



Queensland

Fisheries Legislation Amendment Regulation (No. 1) 2008

Subordinate Legislation 2008 No. 431

made under the

Fisheries Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fisheries Legislation Amendment Regulation (No. 1) 2008*.

2 Commencement

- (1) Section 4 commences on 2 January 2009.
- (2) Section 13 commences on 2 April 2009.
- (3) Section 5 commences on 16 December 2009.
- (4) Sections 16, 17, 18 and 23 commence on 2 April 2010.

Part 2 Amendment of Fisheries (East Coast Trawl) Management Plan 1999

3 Regulation amended in pt 2

This part amends the *Fisheries (East Coast Trawl) Management Plan 1999*.

4 Insertion of new s 20

Chapter 2, part 4, division 2—
insert—

‘20 Exception for s 19

‘Despite section 19, a person may, in the waters mentioned in schedule 3, section 2, from midday on 3 January to midday on 1 March, possess or use an otter trawl net, with the dimensions stated in section 149(4), under a licence that has the fishery symbol ‘T1’ written on it.’

[s 5]

5 Replacement of s 55 (Requirements for a recognised TED)

Section 55—

omit, insert—

‘55 Requirements for a recognised TED

- ‘(1) A recognised TED must consist of a solid grid and an opening in a net that allows a turtle to escape immediately after it is taken in the net.
- ‘(2) The grid must—
 - (a) be at least 82cm wide and 82cm high; and
 - (b) have vertical bars that are no more than 12cm apart; and
 - (c) be constructed as a single solid unit without any hinged or collapsible components; and
 - (d) be installed at an angle between 30° and 55° in the net.
- ‘(3) If the opening in the net is at the bottom of the recognised TED, the grid must have at least 2 floats, each measuring at least 10cm in all its dimensions, with at least 1 float on each side of the grid.
- ‘(4) The opening in the net must be either trapezoidal or an isosceles triangle in shape, and must comply with the following—
 - (a) for a net opening that is trapezoidal in shape, the opening must have—
 - (i) a length of at least 60cm across the net at the grid; and
 - (ii) 2 other dimensions that are perpendicular to the grid of at least 40cm; and
 - (iii) 1 other dimension of at least 142cm;
 - (b) for a net opening that is an isosceles triangle in shape, the opening must have—
 - (i) a length of at least 82cm across the net at the grid; and

-
- (ii) a perpendicular length of 100cm from the centre of the grid.
- (5) A flap installed across the net opening must be a single cover flap or a double cover flap that complies with the following—
- (a) for a single cover flap, the flap must—
- (i) overlap the net opening by no more than 12cm on each side of the grid; and
 - (ii) have a minimum taut measurement of 170cm across the top of the grid; and
 - (iii) have a minimum taut perpendicular length of 40cm from the centre of the width of the grid; and
 - (iv) extend no more than 61cm past the posterior edge of the grid; and
 - (v) have sides that are sewn down no more than 15cm past the posterior edge of the grid;
- (b) for a double cover flap, the flap must—
- (i) have sections that do not overlap by more than 38cm; and
 - (ii) overlap the net opening by no more than 12cm on each side of the grid; and
 - (iii) extend no more than 61cm past the posterior edge of the grid; and
 - (iv) have sides that are sewn down no more than 15cm past the posterior edge of the grid.

Editor's note—

For further information about a recognised TED, see the document called 'Turtle excluder device guidelines' available for inspection at the department's head office and on the department's website.'

6 Insertion of new ch 2, pt 6A

Chapter 2—

insert—

[s 7]

‘Part 6A Southern trawl fishery area regulated waters

‘29A Regulated waters for pt 6A

‘This part applies to the regulated waters mentioned in schedule 3, part 2B.

‘29B Prohibited activities and regulated periods

- ‘(1) This section applies if, in the waters, during the relevant period for an effort year, 160000 effort units or more are used.
- ‘(2) A person must not, in the waters, after the relevant period for the effort year ends, use or allow someone else to use the following for more than 24 days each month in May, June and July in the effort year—
- (a) a boat identified in any ‘T1’ licence;
 - (b) a boat identified in any ‘T2’ licence.
- ‘(3) However, subsection (2) does not apply to the use of a boat identified in a ‘T1’ or ‘T2’ licence if—
- (a) the boat is also identified in a licence with a fishery symbol, other than a ‘T1’ or ‘T2’ fishery symbol, written on it; and
 - (b) the boat is being used in the waters under the other fishery symbol.
- ‘(4) In this section—
- relevant period* means the period from 1 January to 31 March.’.

7 Amendment of s 150 (Maximum net length)

Section 150(3)—

omit, insert—

-
- (3) A net used in the following waters must be no longer than 39m—
- (a) waters within the following boundary—
- from latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton), along the mainland shore to latitude 16°28.93' south, longitude 145°28.00' east (Island Head Point)
 - to latitude 16°43.75' south, longitude 145°40.71' east (Double Island)
 - to latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton);
- (b) Etty Bay fishing area waters, within the following boundary—
- from latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point)
 - along the shore of Etty Bay to latitude 17°33.33' south, longitude 146°05.42' east
 - to latitude 17°33.33' south, longitude 146°05.76' east
 - to latitude 17°33.72' south, longitude 146°05.85' east
 - to latitude 17°33.72' south, longitude 146°05.61' east
 - along the shore of Etty Bay to latitude 17°35.47' south, longitude 146°07.62' east (near Mourilyan Harbour)
 - to latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point).’.

8 Amendment of s 151 (Minimum and maximum net mesh size)

- (1) Section 151(1)(h)—

omit.

[s 9]

(2) Section 151(3)—

omit, insert—

‘(3) Until the end of 31 October 2010—

(a) a net used in waters north of Cape Gloucester must have—

(i) a mesh size of at least 45mm but no more than 60mm; and

(ii) a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring; and

(b) a net used in waters south of Cape Gloucester must have a mesh size of at least 38mm but no more than 60mm.’.

(3) Section 151—

insert—

‘(4) From the beginning of 1 November 2010, a net used in east coast trawl fishery waters, other than in an area mentioned in subsection (1) or (2), must have—

(a) a mesh size of at least 43mm but no more than 60mm; and

(b) a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.’.

9 Replacement of s 164 (Minimum and maximum net mesh size)

Section 164—

omit, insert—

‘164 Minimum and maximum net mesh size

‘(1) A net used for the primary purpose of taking permitted fish, other than scallops, must—

(a) until the end of 31 October 2010, have a mesh size of at least 38mm but no more than 60mm; and

- (b) from the beginning of 1 November 2010, have a mesh size of at least 43mm but no more than 60mm; and
 - (c) have a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.
- ‘(2) A net used for the primary purpose of taking scallops must have a mesh size of at least 75mm.’

10 Amendment of sch 3 (Particular regulated waters)

Schedule 3—

insert—

‘Part 2B Southern trawl fishery area regulated waters

‘17 Southern trawl fishery area regulated waters

‘Waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' (point on the shore at the State’s border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke to latitude 27°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)

[s 11]

- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)
- to latitude 27°05.08' south, longitude 153°12.43' east (Skirmish Point)
- along the eastern shore of Bribie Island to latitude 26°50.05' south, longitude 153°07.78' east
- to latitude 26°48.38' south, longitude 153°08.36' east (southern end of Kings Beach)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (Southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (Northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.68' south, longitude 153°03.62' east (F↑B at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B at Hook Point)
- along the eastern shore of Fraser Island to latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape)
- to latitude 22°00.00' south, longitude 153°16.00' east
- to latitude 22°00.00' south, longitude 154°31.25' east
- to latitude 22°14.90' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.ʹ.

11 Amendment of sch 7 (Dictionary)

Schedule 7, part 4, definition *VMS maintenance and use obligations*, ‘under section 60(1)’—

[s 15]

15 Insertion of new s 58AA

Chapter 2, part 5, division 9, after section 58—

insert—

‘58AA Prohibited activities and regulated periods for particular regulated waters

- ‘(1) A regulated person must not in the Swain Reefs and Hydrographers Passage regulated waters—
- (a) take a saucer scallop in the regulated taking period; or
 - (b) possess a saucer scallop taken in contravention of paragraph (a); or
 - (c) possess a saucer scallop in the regulated possession period.
- ‘(2) For subsection (1)(a), the regulated taking period is from midday on 1 November to midday on 3 January.
- ‘(3) For subsection (1)(c), the regulated possession period is from 6p.m. on 1 November to midday on 3 January.’

16 Amendment of s 185A (Crab apparatus)

Section 185A(2), definition *crab apparatus*, paragraph (a), ‘, dilly or inverted dilly’—

omit, insert—

‘or dilly’.

17 Amendment of s 188 (Using crab apparatus)

- (1) Section 188(1), ‘, dilly or inverted dilly’—

omit, insert—

‘or dilly’.

- (2) Section 188(6)—

omit.

18 Amendment of s 596 (Permitted ways of taking crabs)

Section 596(1), ‘, dilly or inverted dilly’—

omit, insert—

‘or dilly’.

19 Insertion of new s 605A

Chapter 11, part 2—

insert—

‘605A Annual quota

‘(1) The annual quota of fish that may be taken under the licence is the quota stated on the licence.

‘(2) The total annual quota for all licences must not be more than 195000 units.

‘(3) In this section—

unit means 1kg of (whole weight) fish.’.

20 Amendment of s 630 (Carrying fish taken for trade or commerce)

Section 630(2)—

insert—

‘(c) tropical spiny rock lobster on a commercial fishing boat identified in a licence with the fishery symbol ‘R’ written on it.’.

21 Amendment of sch 1 (Regulated waters)

Schedule 1, part 2, after entry for Shoalwater Bay (dugong protection area)—

[s 21]

insert—

| | | |
|---|---|--------------------|
| 'Swain Reefs and Hydrographers Passage' | waters within the following boundary— <ul style="list-style-type: none"> • from latitude 22°00.00' south, longitude 150°45.06' east to latitude 21°30.41' south, longitude 150°19.06' east • to latitude 20°46.71' south, longitude 149°39.56' east • to latitude 20°14.11' south, longitude 149°12.06' east • to latitude 19°39.91' south, longitude 149°29.66' east • to latitude 19°39.91' south, longitude 150°02.06' east • to latitude 19°59.91' south, longitude 150°30.06' east • to latitude 19°49.08' south, longitude 150°30.06' east • to latitude 19°56.81' south, longitude 150°42.56' east • to latitude 20°04.61' south, longitude 150°48.61' east • to latitude 20°18.86' south, longitude 150°58.23' east • to latitude 20°26.54' south, longitude 151°04.02' east • to latitude 20°30.27' south, longitude 151°07.61' east • to latitude 20°36.96' south, longitude 151°15.16' east • to latitude 20°42.67' south, longitude 151°22.73' east • to latitude 20°44.50' south, longitude 151°25.31' east • to latitude 20°46.78' south, longitude 151°29.13' east • to latitude 20°48.09' south, longitude 151°31.38' east • to latitude 20°55.00' south, longitude 151°45.50' east • to latitude 20°51.91' south, longitude 151°57.41' east | part 5, division 9 |
|---|---|--------------------|

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • to latitude 20°52.31' south, longitude 152°02.46' east • to latitude 20°54.97' south, longitude 152°15.39' east • to latitude 21°01.40' south, longitude 152°39.56' east • to latitude 21°12.30' south, longitude 152°42.10' east • to latitude 21°20.00' south, longitude 152°48.10' east • to latitude 21°36.68' south, longitude 152°51.62' east • to latitude 22°00.00' south, longitude 152°56.58' east • to latitude 22°00.00' south, longitude 150°45.06' east'. | |
|--|--|--|

22 Amendment of sch 9 (Other fees)

Schedule 9, table 1, entry for Other commercial fisheries under regulation, item 3—

omit, insert—

| | | | | |
|----|---|----------|----------|------------|
| ‘3 | R | .20/unit | .25/unit | .30/unit’. |
|----|---|----------|----------|------------|

23 Amendment of sch 11 (Dictionary)

(1) Schedule 11, part 2, definition *inverted dilly*—

omit.

(2) Schedule 11, part 2, definition *recreational fishing apparatus*, paragraph (j)—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 11 December 2008.
- 2 Notified in the gazette on 12 December 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Primary Industries and Fisheries.

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