reef fin fish for the period 1 January to 19 May in the last unaffected year before 1997;
 - (c) the amount of eligible coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—

Schedule 5 (continued)

- (a) the amount of eligible coral reef fin fish for the number of days in the prescribed period when the event was not happening, increased by a rateable amount for a period of 139 days;
- (b) the amount of eligible coral reef fin fish for the prescribed period.

4 Prescribed period 20/5/97–31/12/97

- (1) This section applies for the prescribed period 20 May 1997 to 31 December 1997.
- (2) If the chief executive is reasonably satisfied an event happened for at least 166 days during the prescribed period, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of the prescribed coral reef fin fish for the period 20 May to 31 December in the last unaffected year before 1997;
 - (b) the amount of the prescribed coral reef fin fish for the period 20 May to 31 December in the first unaffected year after 1997;
 - (c) the amount of the prescribed coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of eligible coral reef fin fish for the number of days in the prescribed period when the event was not happening, increased by a rateable amount for a period of 226 days;
 - (b) the amount of eligible coral reef fin fish for the prescribed period.

Schedule 5 (continued)

5 Coral reef fin fish taken before 1/1/90 or after 31/12/01 not to be included

For sections 2(2)(a) and (b), 3(2)(a) and (b) and 4(2)(a) and (b) of this schedule, coral reef fin fish taken before 1 January 1990 or after 31 December 2001 must not be included in the amount of eligible coral reef fin fish.

6 Amounts of eligible coral reef fin fish to be rounded up to nearest 10kg

For sections 2 to 5 of this schedule, the chief executive must round up to the nearest multiple of 10kg the total amount of eligible coral reef fin fish for a period.

Schedule 6 Total catch of coral reef fin fish for allocation of line units

section 56(2), definition *TC*

| Year | Coral trout (kg) | Redthroat emperor (kg) | Other coral reef fin fish (kg) |
|-------------|-------------------------|-----------------------------------|-------------------------------------------|
| 1994 | 1 304 000 | 711 000 | 585 000 |
| 1995 | 1 540 000 | 652 000 | 709 000 |
| 1996 | 1 738 000 | 768 000 | 894 000 |
| 1997 | 1 448 000 | 1 024 000 | 1 312 000 |
| 1998 | 1 531 000 | 925 000 | 1 637 000 |
| 1999 | 1 517 000 | 839 000 | 1 471 000 |
| 2000 | 1 697 000 | 866 000 | 1 428 000 |
| 2001 | 2 094 000 | 941 000 | 1 796 000 |

Schedule 7 Whole weight

section 74(3)(b) and schedule 8, definition *whole weight*,
paragraph (b)

1 Fillets

For fillets from a fish, the whole weight of the fillets is the amount calculated using the formula—

$$WW = W \times CF$$

where—

WW means the whole weight in kilograms.

W means the weight of the fillets in kilograms.

CF means the following conversion factor—

- (a) for coral trout—2;
- (b) for a species of cod or grouper—2.1;
- (c) for goldband snapper—2.3;
- (d) for rosy snapper or lavender snapper—2.1;
- (e) for a species of tropical snapper or seaperch not mentioned in paragraph (c) or (d)—2.6;
- (f) for a species of emperor—2.5;
- (g) for any other species of coral reef fin fish or fish not identified as a particular species—2.

2 Gilled and gutted fish

For gilled and gutted fish, the whole weight of the fish is the amount calculated using the formula—

$$WW = W \times 1.1$$

where—

WW means the whole weight in kilograms.

W means the weight of the gilled and gutted fish in kilograms.

Schedule 7 (continued)

3 Trunked fish

For a trunked fish, the whole weight of the fish is the amount calculated using the formula—

$$WW = W \times 1.4$$

where—

WW means the whole weight in kilograms.

W means the weight of the trunked fish in kilograms.

4 Number of fish

For a number of fish, the whole weight (in kilograms) of the fish is the the number of fish.

5 Any other form

For fish in a form not mentioned in sections 1 to 4 of this schedule, the whole weight is the weight of the fish in kilograms.

Schedule 8 Dictionary

section 5(3)

adjusted allocation provisions, for chapter 3, part 2, see section 62.

adjusted criteria, for chapter 3, part 1, division 2, see section 17.

amending notice deadline, for chapter 3, part 3, division 4, see section 111.

amendment notice, for chapter 3, part 1, division 2, see section 17.

authorised boat, for chapter 3, part 3, division 4, see section 111.

authorised unloading time, for chapter 3, part 3, division 4, see section 111.

catch history notice means a catch history notice given to a licence holder under chapter 3, part 2, division 3, subdivision 2.

close relative, of an individual, means—

- (a) a spouse, parent or child, including a step-parent or step-child, of the individual; or
- (b) a parent or child, including a step-parent or step-child, of the individual's spouse.

coral reef fin fish means regulated coral reef fin fish under the regulation.

Note—

For what are regulated coral reef fin fish and their common and scientific names see section 6 (Scientific names for species of fish) and schedule 5 (Glossary of scientific names for particular coral reef fin fish species) of the regulation.

coral trout means regulated coral trout under the regulation.

criteria, for chapter 3, part 1, division 2, see section 17.

Schedule 8 (continued)

CT line units means coral trout line units.

current fisher PIN, for line units, means—

- (a) if the fisher PIN for the line units has been changed under section 85—the fisher PIN after the change under section 85; or
- (b) otherwise—the fisher PIN originally issued to the holder of the line units under section 61A or 80A.

decision notice, about a decision mentioned in section 31(2), 33(6)(b), 36C(2), 36E(8)(b) or 61(6)(b), means a notice stating each of the following—

- (a) the decision and the reasons for it;
- (b) that the person may appeal against the decision to the tribunal within 28 days after the person receives the notice;
- (c) how to appeal.

director has the meaning given under the Corporations Act, section 9.

disregarded fish—

- (a) for chapter 3, part 1, division 2, see section 17; and
- (b) for chapter 3, part 2, see section 44.

ecologically sustainable development has the meaning given under section 3 of the Act.

eligible authority, for chapter 3, part 1, division 3, see section 41.

eligible coral reef fin fish, for schedule 5, see schedule 5, section 1.

eligible holder, for chapter 3, part 2, see section 43(3).

entitlement see section 69(2).

event—

- (a) for chapter 3, part 1, division 2 and schedule 5, see section 17; and

Schedule 8 (continued)

(b) for chapter 3, part 2, see section 44.

event-based special circumstance—

(a) for chapter 3, part 1, division 2, see section 18; and

(b) for chapter 3, part 2, see section 45.

event period—

(a) for chapter 3, part 1, division 2, see section 18(1)(a); and

(b) for chapter 3, part 2, see section 45(1)(a).

first criteria, for chapter 3, part 1, division 2, see section 17.

first line year means the period from midnight on 1 July 2004 to midnight on 30 June 2005.

fisher PIN, for line units, see sections 61A and 80A.

former licence, for a commercial fishing boat licence (the ***current licence***), means a licence that—

(a) was replaced or renewed by the current licence; or

(b) expired before the current licence was issued and—

(i) authorised the same, or substantially the same, things that are authorised under the current licence; and

(ii) was issued to the same person as the holder of the current licence when it was issued or transferred to the person; or

(c) was replaced or renewed by a licence mentioned in paragraph (a) or (b); or

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

(i) authorised the same, or substantially the same, things that are authorised under the current licence; and

(ii) was issued to the same person as the holder of the later licence when it was issued or transferred to the person; or

Schedule 8 (continued)

- (e) was surrendered in exchange for the issue or amendment of the current licence or a later licence under paragraphs (b), (c) or (d) to allow the boat identified on the licence to be modified or replaced.

group of species, for chapter 5, part 3, division 1, see section 153.

identification code, for chapter 3, part 3, division 4, see section 111.

issued, for chapter 3, part 2, see section 50.

L1 fishery area means the fishery area under section 395 of the regulation.

L2 or L3 fishery area means the fishery area under section 403 of the regulation.

L6 or L7 fishery area means the fishery area under section 419 of the regulation.

L8 fishery area means the fishery area under section 427 of the regulation.

landing period, for chapter 3, part 3, division 4, see section 111.

landing place, for chapter 3, part 3, division 4, see section 111.

length, of a fillet from a fish, means the length of the fillet's longest plane.

line unit certificate means a certificate issued under section 72, as replaced under section 71 of the Act or changed or replaced under section 78.

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

line unit factor, for chapter 3, part 2, see section 44.

line year—

- 1 A **line year** means the period from midnight on 1 July in a year to midnight on 30 June in the next year.

Schedule 8 (continued)

- 2 However, the first line year does not start until midnight on 1 July 2004.

logbook information means—

- (a) information in a statistical logbook return kept in the way and form and as directed by the chief executive or a former Authority at the time the return was made; and
- (b) information about the return held by the chief executive in electronic form.

member of a corporation includes a member within the meaning of the Corporations Act, section 231.

notification day means the day this plan is notified in the gazette.

notifying period, for chapter 3, part 3, division 4, see section 111.

OS line units means other species line units.

other coral reef fin fish means coral reef fin fish other than coral trout and redthroat emperor.

plan means management plan.

preliminary notice, for chapter 3, part 1, division 2, see section 17.

prescribed coral reef fin fish, for a line unit, means—

- (a) for a CT line unit—coral trout; or
- (b) for an RTE line unit—redthroat emperor; or
- (c) for an OS line unit—other coral reef fin fish.

prescribed numerical code, for chapter 3, part 3, division 4, see section 111.

prescribed period, for chapter 3, part 1, division 2, see section 17.

prescribed person, for chapter 3, part 3, division 4, see section 111.

Schedule 8 (continued)

prescribed reason, for chapter 3, part 3, division 4, see section 111.

prescribed recorded catch, for chapter 3, part 2, see section 44.

prescribed way, for chapter 5, part 3, division 1, see section 153.

prior notice see sections 113(2) and 114(2).

prior notice area, for chapter 3, part 3, division 4, see section 111.

prior notice deadline, for chapter 3, part 3, division 4, see section 111.

prior notice particulars, for chapter 3, part 3, division 4, see section 111.

reasonably believes means believes on grounds that are reasonable in the circumstances.

reason for adjusted allocation, for chapter 3, part 2, see section 59(e).

reason for reconsideration, for chapter 3, part 1, division 2, see section 29(d).

recent entrant special circumstance—

(a) for chapter 3, part 1, division 2, see section 19; and

(b) for chapter 3, part 2, see section 46.

reconsideration notice, for chapter 3, part 1, division 2, see section 30(2).

recorded catch amount—

(a) for chapter 3, part 2, division 3A—see section 65B; or

(b) generally for chapter 3, part 2—see section 56(2).

reef line fishery see section 2.

region, for schedule 1, see schedule 1, section 1.

regulation means the *Fisheries Regulation 2008*.

Schedule 8 (continued)

relevant day, for chapter 3, part 2, division 3A, see section 65B.

relevant equipment, for chapter 3, part 3, division 4, see section 111.

relevant fishery area, for chapter 5, part 3, division 1, see section 153.

relevant licence, for chapter 3, part 1, division 2, see section 22.

relevant logbook information, for a prescribed period or relevant year, means logbook information received by the chief executive or a former Authority no later than the following day—

- (a) for a prescribed period or relevant year ending not later than 31 December 1997—31 December 1998;
- (b) for a prescribed period or relevant year ending on 31 December 2001—30 June 2002;
- (c) for a prescribed period or relevant year not mentioned in paragraph (a) or (b)—the day that is 1 year from the last day of the period or year.

relevant period, for chapter 3, part 2, division 3A, see section 65B.

relevant years, for chapter 3, part 2, see section 56(1).

reliable information, for schedule 1, see schedule 1, section 1.

retained fish conditions see section 111.

retained fish notice see section 111.

retained fish notice particulars see section 111.

RQ(L8) licence means an RQ licence that also has the fishery symbol 'L8' written on it.

RQ licence means a commercial fishing boat licence with the 'RQ' fishery symbol written on it.

RTE line units means redthroat emperor line units.

Schedule 8 (continued)

seasonal effect special circumstance, for chapter 3, part 1, division 2, see section 20.

second criteria, for chapter 3, part 1, division 2, see section 17.

special circumstance—

(a) for chapter 3, part 1, division 2, see section 17; and

(b) for chapter 3, part 2, see section 44.

special reconsideration notice, for chapter 3, part 1, division 2, see section 36B(3).

special south-east Queensland licence, for chapter 3, part 1, division 2, see section 20A.

species of cod or grouper means any of the species of regulated cod or grouper under the regulation.

species of emperor means any of the species of regulated emperor under the regulation.

species of tropical snapper or seaperch means any of the species of regulated tropical snapper or seaperch under the regulation.

standardised catch amount, for chapter 3, part 2, see section 44.

transshipment notice see section 118(2).

transshipment notice particulars, for chapter 3, part 3, division 4, see section 111.

transport vessel see section 118(1)(b).

unaffected year, for schedule 5, see schedule 5, section 1.

unidentified fish, for an authority, means fish—

(a) taken under the authority for a relevant year; and

(b) recorded in relevant logbook information; and

(c) not identified, in the logbook information, as—

(i) coral reef fin fish; or

Schedule 8 (continued)

- (ii) a particular species of fish; or
- (iii) a particular species, or group of species, of coral reef fin fish.

unit PIN see section 61(8)(a)(ii).

unloaded fish notice see section 122(2).

unloaded fish notice particulars, for chapter 3, part 3, division 4, see section 111.

unloading area, for chapter 3, part 3, division 4, see section 111.

unloading particular, for chapter 3, part 3, division 4, see section 111.

unnotifiable landing notice, for chapter 3, part 3, division 4, see section 119(2)(b).

unnotifiable landing notice particulars, for chapter 3, part 3, division 4, see section 111.

unused entitlement see section 70(2).

used see section 70(1).

whole weight, for coral reef fin fish means—

- (a) for whole fish—the weight of the fish in kilograms; or
- (b) for fish in another form—the weight of the fish worked out in the way stated in schedule 7.

Example of another form for paragraph (b)—

filleted fish

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 9 October 2009. Future amendments of the Fisheries (Coral Reef Fin Fish) Management Plan 2003 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 included | Effective | Notes |
|-------------|------------------------------------|-------------------|---------------------------------------------|
| 1 | none | 12 September 2003 | |
| 1A | none | 13 December 2003 | certain provs commenced 13 December 2003 |
| 1B rv | 2003 SL No. 368 2003 SL No. 379 | 19 December 2003 | |
| 1C rv | 2003 SL No. 368 | 20 December 2003 | |
| 1D rv | 2004 SL No. 111 | 1 July 2004 | |
| 1E rv | — | 2 July 2004 | provs exp 1 July 2004 |
| 1F | 2005 SL No. 27 | 4 March 2005 | R1F withdrawn, see R2 |
| 2 | — | 4 March 2005 | |
| 2A | 2006 SL No. 25 2006 SL No. 136 | 1 July 2006 | |
| 2B | — | 13 September 2006 | provs exp 12 September 2006 |
| 2C | 2006 SL No. 265 | 3 November 2006 | |
| 2D | 2008 SL No. 84 | 1 April 2008 | |
| 2E | 2008 SL No. 157 | 13 June 2008 | R2E withdrawn, see R3 |
| 3 | — | 13 June 2008 | |
| 3A | 2009 SL No. 62 | 22 May 2009 | |
| 3B | 2009 SL No. 213 | 9 October 2009 | |

5 List of legislation

Fisheries (Coral Reef Fin Fish) Management Plan 2003 SL No. 212

made by the chief executive on 2 September 2003

notfd gaz 12 September 2003 pp 128–31

ss 1–2 commenced on date of notification

ch 2 pt 2, ch 3 pt 3 div 1, ch 3 pt 3 div 2 sdivs 1–3, ch 4 commenced 13 December 2003 (see s 2(1))

ch 3 pt 3 div 2 sdiv 4, ss 153–156 commenced 1 July 2004 (see s 2(2))

remaining provisions commenced on date of notification

exp 1 September 2014 (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—

Fisheries Management Plans Amendment Management Plan (No. 4) 2003 SL No. 368**pts 1–2**

notfd gaz 19 December 2003 pp 1307–13
ss 1–2 commenced on date of notification
s 4 commenced 20 December 2003 (see s 2)
remaining provisions commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 5) 2003 SL No. 379**pts 1–2**

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 1–2**

notfd gaz 25 June 2004 pp 573–81
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)
Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 1) 2005 SL No. 27**pts 1–2**

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 1–2**

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 1–2**

notfd gaz 16 June 2006 pp 787–90
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2006 immediately after the commencement
of the Fisheries Management Plans Amendment Management Plan (No. 1) 2006
SL No. 25 (see s 2(3))

Fisheries Management Plans Amendment Management Plan (No. 3) 2006 SL No. 265**pts 1–2**

notfd gaz 3 November 2006 pp 1103–4
commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 1) 2008 SL No. 84**pts 1–2**

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 1–2**

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

**Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009
SL No. 33 ss 1, 2(2), pt 2**

notfd gaz 17 April 2009 pp 1775–6
ss 1–2 commenced on date of notification
remaining provisions commence 1 January 2010 (see s 2(2))
Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 1) 2009 SL No. 62
s 1, pt 2**

notfd gaz 22 May 2009 pp 331–3
commenced on date of notification

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment
Act 2009 No. 24 ss 1–2, ch 5 pt 28**

date of assent 26 June 2009
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remaining provisions not yet proclaimed into force (see s 2)

Fisheries Legislation Amendment Regulation (No. 4) 2009 SL No. 213 pts 1–2

notfd gaz 9 October 2009 pp 445–6
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6 List of annotations

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 def **“RTE line units”** amd 2009 SL No. 62 s 19(3)
 def **“special reconsideration notice”** ins 2004 SL No. 111 s 52(2)
 def **“special south-east Queensland licence”** ins 2004 SL No. 111 s 52(2)
 def **“species of cod or grouper”** sub 2008 SL No. 84 s 29(1)–(2)
 def **“species of emperor”** sub 2008 SL No. 84 s 29(1)–(2)
 def **“species of jobfish”** amd 2004 SL No. 111 s 52(5)–(6)
 om 2008 SL No. 84 s 29(1)
 def **“species of parrotfish, surgeonfish or sweetlips”** om 2008 SL No. 84 s 29(1)
 def **“species of tropical snapper or seaperch”** sub 2008 SL No. 84 s 29(1)–(2)
 def **“species of wrasse”** om 2008 SL No. 84 s 29(1)
 def **“tag”** om 2004 SL No. 111 s 52(1)
 def **“taking particulars”** ins 2004 SL No. 111 s 52(2)
 om 2008 SL No. 84 s 29(1)
 def **“tender boat”** om 2006 SL No. 25 s 46(1)
 def **“tender licence”** om 2006 SL No. 25 s 46(1)
 def **“transhipment notice”** sub 2004 SL No. 111 s 52(1)–(2)
 def **“transhipment notice particulars”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
 def **“transport vessel”** sub 2004 SL No. 111 s 52(1)–(2)
 def **“unit PIN”** ins 2004 SL No. 111 s 52(2)

- def **“unloaded fish notice”** ins 2004 SL No. 111 s 52(2)
def **“unloaded fish notice particulars”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
def **“unloading area”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
def **“unloading particular”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
def **“unnotifiable landing notice”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
def **“unnotifiable landing notice particulars”** ins 2004 SL No. 111 s 52(2)
 amd 2008 SL No. 84 s 29(3)
def **“whole weight”** sub 2008 SL No. 84 s 29(1)–(2)