



Queensland

Fisheries Amendment Regulation (No. 2) 2014

Subordinate Legislation 2014 No. 328

made under the

Fisheries Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Fisheries Amendment Regulation (No. 2) 2014*.

2 Commencement

This regulation, other than sections 3 and 4, commences on 1 January 2015.

3 Regulation amended

This regulation amends the *Fisheries Regulation 2008*.

4 Amendment of s 75 (Prohibited activities and regulated period—Northern rocklobster regulated waters)

Section 75(3), ‘31 January’—

omit, insert—

31 December

5 Amendment of s 206 (Types of quota authorities under regulation)

Section 206—

insert—

(3) Chapter 11, part 3, division 5 provides for the quota authority, T4-ITQ units.

6 Amendment of s 252 (Restriction on writing multiple fishery symbols)

Section 252, ‘or ‘N3’’—

omit, insert—

, ‘N3’ or ‘T4’

7 Insertion of new ch 11, pt 3, div 1, hdg

Before section 609—

insert—

Division 1 Definitions**8 Insertion of new s 609A and ch 11, pt 3, div 2, hdg**

After section 609—

insert—

609A Meaning of *prescribed whiting* and relevant reference

- (1) Generally, *prescribed whiting* means red spot whiting or stout whiting.
- (2) A reference to a quantity of prescribed whiting (however expressed) is a reference to a quantity of fish consisting of either or both of the following—
 - (a) red spot whiting;
 - (b) stout whiting.

Division 2 Fishery symbol and area**9 Replacement of s 612 (What fish may be taken)**

Section 612—

omit, insert—

Division 3 Taking fish and other conditions**612 What fish may be taken**

Only the following fish (each the *permitted fish*) may be taken under the licence—

- (a) prescribed whiting;

[s 10]

- (b) any of the following fish, if the fish are taken while taking prescribed whiting—
 - (i) Balmain bug;
 - (ii) cuttlefish;
 - (iii) goatfish;
 - (iv) Moreton Bay bug;
 - (v) octopus;
 - (vi) squid;
 - (vii) threadfin bream;
 - (viii) yellowtail scad.

10 Amendment of s 613 (Permitted ways of taking whiting)

- (1) Section 613, heading, ‘whiting’—

omit, insert—

fish

- (2) Section 613(1), ‘Red spot or stout whiting’—

omit, insert—

Permitted fish

- (3) Section 613(2), ‘but no more than 60mm’—

omit.

- (4) Section 613(4)—

insert—

- (c) the net must be used with a turtle excluder device that complies with the East Coast Trawl Plan, chapter 3, part 4, division 3.

11 Replacement of s 614 (Fishery period)

Section 614—

omit, insert—

614 VMS equipment requirements apply

The holder of a T4 fishery licence or person in control of the primary boat identified in the licence must ensure that VMS equipment is installed, maintained and used on the boat in compliance with the VMS equipment requirements.

Note—

See chapter 14, part 7.

12 Insertion of new ch 11, pt 3, divs 4–6

Chapter 11, after section 614—

insert—

Division 4 Annual quotas**614A Total annual quota of prescribed whiting**

The total annual quota of prescribed whiting that may be taken in the commercial trawl fishery (fin fish) under all licences for a T4-ITQ year is the total annual quota of prescribed whiting declared by the chief executive under the Act, section 44 for the fishery for the year.

Note—

For the total annual quota for the T4-ITQ year for 2015, see sections 751 and 752.

614B Annual quotas of goatfish and yellowtail scad

- (1) This section applies to the following fish—
 - (a) goatfish;
 - (b) yellowtail scad.
- (2) The total annual quota of each of the fish that may be taken in the commercial trawl fishery (fin

fish) under all licences for a T4-ITQ year is the total annual quota of the fish declared by the chief executive under the Act, section 44 for the fishery for the year.

- (3) The annual quota of each of the fish that may be taken under the licence in a T4-ITQ year is the amount worked out using the following formula—

$$AQ = DAQ/L \times N$$

where—

AQ is the annual quota of the fish, in kilograms, that may be taken under the licence in the year.

DAQ is the total annual quota of the fish, in kilograms, under the quota declaration (the *relevant declaration*) mentioned in subsection (2) for the year.

L is the total number of T4 fishery licences that are in force when the relevant declaration is made.

N is the number of fishery symbols ‘T4’ written on the licence.

Note—

For the annual quota for the T4-ITQ year for 2015, see sections 751 and 753.

Division 5 Provisions about T4-ITQ units

Subdivision 1 Nature and issue of T4-ITQ units

614C Nature of a T4-ITQ unit

Each T4-ITQ unit is—

-
- (a) an authority, the entitlement for which is provided for under subdivisions 2 and 3; and
 - (b) a quota for the fishery.

614D General condition for issue of T4-ITQ units

A T4-ITQ unit may be issued only under this division.

614E Chief executive must issue T4-ITQ units and ITQ unit certificate

- (1) The chief executive must, on 28 February 2015 (the *issue day*), issue to the holder of each eligible licence 270,000 T4-ITQ units for each fishery symbol 'T4' written on the licence.
- (2) The chief executive must issue the T4-ITQ units by giving the holder a T4-ITQ unit certificate for the units.
- (3) Subsections (1) and (2) do not prevent the chief executive giving the holder the T4-ITQ unit certificate before the issue day.

Note—

Under sections 614H and 614Y, prescribed whiting may be taken under a T4-ITQ unit only in a T4-ITQ year.

- (4) In this section—

eligible licence means a T4 fishery licence as in force immediately before the issue day.

614F Issue of unit PIN and fisher PIN

After issuing T4-ITQ units under section 614E(1), the chief executive must issue to the holder of the units—

- (a) a 4-digit identity number (a *unit PIN*) for the units; and

- (b) a 4-digit identity number (a *fisher PIN*) for the units, unless the holder already holds another quota authority.

614G Restriction on issue of T4-ITQ units

The chief executive must not issue T4-ITQ units after 28 February 2015.

Subdivision 2 Entitlement

614H Entitlement under T4-ITQ unit

- (1) The holder of, or a person acting under, a T4-ITQ unit may take in a T4-ITQ year the weight of prescribed whiting worked out using the following formula—

$$W = TAQ/TN \times N$$

where—

W is the weight, in kilograms, of prescribed whiting that may be taken in the year.

TAQ is the total annual quota for prescribed whiting for the year.

TN is the total number of T4-ITQ units issued for the commercial trawl fishery (fin fish).

N is the number of T4-ITQ units held by the holder.

- (2) The authorisation for a T4-ITQ year is the holder's *entitlement* under the T4-ITQ unit for the T4-ITQ year.
- (3) However, the entitlement—
- (a) applies only while the holder holds a licence on which the fishery symbol 'T4' is written; and

- (b) is subject to any relevant prohibitions or restrictions under this regulation, a management plan, the T4-ITQ unit or the licence.

Examples of relevant restrictions—

- restrictions under fisheries declarations under chapter 2, 3 or 4
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

614I When T4-ITQ unit entitlement is *used* for a T4-ITQ year

- (1) The entitlement under a T4-ITQ unit is *used* for a T4-ITQ year—
- (a) when the unit holder or a person acting under the unit has taken in the year under any T4 fishery licence held by the holder an amount of prescribed whiting equalling the holder's entitlement under the unit; or
- (b) if section 614J applies.
- (2) The *unused entitlement* of a holder's T4-ITQ unit for a T4-ITQ year is the amount of (whole weight) whiting for the T4-ITQ unit that has not been taken for the ITQ year under any T4 fishery licence held by the T4-ITQ unit holder.
- (3) In this section—
- (whole weight) whiting* means the weight of prescribed whiting in kilograms.

614J No carrying forward of unused entitlement

- (1) This section applies if in a T4-ITQ year a T4-ITQ unit holder or a person acting for the holder takes an amount of prescribed whiting for the T4-ITQ unit that is less than the total entitlements under the holder's T4-ITQ units.

- (2) The holder is taken at the end of the T4-ITQ year to have used all the entitlements under the T4-ITQ units held by the holder for the T4-ITQ year.

614K Particular notice is evidence of unused entitlement

- (1) This section applies if a T4-ITQ unit holder has obtained a written notice from the chief executive stating the amount of unused entitlement under the holder's T4-ITQ units for a stated T4-ITQ year on a stated date.
- (2) The notice is evidence of the amount of unused entitlement under the T4-ITQ units for the stated T4-ITQ year on the stated date.

Subdivision 3 T4-ITQ unit certificates

614L T4-ITQ unit certificates

A T4-ITQ unit certificate must state each of the following—

- (a) the certificate number;
- (b) the name of the person who holds the T4-ITQ units mentioned in the certificate;
- (c) that the certificate is issued for the taking of prescribed whiting in the fishery area under the licence;
- (d) the number of T4-ITQ units held by the person;
- (e) if the certificate is issued before 28 February 2015—that the T4-ITQ units are to be issued on that day;

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- (f) if the chief executive has imposed conditions on the T4-ITQ units—the conditions;
 - (g) if the chief executive has suspended any of the T4-ITQ units—
 - (i) the number of T4-ITQ units suspended; and
 - (ii) the period of the suspension.

614M Evidentiary provision for T4-ITQ unit certificate

A T4-ITQ unit certificate is evidence of—

- (a) the number of T4-ITQ units held—
 - (i) if the certificate is issued before 28 February 2015—on that day; or
 - (ii) if the certificate is changed or replaced under section 614O—when the certificate is changed or replaced; or
 - (iii) otherwise—when the certificate is issued; and
- (b) the conditions, if any, imposed on the T4-ITQ units.

Subdivision 4 Transfer of T4-ITQ units

614N Only whole T4-ITQ units may be transferred

A part of a T4-ITQ unit can not be transferred.

614O T4-ITQ unit certificate changes required

- (1) This section applies if under section 65B of the Act the chief executive registers the transfer of T4-ITQ units.

- (2) The chief executive must give effect to the transfer by doing any of the following—
 - (a) changing, cancelling or replacing the transferor's and transferee's current T4-ITQ unit certificates;
 - (b) issuing the transferee a new T4-ITQ unit certificate.

614P Entitlement of transferee

- (1) The entitlement of the transferee under T4-ITQ units transferred in a T4-ITQ year is as follows—
 - (a) for that part of the T4-ITQ year after registration of the transfer—the entitlement of the transferor under the units immediately before the registration;
 - (b) for a later T4-ITQ year—the entitlement the transferor would have had under the units at the beginning of the T4-ITQ year, as if the units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred T4-ITQ unit has been used, the whole entitlement of the transferee under that unit is taken to have been used.

614Q Issue of fisher PIN for particular transferees

- (1) This section applies if—
 - (a) the chief executive registers the transfer of T4-ITQ units; and
 - (b) immediately before the transfer, the transferee did not hold—
 - (i) T4-ITQ units; or
 - (ii) another quota authority.
- (2) The chief executive must, immediately after the transfer is registered, issue the transferee a 4-digit

identity number (also the *fisher PIN*) for the units.

Note—

See also schedule 11, part 2, definition *fisher PIN*.

Subdivision 5 Change of PINs

614R Change of unit PIN

- (1) The holder of T4-ITQ units may, by written notice, ask the chief executive to change the unit PIN for the units.
- (2) If the holder of T4-ITQ units gives the chief executive a notice under subsection (1), the chief executive must—
 - (a) change the unit PIN for the units to another 4-digit identity number (the *new unit PIN*) decided by the chief executive; and
 - (b) give the holder a written notice stating the new unit PIN.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2)(b) is given to the holder.

614S Change of fisher PIN

- (1) The holder of T4-ITQ units may change the fisher PIN for the units by using the AIVR system.
- (2) The change of the fisher PIN for the units takes effect when the holder is given a transaction number by the AIVR system for the change.

Subdivision 6 Prescribed criteria for suspending and cancelling T4-ITQ units

614T Criteria for suspending T4-ITQ units

- (1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court suspending T4-ITQ units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a T4-ITQ year—
 - (a) the T4-ITQ unit holder takes an amount of prescribed whiting for the T4-ITQ units that exceeds the holder's total entitlements under the T4-ITQ units; or
 - (b) any T4 fishery licence held by the T4-ITQ unit holder is suspended.
- (3) The prescribed criteria are—
 - (a) for subsection (2)(a)—suspension for the following T4-ITQ year of the number of T4-ITQ units with entitlements equal to the amount by which the entitlements were exceeded; or
 - (b) for subsection (2)(b)—suspension for the T4-ITQ year of all the holder's T4-ITQ units with unused entitlements.

614U Criteria for cancelling T4-ITQ units

- (1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court cancelling T4-ITQ units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a T4-ITQ year, a T4-ITQ unit holder is convicted of a serious fisheries offence involving taking or possessing an amount of prescribed whiting that exceeds the

holder's unused T4-ITQ unit entitlements for the T4-ITQ year by at least 500kg (whole weight).

- (3) The prescribed criteria is cancellation of the number of the holder's T4-ITQ units with an entitlement equivalent to the amount of prescribed whiting unlawfully taken or possessed by the holder.

Division 6 Conditions for T4-ITQ units

Subdivision 1 Purpose

614V Purpose of div 6

This division prescribes conditions for—

- (a) T4-ITQ units; and
- (b) if a commercial fisher is acting under T4-ITQ units held by another person—the fisher's commercial fisher licence.

Subdivision 2 Interpretation

614W Definitions for div 6

In this division—

authorised boat, for a T4-ITQ unit holder, means the primary boat under any of the T4 fishery licences held by the unit holder.

landing period see section 614ZA(e)(i).

landing place, for a prior notice, see section 614ZA(c).

prescribed numerical code, for a place, means the sequence of numbers that—

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- (a) may be used to identify the latitude and longitude coordinates for the place; and
- (b) is nominated by the chief executive and published on the department's website.

prescribed person means each of the following—

- (a) the holder of T4-ITQ units;
- (b) a commercial fisher or an assistant fisher acting under T4-ITQ units held by another person.

prior notice means—

- (a) a notice given under section 614Z(2); or
- (b) if a replacement prior notice is given under section 614ZB(2), the replacement prior notice.

prior notice area means—

- (a) a defined port area; or
- (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 time the first of the authorised boats, for the holder of T4-ITQ units by or for whom the notice is given, enters the prior notice area.

prior notice particulars see section 614ZA.

unloaded fish notice see section 614ZK(2).

unloading area, for a landing place mentioned in a prior notice, 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 see section 614ZA(d).

unnotifiable landing notice see section 614ZH(2).

614X Notices to chief executive

The following notices must be given to the chief executive using the AIVR system—

- (a) a prior notice;
- (b) a replacement prior notice under section 614ZB(2);
- (c) an amending notice under section 614ZC(2);
- (d) a retained fish notice under section 614ZE(1);
- (e) an unnotifiable landing notice;
- (f) an unloaded fish notice.

Subdivision 3 Requirements for taking or possessing prescribed whiting

614Y Prescribed whiting to be taken or possessed only with unused T4-ITQ unit entitlements

A prescribed person may take prescribed whiting from, or possess prescribed whiting on, an authorised boat for a T4-ITQ unit holder in a T4-ITQ year only if the holder holds T4-ITQ units with unused entitlements for the T4-ITQ year.

Subdivision 4 Requirements for giving prior notice for permitted fish

614Z Requirement to give prior notice

- (1) This section applies if—
 - (a) permitted fish are on an authorised boat for a T4-ITQ 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, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has ended.

614ZA Particulars to be stated in prior notice

A prior notice must state each of the following (the *prior notice particulars*)—

- (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
- (b) the numerical part of the licence number of the T4 fishery licence to which the permitted 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 T4-ITQ unit holder by or for whom the notice is given, will be landed;

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- (d) whether or not it is proposed to unload permitted fish from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
 - (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—
 - (i) 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;
 - (ii) the total number of containers containing each of the following on all the authorised boats when the notice is given—
 - (A) prescribed whiting;
 - (B) yellowtail scad;
 - (C) goatfish.

614ZB 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 T4-ITQ unit holder under sections 614Z and 614ZA; and
 - (b) the notice stated that permitted fish were not to be unloaded from, or 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 permitted fish before the boats leave the unloading area.

- (2) The holder, or a person authorised by the holder, must give another prior notice (a ***replacement prior notice***) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
 - (a) the prior notice particulars; and
 - (b) that permitted fish will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under subsection (2) replaces the prior notice given under section 614Z.

614ZC Amendment or withdrawal of prior notice

- (1) This section applies if a prior notice has been given by or for a T4-ITQ unit holder.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person authorised by the holder, may give the chief executive a notice (an ***amending notice***) stating the changes.
- (3) An amending notice must be given before the amending notice deadline for the notice has ended.
- (4) Also, the holder, or a person authorised by the holder, may, by notice to the chief executive, withdraw the prior notice at any time before permitted fish are taken from any authorised boat for the holder.
- (5) A prior notice may be amended or withdrawn only under this section.
- (6) In this section—
amending notice deadline, for an amending notice, means—

-
- (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) 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) if the amending notice relates to the number of containers on all of the authorised boats—when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice; or
 - (c) for another amending notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area 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.

Subdivision 5 Requirements after prior notice of permitted fish

614ZD General requirements after prior notice given

- (1) This section applies to the person in control of an authorised boat for the T4-ITQ unit holder (a

relevant boat) that is proposed to be landed at the landing place mentioned in a prior notice.

- (2) The person must ensure that—
 - (a) the relevant boat lands at the landing place no more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) when the authorised boat lands, the total number of each of the following on all the authorised boats for the holder is the same as the number stated in the prior notice or, having regard to the circumstances, is close to that number—
 - (i) containers containing prescribed whiting;
 - (ii) containers containing goatfish;
 - (iii) containers containing yellowtail scad.
- (3) Also, if the relevant boat lands at the landing place before the landing period ends, the person must ensure the boat stays at the landing place until after the landing period has ended.
- (4) Subsection (2)(a) does not apply if the relevant boat does not land at the landing place, or does not land within the landing period, mentioned in that subsection because of a reason beyond the control of the person.
- (5) In deciding whether a number is close under subsection (2)(b), regard must be had to the degree of difficulty in counting the number of containers stated in the prior notice.
- (6) Subsection (3) does not require the person in control of the relevant boat to be on the boat after it has landed.

614ZE Requirement to give retained fish notice

- (1) The T4-ITQ unit holder, or a person authorised by the holder, must not allow an authorised boat for the holder to leave the unloading area for the landing place mentioned in a prior notice with permitted fish on the boat unless the holder or person has given the chief executive a notice (a *retained fish notice*) under this section.
- (2) The T4-ITQ unit holder or authorised person must give the retained fish notice within 3 hours before the authorised boat leaves or is proposed to leave the unloading area for the landing place.
- (3) The retained fish notice must state each of the following—
 - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number of the T4 fishery licence to which the permitted fish the subject of the notice relate;
 - (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
 - (d) the total number of containers containing each of the following that will be on all the authorised boats for the T4-ITQ unit holder immediately after the boats leave the unloading area for the landing place mentioned in the prior notice—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

**614ZF Additional requirements if prior notice
stated permitted fish will be unloaded**

- (1) This section applies if a prior notice given by, or for, a T4-ITQ unit holder stated that permitted fish were to be unloaded from, or 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 permitted fish from an authorised boat for the holder after the prescribed time unless—
 - (a) all the permitted fish on all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 614ZK, for the permitted fish that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 614ZE.
- (4) 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 permitted fish on the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the *unloading time*) at which the permitted fish are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded, the permitted fish on 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 when the first of the authorised boats for

the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the notice.

Subdivision 6 Requirements for unloading permitted fish

614ZG General requirement for unloading permitted fish

- (1) A prescribed person must not unload, or allow to be unloaded, permitted fish taken from an authorised boat for a T4-ITQ unit holder unless a prior notice given by or for the holder stated the permitted fish were to be unloaded from, or 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) However, subsection (1) does not apply if—
 - (a) the prior notice was not given by or for the T4-ITQ unit holder for either of the following reasons—
 - (i) all the relevant equipment on the authorised boats for the T4-ITQ unit holder—
 - (A) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (B) was not, and could not reasonably have been, replaced or made usable during the notifying period;
 - (ii) the authorised boats for the T4-ITQ unit holder landed because of an unforeseeable and uncontrollable event

and the notice could not be given because of the event; and

Examples of an unforeseeable and uncontrollable event—

extreme weather conditions, fire or medical emergency

- (b) the holder or a person authorised by the holder has given the chief executive an unnotifiable landing notice; and
 - (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the authorised boats 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 permitted fish from the boats.
- (3) In this section—

authorised unloading time, for unloading permitted fish for which a prior notice has not been given, means—

- (a) if the person unloading the permitted fish has been given permission, by an inspector, to unload the permitted fish on or after a stated time—the stated time; or
- (b) otherwise—if the authorised boat containing the permitted fish is landed south of latitude 15°50.30' south—3 hours after the boat landed.

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

- (a) starting when the first of the authorised boats for the T4-ITQ unit holder who is required to give the prior notice leaves for a fishing trip; and

-
- (b) ending when the prior notice deadline for the notice has ended.

relevant equipment means equipment that can be used to—

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

614ZH Requirement to give unnotifiable landing notice

- (1) This section applies if a T4-ITQ unit holder or a person authorised by the holder—
 - (a) proposes to unload, or allow to be unloaded, permitted fish taken from an authorised boat for the T4-ITQ unit holder; and
 - (b) has not given a prior notice for a prescribed reason.
- (2) The T4-ITQ unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive immediately after the first of the boats lands.
- (3) The unnotifiable landing notice must state each of the following—
 - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number for the T4 fishery licence to which the permitted fish the subject of the notice relate;
 - (c) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the authorised boats to which the notice relates have been landed; and

- (ii) the place at which the permitted fish on the boats will be unloaded;
- (d) the total number of containers containing each of the following that are on the boats when the notice is given—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

614ZI Additional requirements for unloading permitted fish if prior notice given

- (1) This section applies if a prior notice given by or for a T4-ITQ unit holder stated that permitted fish were to be unloaded from, or 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 permitted fish unless section 614ZD has been complied with.
- (3) Also, a prescribed person may unload the permitted fish, or allow the permitted fish to be unloaded, only if—
 - (a) the permitted fish is unloaded after the landing period mentioned in the prior notice has ended; and
 - (b) the permitted fish is unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
 - (i) the landing place mentioned in the prior notice;
 - (ii) if the landing place is within a defined port area—another place within the defined port area;

- (iii) if the landing place is not within a defined port area—another place within 0.5n miles of the landing place.
- (4) However, subsection (3)(a) does not apply if an inspector supervises the person unloading the permitted fish.

614ZJ Requirements for weighing unloaded permitted fish

- (1) This section applies if permitted fish taken by or for a T4-ITQ unit holder have been unloaded from, or using, an authorised boat for the holder.
- (2) The holder must weigh the permitted fish, or allow the fish to be weighed—
 - (a) as soon as practicable after the fish have been unloaded; and
 - (b) at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the permitted fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).

614ZK Requirement to give unloaded fish notice

- (1) This section applies if permitted fish are—
 - (a) taken from an authorised boat for a T4-ITQ unit holder; and
 - (b) unloaded from, or using, the authorised boat.
- (2) The T4-ITQ unit holder, or a person authorised by the holder, must give a notice (an ***unloaded fish notice***) to the chief executive—
 - (a) as soon as practicable after the first time the permitted fish on the boat are unloaded from, or using, the boat; and

[s 13]

- (b) if the permitted fish are first unloaded by moving the boat carrying the fish to a place on land—as soon as practicable after the permitted fish are first moved from the boat or vessel.
- (3) Also, the T4-ITQ unit holder, or a commercial fisher acting for the holder, must retain possession of the permitted fish until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
 - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number for the T4 fishery licence to which the permitted 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 or unnotifiable landing notice given in relation to the permitted fish mentioned in the unloaded fish notice—the transaction number;
 - (d) the weight of each of the following that were unloaded by or for the holder—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

13 Insertion of new ch 16, pt 2, div 6

Chapter 16, part 2—

insert—

Division 6 Transitional provisions for Fisheries Amendment Regulation (No. 2) 2014

751 Period of T4-ITQ year for 2015

- (1) The T4-ITQ year for 2015 starts on 1 April and ends on 31 December.
- (2) Subsection (1) applies despite schedule 11, part 2, definition *T4-ITQ year*.

752 Total annual quota of prescribed whiting for 2015 T4-ITQ year

For the T4-ITQ year for 2015—

- (a) the total annual quota of prescribed whiting that may be taken in the commercial trawl fishery (fin fish) under all T4 fishery licences is 1,150,000kg; and
- (b) section 614A does not apply.

753 Annual quota of goatfish and yellowtail scad for 2015 T4-ITQ year

- (1) This section applies to the following fish—
 - (a) goatfish;
 - (b) yellowtail scad.
- (2) For the T4-ITQ year for 2015—
 - (a) the annual quota of each of the fish that may be taken under a T4 fishery licence is 20,000kg for each fishery symbol ‘T4’ written on the licence; and
 - (b) section 614B does not apply.

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14 Amendment of sch 2 (Regulated fish declarations)

(1) Schedule 2, part 2—

insert—

cuttlefish	W	more than 260kg	a person taking or possessing the fish on a boat identified in a T4 fishery licence
squid	W	more than 260kg	a person taking or possessing the fish on a boat identified in a T4 fishery licence
threadfin bream	W	more than 200kg	a person taking or possessing the fish on a boat identified in a T4 fishery licence

(2) Schedule 2, part 2, entry for octopus—

insert—

	W	more than 100kg	a person taking or possessing the fish on a boat identified in a T4 fishery licence
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15 Amendment of sch 6 (Glossary of scientific names for particular fish other than regulated coral reef fin fish)

Schedule 6, part 4—

insert—

goatfish	family Mullidae
yellowtail scad	<i>Trachurus novaezelandiae</i> and <i>Trachurus declivis</i>

16 Amendment of sch 11 (Dictionary)

(1) Schedule 11, part 2, definitions *landing period, landing place, prescribed numerical code, prescribed person, prior notice, prior notice area, prior notice deadline, prior notice particulars, unit PIN, unloaded fish notice, unloading area, unloading particular* and *unnotifiable landing notice—*

omit.

(2) Schedule 11, part 2—

insert—

commercial trawl fishery (fin fish) see section 609.

landing period—

- (a) for chapter 10, part 3, see section 569(e)(i); or
- (b) for chapter 11, part 3, division 6, see section 614ZA(e)(i).

landing place—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614ZA(c).

permitted fish, for chapter 11, part 3, see section 612.

prescribed numerical code—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

prescribed person—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

prescribed whiting, for chapter 11, part 3, see section 609A.

prior notice—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

prior notice area—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

prior notice deadline—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

prior notice particulars—

- (a) for chapter 10, part 3, see section 569; or
- (b) for chapter 11, part 3, division 6, see section 614ZA.

T4 fishery licence means a commercial fishing boat licence on which is written the fishery symbol 'T4'.

T4-ITQ unit means a T4-ITQ unit issued under section 614E(1).

T4-ITQ unit certificate means—

- (a) a T4-ITQ unit certificate issued under section 614E(2); or
- (b) if the certificate is replaced under section 71 of the Act, or changed, replaced or issued under section 614O(2), the certificate as replaced, changed or issued under that section.

T4-ITQ unit holder means a holder of a T4-ITQ unit.

T4-ITQ year means the period from 1 January to 31 December.

Note—

See, however, section 751.

unit PIN means—

- (a) for SM units—
 - (i) the unit PIN for the units continued under section 726; or

-
- (ii) if the unit PIN for the units is changed under section 588, the unit PIN as changed; or
 - (b) for T4-ITQ units—
 - (i) the unit PIN for the units issued under section 614F(a); or
 - (ii) if the unit PIN for the units is changed under section 614R, the unit PIN as changed.

unloaded fish notice—

- (a) for chapter 10, part 3, see section 581(2); or
- (b) for chapter 11, part 3, division 6, see section 614ZK(2).

unloading area—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 11, part 3, division 6, see section 614W.

unloading particular—

- (a) for chapter 10, part 3, see section 569(d); or
- (b) for chapter 11, part 3, division 6, see section 614ZA(d).

unnotifiable landing notice—

- (a) for chapter 10, part 3, see section 578(2); or
- (b) for chapter 11, part 3, division 6, see section 614ZH(2).

- (3) Schedule 11, part 2, definition *authorised boat*, paragraph (c)—

omit, insert—

- (c) for chapter 11, part 3, division 6, see section 614W; or
- (d) for chapter 14, part 2, see section 644.

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- (4) Schedule 11, part 2, definition *entitlement*—
insert—
- (c) under a T4-ITQ unit, see section 614H(2).
- (5) Schedule 11, part 2, definition *fisher PIN*—
insert—
- (c) for T4-ITQ units—
- (i) the 4-digit identity number issued for the units under section 614F(b); or
- (ii) if the fisher PIN for the units is changed under section 614S, the fisher PIN as changed.
- (6) Schedule 11, part 2, definition *unused entitlement*—
insert—
- (c) for T4-ITQ units, see section 614I(2).
- (7) Schedule 11, part 2, definition *used*—
insert—
- (c) for an entitlement under a T4-ITQ unit, see section 614I(1).

ENDNOTES

- 1 Made by the Governor in Council on 18 December 2014.
- 2 Notified on the Queensland legislation website on 19 December 2014.
- 3 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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