



Queensland

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Fisheries Act 1994

Marine Parks Act 2004

Rural and Regional Adjustment Act 1994

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[s 1]

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Fisheries Legislation Amendment Regulation 2020*.

2 Commencement

- (1) Chapter 3 and schedule 2 commence on 1 January 2021.
- (2) Chapter 4 and schedule 3 commence on 1 September 2021.

Chapter 2 Amendments commencing on notification

Part 1 Amendment of Fisheries (Commercial Fisheries) Regulation 2019

3 Regulation amended

This part amends the *Fisheries (Commercial Fisheries) Regulation 2019*.

Note—

See also the amendments in schedule 1.

4 Insertion of new ss 10A and 10B

After section 10—

insert—

10A Restriction on possessing, selling or processing fish

- (1) This section applies if a fishery provision about the commercial fishery states that fish taken in the fishery area of the fishery may be possessed, sold or processed only in stated circumstances or in a stated way.
- (2) The authorised person may possess, sell or process the fish only in the stated circumstances or stated way.

10B Restriction on possessing commercial fishing apparatus

- (1) This section applies if a fishery provision about the commercial fishery states that commercial fishing apparatus may be possessed in the fishery area of the fishery only in stated circumstances or in a stated way.
- (2) The authorised person may possess the commercial fishing apparatus only in the stated circumstances or stated way.

5 Amendment of s 13 (Restriction on taking fish in more than 1 commercial fishery)

Section 13—

insert—

- (5) In addition, subsection (1) does not apply to a person taking fish under the fishery symbol ‘A1’ and the fishery symbol ‘D’ at the same time.

4 Insertion of new ss 15A and 15B

After section 15—

insert—

[s 7]

15A Restriction on retaining fish

- (1) This section applies to fish other than fish taken under a B1, R, RQ, SM or T4 licence.
- (2) If a boat from or using which fish were taken is landed at a place, a person acting under a licence is not authorised to keep the fish on the boat when the boat leaves the place to start a new fishing operation.

15B Restriction on transshipping fish

- (1) This section applies to fish other than fish taken under a D, R, RQ, SM or T1 licence.
- (2) A person acting under a licence is not authorised to transfer fish from a boat from or using which the fish were taken to another boat from or using which the fish are proposed to be unloaded.

7 Amendment of s 42 (General conditions of a commercial fishing boat licence)

- (1) Section 42(5)—
renumber as section 42(7).
- (2) Section 42(4)—
omit, insert—
 - (4) The primary boat may be used in a commercial fishery only if its length is no more than—
 - (a) if a fishery provision about the fishery states that a primary boat longer than a stated length must not be used in the fishery—the stated length; or
 - (b) otherwise—25m.
 - (5) A tender boat may be used in a commercial fishery only if—

-
- (a) its primary boat—
 - (i) may be used in the fishery; and
 - (ii) is not being used in another commercial fishery; and
 - (b) the tender boat's length is no more than 10m.
- (6) Subsection (5)(a)(ii) does not apply in relation to the use of a tender boat in a commercial fishery if the other commercial fishery in which the primary boat is being used is a crab fishery.

8 Amendment of s 82 (Location not detected or reported)

- (1) Section 82(1)(a), ‘; and’—

omit, insert—

within the following area—

- (i) for a boat identified in a T1 licence—
 - (A) generally—the T1 area; and
 - (B) if the licence also has an ‘M1’ fishery symbol written on it—the M1 and M2 area;
 - (ii) for a boat identified in a T2 licence—the T2 area; and
- (2) Section 82(3), after ‘not used’—

insert—

in the area mentioned in subsection (1)(a)

9 Amendment of ch 4, pt 4, hdg (ITQ units)

Chapter 4, part 4, heading, ‘ITQ’—

omit, insert—

[s 10]

C2-ITQ

10 Replacement of s 97 (Meaning of *ITQ year*)

Section 97—

omit, insert—

97 Meaning of *C2-ITQ year*

C2-ITQ year means a period of 1 year starting on 1 July of a year and ending on 30 June in the next year.

Note—

See, however, section 167.

11 Amendment of s 107 (Definitions for part)

(1) Section 107, definition *quota units*, paragraph (d), ‘ITQ’—

omit, insert—

C2-ITQ

(2) Section 107, definition *quota year*, paragraph (d)—

omit, insert—

(d) for C2-ITQ units—a C2-ITQ year; or

12 Replacement of ch 5, hdg (Transitional provisions)

Chapter 5, heading—

omit, insert—

Chapter 7 Transitional provisions

Note—

This chapter, and former sections 121 and 122, were renumbered by the *Fisheries Legislation Amendment Regulation 2020*.

Part 1 Provisions for SL No. 178 of 2019

13 Renumbering of s 121 (Nominees under particular authorities continue)

Section 121—
renumber as section 166.

14 Amendment and renumbering of s 122 (ITQ year before 1 July 2021)

(1) Section 122, ‘ITQ’—
omit, insert—

C2-ITQ

(2) Section 122—
insert—

Note—

ITQ units were renamed as C2-ITQ units by the *Fisheries Legislation Amendment Regulation 2020*. See also the *Fisheries (General) Regulation 2019*, section 153.

(3) Section 122—
renumber as section 167.

15 Insertion of new ch 7, pt 2

Chapter 7, as renumbered by this regulation—

insert—

Part 2 Provisions for Fisheries Legislation Amendment Regulation 2020

Division 1 Amendments commencing on notification of amendment regulation

168 Existing primary boats for commercial fishing boat licences

- (1) This section applies in relation to a commercial fishing boat licence for a commercial fishery, in effect immediately before the commencement, if the primary boat for the licence is longer than the maximum length permitted to be used in the fishery under section 42(4).
- (2) Section 42(4) does not apply to the use of the primary boat under the licence in the commercial fishery until the primary boat identified in the licence is modified or replaced.

169 Bigeyes that are recognised BRDs

- (1) This section applies in relation to trawling in a fishing operation that started before, but has not ended, on the commencement.
- (2) During trawling in the fishing operation—
 - (a) schedule 2, section 153(4), as in force immediately before the commencement, continues to apply in relation to an opening,

commonly known as a bigeye, on an otter trawl net used to trawl for prawns; and

- (b) schedule 2, section 161(4), as in force immediately before the commencement, continues to apply in relation to an opening, commonly known as a bigeye, on a beam trawl net.

170 Requirement to check crab apparatus

- (1) This section applies to a requirement to check crab apparatus under schedule 7, section 12A if the crab apparatus was set before the commencement.
- (2) The requirement applies in relation to the crab apparatus as if the apparatus was set on the commencement.

16 Amendment of sch 2 (East coast trawl fishery)

- (1) Schedule 2, after section 6—

insert—

6A Possessing particular fishing apparatus

- (1) A person may possess, on a boat in the fishery area, a beam, otter board or trawl sled used with a net only if—
 - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of trawl sleds a person may not possess—

- a trawl sled that has spikes attached to its trawl shoe

[s 16]

- a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess, on a boat in the fishery area, a beam, otter board or trawl sled with a thing that—
- (a) is designed to attach to the beam, otter board or trawl sled; and
 - (b) if attached, would extend below the trawl shoe of the beam, otter board or trawl sled.
- (2) Schedule 2, sections 11 to 13, 25, 26 and 31—
omit.
- (3) Schedule 2, section 34—
omit, insert—

34 Meaning of *T5 area*

- (1) The ***T5 area*** means all tidal waters of the following—
- (a) the Brisbane River–Victoria Bridge to Juno Point area described in subsection (2);
 - (b) the Brisbane River mouth area described in subsection (3);
 - (c) the Noosa River and lakes connected to the Noosa River;
 - (d) the Laguna Bay area;
 - (e) the Logan River area described in subsection (4);
 - (f) other rivers or creeks south of Double Island Point.
- (2) The ***Brisbane River–Victoria Bridge to Juno Point area*** means Brisbane River between the Victoria Bridge and a line from the F↑B sign at Juno Point to the tip of the eastern bank of the

river.

- (3) The ***Brisbane River mouth area*** means tidal waters within the following boundary—
- from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east)
 - to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
 - to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot beacon)
 - to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
 - to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
 - to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot beacon)
 - to latitude 27°21.74' south on the mainland shore.
- (4) The ***Logan River area*** means Logan River and adjoining waterways, upstream of the line—
- from the intersection of the mainland shore with longitude 153°19.20' east (at approximately latitude 27°40.50' south) to latitude 27°40.40' south, longitude 153°19.50' east

[s 16]

- to latitude 27°41.50' south, longitude 153°21.10' east
- to the intersection of the mainland shore with longitude 153°21.10' east (at approximately latitude 27°41.90' south).

(4) Schedule 2, section 36—

omit, insert—

36 Meaning of *T7 area*

- (1) The *T7 area* means all tidal waters of the following—
- (a) the Moore Park beach area described in subsection (2);
 - (b) rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).
- (2) The *Moore Park beach area* means tidal waters within the following boundary—
- from latitude 24°44'11" south, longitude 152°22'00" east on the mainland shore
 - to latitude 24°40'52" south, longitude 152°22'00" east
 - to latitude 24°40'58" south, longitude 152°19'10" east
 - to latitude 24°36'47" south, longitude 152°13'43" east
 - to latitude 24°35'28" south, longitude 152°10'44" east
 - to latitude 24°30'00" south, longitude 152°06'31" east
 - to latitude 24°30'01" south, longitude 152°02'33" east

- along the mainland shore to latitude 24°44'11" south, longitude 152°22'00" east.

(5) Schedule 2, section 38—

omit, insert—

38 Meaning of *T9 area*

- (1) The ***T9 area*** means all tidal waters of the following—
 - (a) the Llewellyn Bay area described in subsection (2);
 - (b) the Repulse Bay area;
 - (c) the Sinclair Bay area described in subsection (3);
 - (d) the Cleveland Bay area;
 - (e) rivers and creeks that are part of the fishery area of the east coast trawl fishery between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.
- (2) The ***Llewellyn Bay area*** means Llewellyn Bay, near Sarina, west of a line—
 - from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
 - to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).
- (3) The ***Sinclair Bay area*** means Sinclair Bay, near Bowen, within the following boundary—
 - from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude

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20°06.80' south, longitude 148°26.81' east
on the shore

- along the shore to latitude 20°09.54' south,
longitude 148°25.36' east.

(6) Schedule 2, sections 52, 67, 82, 94, 106, 117, 129 and 141—

omit.

(7) Schedule 2, section 153(4)(a), 'chain links or other
weights'—

omit, insert—

an approved chain or 300g of other weights

(8) Schedule 2, section 153—

insert—

(5) In this section—

approved chain means a chain that—

- (a) weighs at least 300g; and
- (b) contains at least the following number of
links—
 - (i) for a chain with links 4mm in
diameter—42;
 - (ii) for a chain with links 6mm in
diameter—12;
 - (iii) for a chain with links 8mm in
diameter—6;
 - (iv) for a chain with links 10mm in
diameter—3.

(9) Schedule 2, section 161(4), 'chain links or other weights'—

omit, insert—

an approved chain or 300g of other weights

(10) Schedule 2, section 161—

insert—

(5) In this section—

approved chain means a chain that—

- (a) weighs at least 300g; and
- (b) contains at least the following number of links—
 - (i) for a chain with links 4mm in diameter—42;
 - (ii) for a chain with links 6mm in diameter—12;
 - (iii) for a chain with links 8mm in diameter—6;
 - (iv) for a chain with links 10mm in diameter—3.

17 Amendment of sch 3, pt 1 (Line fishery (other than Great Barrier Reef region))

Schedule 3, part 1, division 3—

omit.

18 Amendment of sch 3, pt 2 (Line fishery (reef))

Schedule 3, part 2, division 3—

omit.

19 Amendment of sch 3, pt 3 (Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish))

Schedule 3, part 3, division 3—

omit.

[s 20]

20 Amendment of sch 3, pt 4 (Line fishery (multiple hook—east coast))

- (1) Schedule 3, sections 33(3) and 34(4), from ‘light’ to ‘at least’—

omit, insert—

solid, light-coloured float that is no less than

- (2) Schedule 3, part 4, division 3—

omit.

21 Amendment of sch 4, pt 1 (General netting and ocean beach fisheries)

- (1) Schedule 4, part 1, division 9, heading and schedule 4, part 1, division 9, subdivision 1, heading—

omit, insert—

Division 9 Authorisation

- (2) Schedule 4, part 1, division 9, subdivision 2—

omit.

22 Amendment of sch 4, pt 2 (Net fishery (east coast no. 1))

- (1) Schedule 4, section 45(3), ‘midday on 1 November to midday on 1 February’—

omit, insert—

1 November to 31 January

- (2) Schedule 4, section 46—

omit.

- (3) Schedule 4, section 47, heading ‘other’—

omit.

- (4) Schedule 4, section 47(1), from ‘, other than’ to ‘46’—

omit.

- (5) Schedule 4, sections 47(3)(a) and 52(3), ‘midday 1 November to midday 1 February’—

omit, insert—

1 November to 31 January

- (6) Schedule 4, section 53(6), from ‘yellow’ to ‘at least’—

omit, insert—

solid, yellow-coloured float that is no less than

- (7) Schedule 4, sections 55 and 56—

omit.

- (8) Schedule 4, section 57(1)(b), before ‘white’—

insert—

solid,

- (9) Schedule 4, section 57(1)(b)(i), ‘at least’—

omit, insert—

no less than

- (10) Schedule 4, section 57(2)(b), ‘light coloured floats, at least’—

omit, insert—

solid, light-coloured floats, no less than

- (11) Schedule 4, section 57(4)(a)(ii), ‘reflectorised float, at least’—

omit, insert—

solid, reflectorised float, no less than

23 Amendment of sch 4, pt 3 (Net fishery (east coast no. 2))

- (1) Schedule 4, sections 64(5) and 65(4), ‘midday 1 November to midday 1 February’—

omit, insert—

[s 24]

1 November to 31 January

- (2) Schedule 4, sections 66(4) and 67(5), ‘midday on 1 November to midday on 1 February’—

omit, insert—

1 November to 31 January

- (3) Schedule 4, sections 70 and 71—

omit.

- (4) Schedule 4, section 72(1)(b), before ‘white’—

insert—

solid,

- (5) Schedule 4, section 72(1)(b)(i), ‘at least’—

omit, insert—

no less than

- (6) Schedule 4, section 72(2)(a)(ii), ‘reflectorised float, at least’—

omit, insert—

solid, reflectorised float, no less than

24 Amendment of sch 4, pt 4 (Net fishery (east coast no. 3))

- (1) Schedule 4, sections 79(2) and 81(2), ‘midday 1 November to midday 1 February’—

omit, insert—

1 November to 31 January

- (2) Schedule 4, sections 84 and 85—

omit.

- (3) Schedule 4, section 86(1)(a), before ‘white’—

insert—

solid,

-
- (4) Schedule 4, section 86(1)(a)(i), ‘at least’—
omit, insert—
no less than
- (5) Schedule 4, section 86(1)(c) and (d), after ‘by’—
insert—
solid,
- (6) Schedule 4, section 86(1)(d), ‘at least’—
omit, insert—
no less than
- (7) Schedule 4, section 86(3)(a)(ii), ‘reflectorised float, at least’—
omit, insert—
solid, reflectorised float, no less than

25 Amendment of sch 4, pt 5 (Net fishery (east coast no. 4))

Schedule 4, sections 95 and 96—

omit.

26 Amendment of sch 4, pt 6 (Net fishery (Gulf of Carpentaria no. 1))

- (1) Schedule 4, section 113(1)(a), before ‘light’—
insert—
solid,
- (2) Schedule 4, section 113(1)(b), before ‘white’—
insert—
solid,
- (3) Schedule 4, section 113(1)(b)(i), ‘at least’—
omit, insert—

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no less than

- (4) Schedule 4, section 113(2)(a)(ii), ‘reflectorised float, at least’—

omit, insert—

solid, reflectorised float, no less than

- (5) Schedule 4, section 113(3)(a), after ‘6’—

insert—

solid

27 Amendment of sch 4, pt 7 (Net fishery (no. 11))

- (1) Schedule 4, section 118(1)(a), ‘or mesh nets’—

omit, insert—

, mesh nets or scoop nets

- (2) Schedule 4, section 118(2), ‘for taking fish in the Gulf N11 area,’—

omit.

- (3) Schedule 4, section 120(b), ‘and a handle or shaft no longer than 2.5m’—

omit.

- (4) Schedule 4, section 128—

omit.

- (5) Schedule 4, section 129(1)(a), before ‘light’—

insert—

solid,

- (6) Schedule 4, section 129(1)(b), before ‘white’—

insert—

solid,

- (7) Schedule 4, section 129(1)(b)(i), ‘at least’—

omit, insert—

no less than

- (8) Schedule 4, section 129(2)(a)(ii), ‘reflectorised float, at least’—

omit, insert—

solid, reflectorised float, no less than

28 Amendment of sch 4, pt 8 (Net fishery (Gulf of Carpentaria no. 3))

- (1) Schedule 4, sections 139 and 140—

omit.

- (2) Schedule 4, section 141(1)(a), before ‘light’—

insert—

solid,

- (3) Schedule 4, section 141(1)(b), before ‘white’—

insert—

solid,

- (4) Schedule 4, section 141(2)(a), ‘at least’—

omit, insert—

no less than

29 Amendment of sch 4, pt 9 (Net fishery (Gulf of Carpentaria no. 4))

- (1) Schedule 4, sections 151 and 152—

omit.

- (2) Schedule 4, section 153(1)(a), before ‘light’—

insert—

solid,

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(3) Schedule 4, section 153(1)(b), before ‘white’—

insert—

solid,

(4) Schedule 4, section 153(2)(a), ‘at least’—

omit, insert—

no less than

30 Amendment of sch 5 (Spanish mackerel commercial fishery)

Schedule 5, part 4—

omit.

31 Amendment of sch 6 (Reef line commercial fishery)

Schedule 6, sections 11, 12 and 13—

omit.

32 Amendment of sch 7, pt 1 (Commercial crab fishery)

(1) Schedule 7, section 5(2) to (4)—

omit.

(2) Schedule 7, sections 6 and 7—

omit, insert—

6 Number of items of crab apparatus authorised to be used

(1) No more than the following number of items of crab apparatus, including any combination of items of crab apparatus, may be used under the licence at the same time—

(a) if the licence has only 1 fishery symbol ‘C1’ written on it—50;

-
- (b) if the licence has only 2 fishery symbols 'C1' written on it—100;
 - (c) if the licence has 3 or more fishery symbols 'C1' written on it—150.
- (2) However, no more than 100 items of crab apparatus may be used at the same time to take crabs in the Hervey Bay crab area or Moreton Bay crab area.
- (3) Also, more than 100 (but not more than 150) items of crab apparatus may be used under the licence at the same time in an area other than the Hervey Bay crab area or Moreton Bay crab area for taking only the following fish—
- (a) blue swimmer crabs;
 - (b) coral crabs;
 - (c) three spot crabs.
- (4) In this section—

Hervey Bay crab area means tidal waters in the fishery area that are—

- (a) north of the line between—
 - (i) latitude 25°9.16' south, longitude 152°38.01' east (Burrum Point); and
 - (ii) latitude 25°13.83' south, longitude 152°59.56' east (Moon Point); and
- (b) east of the line between—
 - (i) latitude 25°48.76' south, longitude 153°4.18' east (Inskip Point); and
 - (ii) latitude 25°47.54' south, longitude 153°4.66' east (Hook Point).

Moreton Bay crab area means tidal waters in the fishery area that are within the Moreton Bay (whole) waters.

[s 32]

7 Use of crab apparatus in single line or in sequence

- (1) No more than 10 items of crab apparatus may be fixed to a single line or attached to each other in sequence.
- (2) Two or more items of crab apparatus that are fixed to a single line, or attached to each other in sequence, must not be used in the following waters—
 - (a) Moreton Bay (whole) waters south of latitude 27°18.430' south;
 - (b) the waters of Great Sandy Strait south of a line between Point Vernon on the mainland and Moon Point on Fraser Island.

7A Possession of crab apparatus

A person must not possess on a boat in a part of the fishery area more than the number of items of crab apparatus, including any combination of items of crab apparatus, the person is authorised to use in the part under section 6.

- (3) Schedule 7, sections 10 and 11—
omit.
- (4) Schedule 7, section 12(2)(a), (4) and (5)(a), ‘at least’—
omit, insert—
no less than
- (5) Schedule 7, section 12(6), definition *compliant float*, paragraph (a), before ‘light’—
insert—
solid,
- (6) Schedule 7, after section 12—

insert—

12A Checking crab apparatus

Crab apparatus that is in use must be checked at least every 7 days after being set.

33 Amendment of sch 7, pt 2 (Commercial spanner crab fishery (managed area A))

(1) Schedule 7, before section 16—

insert—

Subdivision 1 General

(2) Schedule 7, section 18(2)—

omit.

(3) Schedule 7, section 18(3), ‘division 3’—

omit, insert—

subdivision 2

(4) Schedule 7, section 18(3)—

renumber as schedule 7, section 18(2).

(5) Schedule 7, section 18(4) and (5)—

omit, insert—

(3) No more than the following number of dillies may be used at the same time to take spanner crabs—

(a) if there is only 1 person acting under the licence—45 dillies;

(b) if there are 2 or more persons acting under the licence—75 dillies.

(4) No more than 25 dillies may be set on a single line.

(6) Schedule 7, after section 18—

[s 33]

insert—

18A Fish may be taken only with unused entitlements

Spanner crabs may be taken in a C2-ITQ year only if the crabs are taken under C2-ITQ units with unused entitlements for the C2-ITQ year.

18B Possession of dillies

No more than the following number of dillies may be possessed by a commercial fisher, or jointly possessed by 2 or more commercial fishers, on a boat in the fishery area—

- (a) if there is only 1 person acting under the licence—55 dillies;
- (b) if there are 2 or more persons acting under the licence—85 dillies.

- (7) Schedule 7, part 2, division 3, heading—

omit, insert—

Subdivision 2 Use of dillies

- (8) Schedule 7, sections 23 and 24—

omit.

- (9) Schedule 7, section 25(3), definition *compliant float*, paragraph (a), before ‘light’—

insert—

solid,

- (10) Schedule 7, section 25(3), definition *compliant float*, paragraph (b), ‘at least’—

omit, insert—

no less than

34 Amendment of sch 7, pt 3 (Commercial spanner crab fishery (managed area B))

- (1) Schedule 7, before section 29—

insert—

Subdivision 1 General

- (2) Schedule 7, section 31(2), ‘division 3’—

omit, insert—

subdivision 2

- (3) Schedule 7, section 31(3)—

omit.

- (4) Schedule 7, section 31(4)—

renumber as schedule 7, section 31(3).

- (5) Schedule 7, section 32—

omit.

- (6) Schedule 7, after section 33—

insert—

33A Possession of dillies

A commercial fisher must not possess more than a total of 35 dillies on a boat in the fishery area.

- (7) Schedule 7, part 3, division 3, heading—

omit, insert—

Subdivision 2 Use of dillies

- (8) Schedule 7, part 3, division 4—

renumber as schedule 7, part 3, division 3.

- (9) Schedule 7, sections 38 and 39—

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omit.

- (10) Schedule 7, section 40(3), definition *compliant float*, paragraph (a), before 'light'—

insert—

solid,

- (11) Schedule 7, section 40(3), definition *compliant float*, paragraph (b), 'at least'—

omit, insert—

no less than

- (12) Schedule 7, after section 40—

insert—

41 Where spanner crabs may be brought ashore

A spanner crab taken under the licence may be brought ashore only on the mainland west of longitude 151°45' east.

35 Amendment of sch 8, pt 1 (Commercial crayfish and rocklobster fishery)

Schedule 8, part 1, division 3—

omit.

36 Amendment of sch 8, pt 3 (Commercial trawl fishery (fin fish))

Schedule 8, section 19—

omit, insert—

19 Fishery area

The fishery area consists of the area of all tidal waters within the following boundary—

- from latitude 24°42.05' south, longitude 153°28.11' east

-
- to latitude 24°57.87' south, longitude 153°34.78' east
 - to latitude 26°12.84' south, longitude 153°48.83' east
 - to latitude 26°24.88' south, longitude 153°36.05' east
 - to latitude 26°44.98' south, longitude 153°30.38' east
 - to latitude 27°05.68' south, longitude 153°34.36' east
 - to latitude 27°58.78' south, longitude 153°46.38' east
 - to latitude 28°06.32' south, longitude 153°44.90' east
 - to latitude 28°09.66' south, longitude 153°46.68' east
 - to latitude 28°09.17' south, longitude 153°34.30' east
 - to latitude 28°06.85' south, longitude 153°31.74' east
 - to latitude 28°01.10' south, longitude 153°29.43' east
 - to latitude 27°51.23' south, longitude 153°28.34' east
 - to latitude 27°45.62' south, longitude 153°30.19' east
 - to latitude 27°38.84' south, longitude 153°30.33' east
 - to latitude 27°31.28' south, longitude 153°33.34' east
 - to latitude 27°31.78' south, longitude 153°34.50' east

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- to latitude 27°30.08' south, longitude 153°36.02' east
- to latitude 27°24.64' south, longitude 153°33.58' east
- to latitude 27°22.79' south, longitude 153°34.20' east
- to latitude 27°20.139' south, longitude 153°29.81' east
- to latitude 27°14.96' south, longitude 153°28.31' east
- to latitude 26°56.55' south, longitude 153°29.61' east
- to latitude 26°54.48' south, longitude 153°28.00' east
- to latitude 26°56.62' south, longitude 153°21.80' east
- to latitude 26°54.01' south, longitude 153°17.06' east
- to latitude 26°50.58' south, longitude 153°15.07' east
- to latitude 26°47.17' south, longitude 153°16.84' east
- to latitude 26°36.92' south, longitude 153°13.30' east
- to latitude 26°13.70' south, longitude 153°08.79' east
- to latitude 26°4.76' south, longitude 153°9.26' east
- to latitude 25°58.54' south, longitude 153°11.33' east
- to latitude 25°57.67' south, longitude 153°12.71' east

-
- to latitude 25°54.02' south, longitude 153°12.55' east
 - to latitude 25°51.54' south, longitude 153°09.00' east
 - to latitude 25°47.31' south, longitude 153°10.43' east
 - to latitude 25°41.98' south, longitude 153°07.84' east
 - to latitude 25°34.67' south, longitude 153°11.28' east
 - to latitude 25°31.67' south, longitude 153°11.01' east
 - to latitude 25°21.42' south, longitude 153°16.96' east
 - to latitude 25°12.89' south, longitude 153°21.92' east
 - to latitude 25°12.92' south, longitude 153°24.72' east
 - to latitude 25°11.82' south, longitude 153°26.65' east
 - to latitude 25°02.88' south, longitude 153°23.79' east
 - to latitude 24°58.38' south, longitude 153°29.22' east
 - to latitude 24°54.25' south, longitude 153°24.20' east
 - to latitude 24°41.85' south, longitude 153°23.00' east
 - to latitude 24°42.05' south, longitude 153°28.11' east.

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37 Amendment of sch 11 (Dictionary)

(1) Schedule 11, definitions *ITQ year* and *line unit*—
omit.

(2) Schedule 11—
insert—

C2-ITQ year see section 97.

(3) Schedule 11, definition *unused entitlement*, paragraph (b) and definition *used*, paragraph (b), ‘ITQ’—
omit, insert—

C2-ITQ

Part 2 Amendment of Fisheries Declaration 2019

38 Declaration amended

This part amends the *Fisheries Declaration 2019*.

Note—

See also the amendments in schedule 1.

39 Amendment of s 4 (Relationship between fisheries declarations)

Section 4(2), example 1, ‘2 October’—

omit, insert—

1 October

40 Amendment of s 16 (Exception for taking spanner crabs)

Section 16(3), definition *prescribed dilly*, paragraph (d)(ii), ‘light-coloured float that is at least’—

omit, insert—

solid, light-coloured float that is no less than

41 Amendment of s 17 (Regulated waters to which division applies)

Section 17(2), after dot point for Keppel Bay (fishing)—

insert—

- Dalrymple Bay and Hay Point

42 Amendment of s 20 (Taking or possessing barramundi in regulated period—waters other than the Gulf of Carpentaria waters)

Section 20(2), ‘1 February’—

omit, insert—

31 January

43 Amendment of s 21 (Taking or possessing barramundi in regulated periods—Gulf of Carpentaria waters)

Section 21(2) and (4), ‘1 February’—

omit, insert—

31 January

44 Amendment of s 25 (Exception for commercial fishing)

(1) Section 25(1)(c)—

omit, insert—

(c) either—

- (i) the boat is at a relevant landing place or in a relevant defined port area; or

[s 44]

- (ii) the boat is not at a place or in an area mentioned in subparagraph (i) and it is during a permitted period.

(2) Section 25(2), definitions *line unit* and *unloading area*—
omit.

(3) Section 25(2)—
insert—

relevant defined port area means the area of any of the following ports mentioned in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2—

- (a) Port of Abbot Point;
- (b) Port of Cairns;
- (c) Port of Cooktown;
- (d) Port of Gladstone;
- (e) Port of Mackay;
- (f) Port of Mourilyan;
- (g) Port of Townsville.

relevant landing place, for an authorised boat for the holder of line units, means the place stated in a prior notice given under the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 6, part 5 as the place where the boat will be landed.

(4) Section 25(2), definition *permitted period*, paragraph (b), '6a.m.'—

omit, insert—

6p.m.

45 Replacement of s 29 (Taking or possessing black jewfish—Dalrymple Bay and Hay Point and North Cape York)

Section 29—

omit, insert—

29 Taking or possessing black jewfish—North Cape York

A person must not in the North Cape York regulated waters—

- (a) take a black jewfish; or
- (b) possess a black jewfish taken in contravention of paragraph (a).

46 Amendment of s 37 (Taking or possessing tropical rocklobsters in regulated period—northern rocklobster waters)

Section 37(2), ‘2 October’—

omit, insert—

1 October

47 Amendment of s 43 (Taking or possessing fin fish in regulated period—Fraser Island (Indian Head–Waddy Point))

Section 43(2), ‘30 September’—

omit, insert—

29 September

48 Amendment of s 52 (Taking or possessing fish in regulated period—Fraser Island (Indian Head–Waddy Point))

Section 52(2), ‘30 September’—

[s 49]

omit, insert—

29 September

49 Amendment of s 62 (Possessing or using particular set mesh nets to take fish in regulated period)

Section 62(2), ‘1 February’—

omit, insert—

31 January

50 Insertion of new s 86AA

After section 86—

insert—

86AA Using trawl nets in southern offshore trawl region

- (1) A person must not use a trawl net in the southern offshore trawl region in a regulated period.
- (2) However, subsection (1) does not apply to a person using an otter trawl net under a T5 licence.
- (3) For subsection (1), the regulated period is from 8a.m. to 6p.m.

51 Amendment of s 87 (Possessing or using otter trawl nets in regulated period)

Section 87(2), ‘15 December to 1 March’—

omit, insert—

midday on 15 December to midday on 1 March

52 Amendment of s 88 (Exception for particular otter trawl nets in particular period)

Section 88, ‘3 January to 1 March’—

omit, insert—

midday on 3 January to midday on 1 March

53 Insertion of new s 90A

After section 90—

insert—

90A Exception for possessing trawl nets or using particular boats

- (1) Despite section 90, a person may, in the Hervey Bay (scallop ranching area), use the primary boat identified in a T1 or T2 licence and possess a trawl net on the boat if—
 - (a) the person is using the boat to travel through the regulated waters; and
 - (b) the boat moves at a speed of at least 5 knots; and
 - (c) for a trawl net other than an otter trawl net—the trawl net is stowed and secured; and
 - (d) for an otter trawl net—the otter trawl net is stowed and secured on the boat.
- (2) For subsection (1)(d), an otter trawl net is stowed and secured on the boat if—
 - (a) during the daytime—
 - (i) the net and any other fishing apparatus normally used with the net are drawn up to the boat and are visible from an aircraft or another boat; and
 - (ii) the net's cod ends are open; and
 - (iii) the net's lazy lines are on the blocks; and

[s 54]

- (b) at night—the net and other fishing apparatus are inboard the boat and are stored or suspended from a mast or boom.

Examples of other fishing apparatus—

otter boards, ground chains or ropes for an otter trawl net

54 Amendment of s 94 (Regulated waters to which division applies and their regulated periods)

- (1) Section 94, table, column 2 for each of the following entries, after ‘from’ and ‘to’ insert ‘midday on’—

- southern regional waters
- near the New South Wales border to Point Lookout on North Stradbroke Island
- Southern Moreton Bay area
- Boggy Creek, Pinkenba
- Brisbane River mouth area
- northern section of Moreton Bay
- Fraser Island (Hook Point to northern tip)
- Taleerba Creek to Indian Head, Fraser Island
- Southern Hervey Bay
- Burnett River (trawl nets)
- Sandy Cape
- Skyringville Creek (upstream).

- (2) Section 94, table, column 2 for entries for Stradbroke Island (trawl nets), Caloundra to Moreton Island (trawl nets) and Fraser Island (trawl nets), ‘2 November to 1 March’—

omit, insert—

midday on 1 November to midday on 1 March

- (3) Section 94, table, column 2 for entry for Fraser Island (Indian Head–Waddy Point), ‘1 September to 30 September’—

omit, insert—

1 August to 29 September

- (4) Section 94, table, column 2 for entry for Hervey Bay—other closures, ‘2 May to the end of February’—

omit, insert—

midday on 2 May to midday on the last day of February

55 Amendment of s 103 (Fish regulated in relation to particular factors)

Section 103(10), example—

omit, insert—

Example—

A grey reef shark is a regulated fish for a person possessing the fish, or the tail or fins of the fish, on a boat on the condition that the tail or any of the fins are removed from the body of the fish.

56 Amendment of s 109A (Fish regulated by number or volume)

Section 109A(2)(f)—

omit, insert—

- (f) shark or ray (other than manta ray, sandtiger shark, spear-tooth shark or white shark);

57 Amendment of s 126 (Fin fish—interdorsal length for ray or shark)

Section 126, ‘ray or shark’—

omit, insert—

guitarfish, shark or shovelnose ray

58 Insertion of new s 140AA

After section 140—

insert—

140AA Possessing or using trawl nets in particular waters in particular period

- (1) A person must not possess or use a trawl net in the central trawl region or northern trawl region in the period from midday on 15 December to midday on 1 March.
- (2) Subsection (1) does not apply to a person who possesses or uses a trawl net on a boat if—
 - (a) the possession or use is only for testing the net or other fishing apparatus normally used with the net; and
 - (b) the person in control of the boat has given the nearest Queensland Boating and Fisheries Patrol oral or written notice of the testing; and
 - (c) the net's cod ends are open; and
 - (d) no fish are taken during the test.
- (3) A notice under subsection (2)(b) must—
 - (a) be given at least 24 hours before the testing starts; and
 - (b) state—
 - (i) a square area, with boundaries no longer than 1n mile each side, where the testing is to happen; and
 - (ii) when the testing is to start and end.
- (4) Also, a person may possess a trawl net in the

waters in the period mentioned in subsection (1) if the net is stowed and secured on a boat.

- (5) For subsection (4), an otter trawl net is stowed and secured on a boat only if—
- (a) during the daytime—
 - (i) the net and any other fishing apparatus normally used with the net are drawn up to the boat and are visible from an aircraft or another boat; and
 - (ii) the net's cod ends are open; and
 - (iii) the net's lazy lines are on the blocks; and
 - (b) at night—
 - (i) the boat is at anchor in an area marked as an anchorage or boat harbour on a navigational chart; or
 - (ii) the net and other fishing apparatus are inboard the boat and are stored or suspended from a mast or boom.

Examples of other fishing apparatus—

otter boards, ground chains or ropes for an otter trawl net

59 Amendment of s 157 (Crab apparatus)

- (1) Section 157(3)(a), before 'light-coloured'—

insert—

solid,

- (2) Section 157(3)(b), 'at least'—

omit, insert—

no less than

[s 60]

60 Amendment of sch 1 (Regulated waters)

- (1) Schedule 1, part 1, entries for northern rocklobster waters and sea cucumber waters—

omit, insert—

northern rocklobster waters	the following waters— <ul style="list-style-type: none"> • tidal waters north of latitude 14° south and east of longitude 142°31'49" east • tidal waters west of longitude 142°31'49" east 	section 37
sea cucumber waters	the following waters— <ul style="list-style-type: none"> • tidal waters south of latitude 20° south (near Bowen) • tidal waters west of longitude 142°31'49" east 	section 47

- (2) Schedule 1, part 2, entry for southern offshore trawl region, column 3, 'section 86'—

omit, insert—

sections 86 and 86AA

- (3) Schedule 1, part 2, entry for Hervey Bay (scallop ranching area), column 3, 'sections 60 and 90'—

omit, insert—

section 60 and chapter 2, part 12, division 4

- (4) Schedule 1, part 2, entry for Swain Reefs and Hydrographers Passage, column 3, 'section 87'—

omit, insert—

chapter 2, part 12, division 2

- (5) Schedule 1, part 2, entry for Dalrymple Bay and Hay Point, column 3, 'section 29'—

omit, insert—

chapter 2, part 4, division 2

61 Amendment of sch 2 (Regulated fish declarations)

- (1) Schedule 2, part 2, entry for barramundi, after fourth row—

insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters west of longitude 142°31'49" east other than in the following circumstances— (a) the person is a commercial fisher acting under a licence on which is written the fishery symbol 'N3'; (b) any swim bladders of the fish possessed by the person— (i) are separated and stored by individual species; and (ii) are packed in a way that allows the swim bladders to be inspected; and (iii) are unloaded with the fish; and (iv) are not returned to sea on a boat after they are unloaded
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- (2) Schedule 2, part 2, entry for blue swimmer crab, column 4, first row, before 'a person'—

insert—

for each continuous period of fishing of 24 hours, or part of 24 hours—

- (3) Schedule 2, part 2, entry for crab, third row—

omit, insert—

[s 61]

F	crab meat	<p>a person possessing the crab meat other than—</p> <p>(a) in the following circumstances—</p> <p style="margin-left: 2em;">(i) the person is a commercial fisher acting under a licence on which is written the fishery symbol ‘C1’, ‘C2’ or ‘C3’;</p> <p style="margin-left: 2em;">(ii) the person possesses the crab meat on land for the purposes of engaging in the production of seafood under an accreditation under the <i>Food Production (Safety) Act 2000</i>; or</p> <p>(b) in the following circumstances—</p> <p style="margin-left: 2em;">(i) the person is engaged in the business of selling fisheries resources by wholesale or retail;</p> <p style="margin-left: 2em;">(ii) the person has, in the person’s possession, a sale docket given under the <i>Fisheries (General) Regulation 2019</i>, chapter 5, part 4 for the crab meat or the whole crab from which the crab meat was taken</p>
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- (4) Schedule 2, part 2, entry for grey reef shark, third, fourth and fifth rows—

omit, insert—

N	maximum—1	a person taking or possessing the fish
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- (5) Schedule 2, part 2, entry for guitarfish, third and fourth rows—

omit.

- (6) Schedule 2, part 2, entry for hammerhead shark, fifth row—

omit, insert—

F	a form other than—	1	a person possessing the fish, taken in waters east of longitude 142°31'49" east for trade or commerce, on a boat
	(a) the whole fish with fins naturally attached; or (b) trunked or gutted with fins naturally attached	2	if the prescribed commercial catch for the fish in the Gulf of Carpentaria waters is more than 37.5t—a person possessing the fish, taken in the waters for trade or commerce, on a boat

- (7) Schedule 2, part 2, entry for king threadfin, after third row—
insert—

F	a form other than—	a person possessing the fish on a commercial fishing boat in waters west of longitude 142°31'49" east other than in the following circumstances—
	(a) whole; or (b) gilled and gutted	(a) the person is a commercial fisher acting under a licence on which is written the fishery symbol 'N3', 'N11', 'N12' or 'N13'; (b) any swim bladders of the fish possessed by the person— (i) are separated and stored by individual species; and (ii) are packed in a way that allows the swim bladders to be inspected; and (iii) are unloaded with the fish; and (iv) are not returned to sea on a boat after they are unloaded

- (8) Schedule 2, part 2, entry for ray (other than guitarfish, manta ray and shovelnose ray)—

omit.

- (9) Schedule 2, part 2, entry for scaly jewfish, first row—

omit, insert—

F	a form other than whole	a person possessing the fish on a boat in waters east of longitude 142°31'49" east
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[s 61]

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters west of longitude 142°31'49" east other than in the following circumstances— (a) the person is a commercial fisher acting under a licence on which is written the fishery symbol 'N3', 'N11', 'N12' or 'N13'; (b) any swim bladders of the fish possessed by the person— (i) are separated and stored by individual species; and (ii) are packed in a way that allows the swim bladders to be inspected; and (iii) are unloaded with the fish; and (iv) are not returned to sea on a boat after they are unloaded
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(10) Schedule 2, part 2, entry for shark (other than grey reef shark, whitetip reef shark, spartooth shark, white shark or sandtiger shark)—

omit, insert—

shark or ray (other than manta ray, sandtiger shark, speartooth shark or white shark)	F	the fish divided into portions in a way that does not allow an inspector to count the number of the fish reasonably easily	a person possessing the fish on a boat
	F	a form other than— (a) the whole fish with fins naturally attached; or (b) trunked or gutted with fins naturally attached	a person possessing on a boat the fish taken in waters east of longitude 142°31'49" east for trade or commerce
	F	the fin or tail separated from the body of the fish	a person possessing the fin or tail on a boat without the body of the fish from which the fin or tail was taken
	N	maximum—1	a recreational fisher taking or possessing the fish

[s 61]

	N	maximum—10	<p>1 a person taking the fish while acting under a licence on which is written the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘L1’, ‘L2’, ‘L3’, ‘L8’, ‘N1’, ‘N2’, ‘N4’, ‘N10’ or ‘N11’ other than in connection with acting under a licence on which is written the fishery symbol ‘S’</p> <p>2 if the prescribed commercial catch for the fish in waters north of latitude 24°30' south and east of longitude 142°31'49" east is more than 480t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘L2’, ‘L3’, ‘L8’, ‘N1’, ‘N2’, ‘N4’, ‘N10’ or ‘N11’</p> <p>3 if the prescribed commercial catch for the fish in waters south of latitude 24°30' south is more than 120t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘L1’, ‘L8’, ‘N1’, ‘N2’, ‘N4’, ‘N10’ or ‘N11’</p>
	S	maximum—150cm or, for a guitarfish, shark or shovelnose ray, maximum interdorsal length—60cm	<p>1 a person taking the fish in, or possessing the fish taken in, waters east of longitude 142°31'49" east other than under a licence on which is written the fishery symbols—</p> <p>(a) ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N1’, ‘N2’, ‘N4’, ‘N10’ or ‘N11’; and</p> <p>(b) ‘S’</p> <p>2 a person taking the fish in, or possessing the fish taken in, waters west of longitude 142°31'49" east other than under a licence on which is written the fishery symbol ‘N3’, ‘N11’, ‘N12’ or ‘N13’</p>

	W F	maximum—100kg of the fish in filleted form	a person— (a) taking the fish in the Gulf of Carpentaria waters using a fishing line while acting under a commercial fishing boat licence or developmental fishing permit; or (b) possessing the fish taken under paragraph (a)
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- (11) Schedule 2, part 2, entry for shovelnose ray, first row—
omit, insert—

	F	a form other than— (a) the whole fish with fins naturally attached; or (b) trunked or gutted with fins naturally attached	a person possessing the fish on a boat
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- (12) Schedule 2, part 2, entry for shovelnose ray, third and fourth
 rows—
omit.
- (13) Schedule 2, part 2, entry for whitetip reef shark, third, fourth
 and fifth rows—
omit, insert—

	N	maximum—1	a person taking or possessing the fish
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- (14) Schedule 2, part 2, last entry, column 1, from ‘marine yabby’
 to ‘southern herring’—
omit, insert—

freshwater prawn, herring, marine yabby, silver
 biddy

[s 62]

62 Amendment of sch 5 (Dictionary)

Schedule 5, definition *interdorsal length*, ‘ray or shark’—
omit, insert—
guitarfish, shark or shovelnose ray

**Part 3 Amendment of Fisheries
(General) Regulation 2019**

63 Regulation amended

This part amends the *Fisheries (General) Regulation 2019*.

Note—

See also the amendment in schedule 1.

64 Insertion of new ch 1, pt 2, div 4

Chapter 1, part 2—

insert—

Division 4 Meaning of aquaculture

**19A Cultivation of live fisheries resources for sale
that is not aquaculture—Act, sch 1, definition
*aquaculture***

For schedule 1 of the Act, definition *aquaculture*,
the following circumstances are prescribed—

- (a) maintaining live fisheries resources taken under an authority before sale if—
 - (i) the maintenance does not involve breeding or enhancing the development of the resources; and
 - (ii) the fisheries resources are not released into Queensland waters;

-
- (b) cultivating live fish taken under an A1 or A2 licence before sale if—
 - (i) the cultivation does not involve breeding the fish; and
 - (ii) the fish are not released into Queensland waters;
 - (c) cultivating live fish taken under a D licence before sale if—
 - (i) the cultivation does not involve propagation, other than by fragmentation, of the fish; and
 - (ii) the fish are not released into Queensland waters;
 - (d) maintaining live fisheries resources in a retail outlet for sale if the fisheries resources are not released into Queensland waters.

65 Amendment of s 25 (Types of permits)

Section 25(d), 'RQ fishery licence'—

omit, insert—

RQ licence or SM licence

66 Amendment of s 26 (Types of quota authorities)

(1) Section 26(a)—

insert—

Note—

Schedule 2A provides for the conversion of T1 effort units and T2 effort units into effort units for a trawl region.

(2) Section 26(d)—

omit, insert—

[s 67]

(d) C2-ITQ units;

(3) Section 26—

insert—

(2) Also, the chief executive may issue the following types of quota authorities under the Act—

(a) effort units for the Moreton Bay trawl region;

(b) BM1-ITQ units, BM2-ITQ units, BM3-ITQ units, BM4-ITQ units, BM5-ITQ units, GM1-ITQ units, GM2-ITQ units, GM3-ITQ units, GM4-ITQ units, GM5-ITQ units, KT1-ITQ units, KT2-ITQ units, KT3-ITQ units, KT4-ITQ units, KT5-ITQ units, SCM5-ITQ units and WT5-ITQ units;

Note—

The quota authorities mentioned in this paragraph are collectively known as ENL-ITQ units.

(c) BC1-ITQ units, EC1-ITQ units and GC1-ITQ units;

Note—

The quota authorities mentioned in this paragraph are collectively known as C1-ITQ units.

(d) B1B-ITQ units, B1W-ITQ units, B1O-ITQ units, DS-ITQ units, DO-ITQ units, G-ITQ units, J1-ITQ units or R-ITQ units.

Note—

The quota authorities mentioned in this paragraph are collectively known as hand-harvest ITQ units.

67 Insertion of new s 51A

After section 51—

insert—

51A Restriction on authorising taking or possession of regulated coral reef fin fish under general fisheries permit

The chief executive must not issue a general fisheries permit authorising the taking or possession of regulated coral reef fin fish in coral reef fin fish waters in a regulated period mentioned in the *Fisheries Declaration 2019*, section 23.

68 Replacement of s 56 (Filleting permit)

Section 56—

omit, insert—

56 Filleting permit

- (1) The holder of a filleting permit for an RQ licence, and anyone else identified in the permit, may fillet regulated coral reef fin fish identified in the permit but only on board the primary boat for the RQ licence.
- (2) The holder of a filleting permit for an SM licence, and anyone else identified in the permit, may fillet spanish mackerel but only on board the primary boat for the SM licence.

69 Insertion of new ch 2, pt 4, div 1, hdg

Before section 58—

insert—

Division 1 Restrictions on issue

70 Amendment of s 58 (Restriction on issue of quota authorities)

- (1) Section 58, heading, ‘issue of’—

[s 71]

omit, insert—

further issue of particular

(2) Section 58(d)—

omit, insert—

(d) C2-ITQ units; or

(3) Section 58—

insert—

(2) However, the chief executive must convert T1 effort units and T2 effort units into effort units for a trawl region under schedule 2A, part 1.

71 Insertion of new ss 58A–58D and ch 2, pt 4, div 2, hdg

After section 58—

insert—

58A Issue of effort units for the Moreton Bay trawl region

- (1) The chief executive must issue effort units for the Moreton Bay trawl region under schedule 2A, part 2.
- (2) The chief executive must not issue any effort units for the Moreton Bay trawl region after 31 August 2021.

58B Issue of ENL-ITQ units

- (1) The chief executive must issue ENL-ITQ units under schedule 2B.
- (2) The chief executive must not issue any ENL-ITQ units after 31 August 2021.

[s 74]

129 Fisheries offences that are serious fisheries offences—Act, sch 1, definition *serious fisheries offence*

For schedule 1 of the Act, definition *serious fisheries offence*, paragraph (c), a fisheries offence constituted by any of the following in relation to a commercial fishery is prescribed—

- (a) contravening the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38BA;
- (b) entering or using a marine park in contravention of the *Marine Parks Act 2004*, section 43 or the *Marine Parks Regulation 2017*, section 135.

74 Insertion of new ch 7, pt 1, hdg

Before section 144—

insert—

Part 1 Provisions for SL No. 179 of 2019

75 Insertion of new ch 7, pt 2

Chapter 7—

insert—

Part 2 Provisions for Fisheries Legislation Amendment Regulation 2020

Division 1 Amendments commencing on notification of amendment regulation

150 References to trawl regions

- (1) This section applies to a reference in this regulation to a trawl region, or a trawl region by name, from the commencement to 31 August 2021.
- (2) The reference is taken to be a reference to a trawl region, or a trawl region of that name, within the meaning of the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, part 4, division 1, as it will be in force on 1 September 2021.

Note—

The *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2 is replaced by the *Fisheries Legislation Amendment Regulation 2020*, section 159 which commences on 1 September 2021.

151 References to Fisheries (Commercial Fisheries) Regulation 2019, sch 9

- (1) This section applies to a reference in any of schedules 2B to 2D to a provision of the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, from the commencement to 31 August 2021.
- (2) The reference is taken to be a reference to the provision of that number in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, as it will be in force on 1 September 2021.

[s 76]

Note—

The *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9 is replaced by the *Fisheries Legislation Amendment Regulation 2020*, section 172 which commences on 1 September 2021.

152 Existing general fisheries permits

Section 51A does not apply to a general fisheries permit in effect immediately before the commencement.

153 Existing ITQ units

- (1) An ITQ unit in effect immediately before the commencement is taken to be a C2-ITQ unit.
- (2) In a document, if the context permits, a reference to an ITQ is taken to be a reference to a C2-ITQ unit.
- (3) To remove any doubt, it is declared that the amendment of this regulation by the *Fisheries Legislation Amendment Regulation 2020* did not create a new type of quota authority for the commercial spanner crab fishery (managed area A).

76 Insertion of new schs 2A–2D

After schedule 2—

insert—

Schedule 2A Effort units for trawl regions

sections 58 and 58A

Part 1 Conversion of T1 and T2 effort units

1 Purpose of part

This part provides for the conversion of T1 effort units and T2 effort units into effort units for a trawl region.

2 Definition for part

In this part—

prescribed year means a calendar year starting on 1 January of 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 or 2017.

3 Working out holder's *used* and *unused* effort units

- (1) This section provides for working out, for the holder of T1 effort units or T2 effort units—
 - (a) the holder's number of used T1 effort units or T2 effort units for each trawl region; and
 - (b) the holder's number of unused T1 effort units or T2 effort units.
- (2) The holder's *used* T1 effort units or T2 effort units for a trawl region are worked out—
 - (a) by adding up the number of the T1 effort units or T2 effort units the holder used in each of the prescribed years in the region; and
 - (b) dividing that number by 10.
- (3) The holder's *unused* T1 effort units or T2 effort units is the difference between—

[s 76]

- (a) the total number of T1 effort units or T2 effort units held by the holder; and
- (b) the total number of the holder's used T1 effort units or T2 effort units for all trawl regions worked out under subsection (2).

4 Particular holders may nominate trawl region for used T1 effort units

- (1) This section applies if the holder of used T1 effort units obtained the holder's T1 licence between 1 January 2015 and 30 June 2017.
- (2) The holder may, before 16 July 2021, give the chief executive written notice nominating 1 or more trawl regions to which a stated number of the used T1 effort units are to be converted under this part.
- (3) However, the holder—
 - (a) must nominate 1 or more trawl regions for exactly 50% of the holder's used T1 effort units; and
 - (b) can not nominate the Moreton Bay trawl region.
- (4) In this section—

obtained, in relation to a T1 licence, means obtained in either of the following ways—

 - (a) by issue of the licence by the chief executive;
 - (b) by transfer of the licence from another person.

5 Holder may nominate trawl region for unused T1 effort units

The holder of unused T1 effort units may, before

16 July 2021, give the chief executive written notice nominating the trawl region to which the unused T1 effort units are to be converted under this part.

6 Allocation of trawl region for T1 effort units

- (1) The chief executive must allocate the trawl region to which T1 effort units held by a person are to be converted under this part.
- (2) Used T1 effort units must be allocated to—
 - (a) for used T1 effort units the subject of a nomination under section 4—the trawl region nominated by the holder; or
 - (b) for other used T1 effort units—the trawl region in which the effort units were used.
- (3) Unused T1 effort units must be allocated—
 - (a) if the holder of the T1 effort units has, under section 5, nominated the trawl region to which the unused effort units are to be converted—to the trawl region nominated by the holder; or
 - (b) otherwise, as follows—
 - (i) 36% of the T1 units must be allocated to the southern offshore trawl region A;
 - (ii) 21% of the T1 units must be allocated to the southern inshore trawl region;
 - (iii) 21% of the T1 units must be allocated to the central trawl region;
 - (iv) 22% of the T1 units must be allocated to the northern trawl region.

7 Conversion of T1 and T2 effort units

The chief executive must, before 31 August 2021—

- (a) convert T1 effort units into effort units for the trawl region to which the effort units are allocated under section 6; and
- (b) convert T2 effort units into effort units for the southern offshore trawl region B; and
- (c) give each holder of T1 effort units or T2 effort units a replacement certificate for the effort units.

8 When conversion takes effect

The conversion of T1 effort units and T2 effort units into effort units for a trawl region under this part takes effect on 1 September 2021.

Part 2 Issue of effort units for the Moreton Bay trawl region

Division 1 Preliminary

9 Definitions for part

In this part—

eligible licence means an M1 or M2 licence.

eligible person means a person who holds an eligible licence on 22 April 2021.

prescribed year means a financial year starting on 1 July of 2008, 2009, 2010, 2011, 2012, 2013,

2014, 2015 or 2016.

10 Issue of effort units

The chief executive must, on or before 31 August 2021, issue to each eligible person the number of effort units for the Moreton Bay trawl region worked out under division 2 for the person.

11 When effort units take effect

Effort units for the Moreton Bay trawl region issued under this part take effect on 1 September 2021.

Division 2 Deciding number of effort units to be issued

12 Process for deciding number of effort units to be issued

The chief executive must decide the number of effort units for the Moreton Bay trawl region to be issued to an eligible person under this part as follows—

- (a) the chief executive must decide, under section 13, each eligible person's average yearly fishing days for the Moreton Bay trawl region for the prescribed years;
- (b) the chief executive must work out, under section 14, the extra fishing days available for allocation to eligible persons and allocate them to each eligible person;
- (c) the chief executive must apply the formula and process in section 15 to decide the number of effort units for the Moreton Bay

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trawl region to be issued to each eligible person under this part;

- (d) if applicable, the chief executive must adjust the number of effort units for the Moreton Bay trawl region to be issued to the eligible person under section 16.

13 Deciding eligible person's average yearly fishing days

- (1) An eligible person's fishing days for the Moreton Bay trawl region are the days—
 - (a) that the person used a boat in the region under an eligible licence held by the person; and
 - (b) the details of which have been reported to the chief executive under an information requirement before 1 July 2018.
- (2) The chief executive must decide an eligible person's average yearly fishing days for the Moreton Bay trawl region for the prescribed years by—
 - (a) adding up the person's fishing days in the 7 prescribed years with the highest number of fishing days; and
 - (b) dividing that number by 7.
- (3) The chief executive must give each eligible person an information notice for the chief executive's decision under subsection (2).

14 Allocation of extra fishing days

- (1) The chief executive must work out the extra fishing days for the Moreton Bay trawl region available for allocation to eligible persons by—

-
- (a) adding the average yearly fishing days for the Moreton Bay trawl region worked out under section 13(2) for all eligible persons; and
 - (b) subtracting that number from 8,535.
- (2) The extra fishing days are to be allocated to eligible persons as follows—
- (a) half of the days are to be issued equally among all eligible persons who hold an M1 licence;
 - (b) half of the days are to be issued equally among all eligible persons who hold an M2 licence.
- (3) If, after applying subsection (2), the number of days to be issued to an eligible person is not a whole number, the number must be rounded up to the nearest whole number.

15 Deciding number of units to be issued

- (1) The number of effort units for the Moreton Bay trawl region to be issued to an eligible person is the number worked out using the following formula—

$$EU = (FD + ED) \times EUCF$$

where—

EU means the number of the effort units to be issued to the eligible person.

FD means the eligible person's average yearly fishing days for the Moreton Bay trawl region for the prescribed years worked out under section 13.

ED means the number of extra fishing days for the Moreton Bay trawl region allocated to the eligible

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person under section 14.

EUCF means the effort unit conversion factor, for the primary boat identified in the eligible person's M1 or M2 licence, stated in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 10 opposite the number of hull units for the boat.

- (2) If, after applying the formula, the number is not a whole number of effort units, the number of effort units to be issued is taken to be the nearest whole number, rounded up.

16 Adjustment of effort units to be issued if more than T1 holding

- (1) This section applies if, under sections 13 to 15, the number of effort units for the Moreton Bay trawl region to be issued to an eligible person would be higher than the number (the *capped number*) of T1 effort units held by the eligible person before their conversion under part 1.
- (2) The number of effort units for the Moreton Bay trawl region to be issued to the eligible person must be reduced to the capped number.

Division 3 Effort unit certificate

17 Effort unit certificate

- (1) The chief executive must issue a certificate (an *effort unit certificate*) to each person who holds effort units for the Moreton Bay trawl region issued under this part.
- (2) The effort unit certificate must state the following—

- (a) the holder's name;
 - (b) that the units are issued for taking fish in the Moreton Bay trawl region;
 - (c) how many effort units for the Moreton Bay trawl region the holder has;
 - (d) if the chief executive has imposed conditions on the effort units under section 61 of the Act—the conditions.
- (3) However, if the person also holds T1 effort units or T2 effort units converted under part 1, the chief executive must include the details about effort units for the Moreton Bay trawl region issued under this part in the replacement certificate given under section 7(c).

Schedule 2B Issue of ENL-ITQ units

section 58B

Part 1 Interpretation

1 Definitions for schedule

In this schedule—

eligible licence, for ENL-ITQ units, means a relevant licence for the ENL-ITQ units under which at least 100kg of prescribed ENL-ITQ fish was—

- (a) taken, in the combined area of all prescribed ENL management regions, in the prescribed years; and

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(b) reported to the chief executive under an information requirement before 1 July 2018.

eligible person, for ENL-ITQ units, means a person who holds an eligible licence for the units on 22 April 2021.

prescribed year means a calendar year starting on 1 January of 2013, 2014, 2015, 2016 or 2017.

relevant licence, for ENL-ITQ units, means a licence that has written on it a fishery symbol stated for the ENL-ITQ units in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 2.

Note—

See section 151 in relation to references to the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9.

2 References to prescribed ENL-ITQ fish and prescribed ENL management region

In this schedule—

- (a) a reference to prescribed ENL-ITQ fish in relation to an ENL-ITQ unit is a reference to the fish stated for the ENL-ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 2; and
- (b) a reference to a prescribed ENL management region in relation to an ENL-ITQ unit is a reference to the management region stated for the ENL-ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 2; and
- (c) a reference to the combined area of all prescribed ENL management regions in relation to an ENL-ITQ unit means the combined area of—

- (i) the prescribed ENL management region for the ENL-ITQ unit; and
- (ii) the prescribed ENL management region for each other ENL-ITQ unit.

Part 2 Issue of ENL-ITQ units

Division 1 General

3 Issue of ENL-ITQ units

The chief executive must, on or before 31 August 2021, issue to each eligible person the number of ENL-ITQ units worked out under division 2 for the person.

4 When ENL-ITQ units take effect

ENL-ITQ units issued under this schedule take effect on 1 September 2021.

Division 2 Deciding number of ENL-ITQ units to be issued

5 Process for deciding number of ENL-ITQ units to be issued

The chief executive must decide the number of ENL-ITQ units to be issued to an eligible person as follows—

- (a) the chief executive must decide, under section 6, the eligible person's eligible reported catch for the units;

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- (b) the chief executive must give the eligible person an opportunity to apply for an amendment or substitution of the chief executive's decision under section 6, as provided under sections 7 to 9;
- (c) the chief executive must decide the total reported catch for the units under section 10;
- (d) the chief executive must apply the formula and process in section 11 to decide the number of ENL-ITQ units to be issued to the eligible person.

6 Deciding eligible person's eligible reported catch

- (1) An eligible person's reported catch for ENL-ITQ units for a prescribed year is the amount of the prescribed ENL-ITQ fish—
 - (a) taken in the prescribed ENL management region in the year under the eligible licence held by the person; and
 - (b) reported to the chief executive under an information requirement before 1 July 2018.
- (2) The chief executive must decide an eligible person's eligible reported catch for ENL-ITQ units by adding up the person's reported catch for the units for the 4 prescribed years with the highest reported catch for the units.

7 Chief executive notice of eligible person's eligible reported catch

- (1) After deciding an eligible person's eligible reported catch for ENL-ITQ units under section 6, the chief executive must give the person a written notice stating—

-
- (a) the details of the person's reported catch for the units for each prescribed year; and
 - (b) the person's eligible reported catch for the units decided by the chief executive under section 6(2); and
 - (c) that the person may, within 60 days after the notice is given to the person—
 - (i) apply for an amendment of the chief executive's decision under section 6(2) as provided in section 8; or
 - (ii) apply for the substitution of the chief executive's decision under section 6(2) as provided in section 9.
- (2) The chief executive must also give the eligible person an information notice for the chief executive's decision under section 6(2).

8 Eligible person may apply for amended eligible reported catch

- (1) The eligible person may apply to the chief executive to amend the chief executive's decision under section 6(2) if the chief executive has made an error in the details mentioned in section 7(1)(a).
- (2) The application must be—
 - (a) made in writing; and
 - (b) supported by evidence of the error.
- (3) If the eligible person makes an application under subsection (1), the chief executive must—
 - (a) amend the chief executive's decision under section 6(2) to address the error; or
 - (b) decide not to amend the chief executive's decision under section 6(2).

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- (4) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).

9 Eligible person may apply for substituted eligible reported catch

- (1) The eligible person may apply to the chief executive to substitute the chief executive's decision under section 6(2) if—
- (a) prescribed ENL-ITQ fish was not taken in the prescribed ENL management region under the eligible licence in 2, 3 or 4 prescribed years (each a *nil history year*); and
 - (b) either of the following applies for each nil history year (each a *substitution reason* for the nil history year)—
 - (i) the eligible person did not take prescribed ENL-ITQ fish in the prescribed ENL management region because of a natural disaster or a biosecurity event under the *Biosecurity Act 2014*;
 - (ii) the eligible person did not take fish in any commercial fishery because of the person's illness or injury.
- (2) The application must—
- (a) be made in writing; and
 - (b) include details of, and evidence supporting, the substitution reason for each nil history year.
- (3) If the eligible person applies for a substitution under subsection (1), the chief executive must—

- (a) substitute the chief executive's decision under section 6(2); or
 - (b) decide not to substitute the chief executive's decision under section 6(2).
- (4) However, the chief executive may substitute the chief executive's decision under section 6(2) only if the chief executive is satisfied there is a substitution reason for the nil history years.
- (5) The person's substituted eligible reported catch must be worked out by substituting the person's reported catch for the ENL-ITQ units for the prescribed number of nil history years with the average of the person's reported catch for the ENL-ITQ units for each of the prescribed years that were not nil history years.
- (6) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).
- (7) In this section—
- prescribed number*, of nil history years for an eligible person, means—
- (a) if the eligible person has only 2 nil history years—1; or
 - (b) if the eligible person has 3 or 4 nil history years—2.

10 Deciding total reported catch for ENL-ITQ units

The total reported catch for ENL-ITQ units is the sum of each eligible person's eligible reported catch for the units as at 31 May 2021.

11 Deciding number of units to be issued

- (1) The number of ENL-ITQ units to be issued to an eligible person is the number worked out using the following formula—

$$\text{ENL-ITQ} = \frac{\text{EC} \times \text{N}}{\text{TC}}$$

where—

ENL-ITQ means the number of ENL-ITQ units to be issued to the eligible person.

EC means the eligible person's eligible reported catch for the ENL-ITQ units worked out under section 6 and, if applicable, as amended under section 8 or substituted under section 9.

N means the following number—

- (a) for BM1-ITQ units—5,580;
- (b) for BM2-ITQ units—35,038;
- (c) for BM3-ITQ units—127,962;
- (d) for BM4-ITQ units—54,275;
- (e) for BM5-ITQ units—20,744;
- (f) for GM1-ITQ units—1,091;
- (g) for GM2-ITQ units—26,805;
- (h) for GM3-ITQ units—67,133;
- (i) for GM4-ITQ units—13,625;
- (j) for GM5-ITQ units—20,347;
- (k) for KT1-ITQ units—2,167;
- (l) for KT2-ITQ units—13,619;
- (m) for KT3-ITQ units—11,231;
- (n) for KT4-ITQ units—23,600;
- (o) for KT5-ITQ units—21,383;

- (p) for SM5-ITQ units—69,100;
- (q) for WT5-ITQ units—162,000.

TC means the total reported catch for the ENL-ITQ units worked out under section 10.

- (2) If, after applying the formula, the number is not a whole number of ENL-ITQ units, the number of ENL-ITQ units to be issued is taken to be the nearest whole number, rounded up.

Division 3 ENL-ITQ unit certificate

12 ENL-ITQ certificate

- (1) The chief executive must issue a certificate (an *ENL-ITQ certificate*) to each person who holds ENL-ITQ units.
- (2) The ENL-ITQ certificate must state the following—
 - (a) the holder's name;
 - (b) for each type of ENL-ITQ units, that the units are issued for the taking of prescribed ENL-ITQ fish in the prescribed ENL management region;
 - (c) how many ENL-ITQ units of each type the holder has;
 - (d) if the chief executive has imposed conditions on the ENL-ITQ units under section 61 of the Act—the conditions.

Schedule 2C Issue of C1-ITQ units

Part 1 Interpretation

1 Definitions for schedule

In this schedule—

eligible licence means a C1 licence.

eligible person means a person who holds an eligible licence on 22 April 2021.

prescribed year means a financial year starting on 1 July of 2010, 2011, 2012, 2013, 2014, 2015 or 2016.

2 References to prescribed crab and prescribed crab management region

In this schedule—

- (a) a reference to prescribed crab in relation to a C1- ITQ unit is a reference to the crab stated for the C1-ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 3; and
- (b) a reference to a prescribed crab management region in relation to a C1-ITQ unit is a reference to the management region stated for the C1-ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 3.

Note—

See section 151 in relation to references to the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9.

Part 2 Issue of C1-ITQ units

Division 1 General

3 Issue of C1-ITQ units

The chief executive must, on or before 31 August 2021, issue to each eligible person the number of C1-ITQ units worked out under division 2 for the person.

4 When C1-ITQ units take effect

C1-ITQ units issued under this schedule take effect on 1 September 2021.

Division 2 Deciding number of C1-ITQ units to be issued

5 Process for deciding number of C1-ITQ units to be issued

The chief executive must decide the number of C1-ITQ units to be issued to an eligible person as follows—

- (a) the chief executive must decide, under section 6, the eligible person's eligible reported catch for the units;
- (b) the chief executive must give the eligible person an opportunity to apply for an amendment or substitution of the chief executive's decision under section 6, as provided under sections 7 to 9;
- (c) the chief executive must work out the total reported catch for the units under section 10;
- (d) the chief executive must apply the formula and process in section 11 to decide the

number of C1-ITQ units to be issued to the eligible person.

6 Deciding eligible person's eligible reported catch

- (1) An eligible person's reported catch for C1-ITQ units for a prescribed year is the amount of prescribed crab—
 - (a) taken in the prescribed crab region in the year under the eligible licence held by the person; and
 - (b) reported to the chief executive under an information requirement before 31 December 2017.
- (2) However, the maximum amount of mud crabs that may constitute the person's reported catch for C1-ITQ units for a prescribed year is—
 - (a) if the person held an eligible licence on which 2 or more 'C1' fishery symbols were written for any part of the year, and holds an eligible licence on which 2 or more 'C1' fishery symbols are written on 22 April 2021—12t; or
 - (b) otherwise—6t.
- (3) The chief executive must decide an eligible person's eligible reported catch for C1-ITQ units by adding up the person's reported catch for the units for the 6 prescribed years with the highest reported catch for the units.

7 Chief executive notice of eligible person's eligible reported catch

- (1) After deciding an eligible person's eligible reported catch for C1-ITQ units under section 6,

the chief executive must give the person a written notice stating—

- (a) the details of the person’s reported catch for the units for each prescribed year; and
 - (b) the person’s eligible reported catch for the units decided by the chief executive under section 6(3); and
 - (c) that the person may, within 60 days after the notice is given to the person—
 - (i) apply for an amendment of the chief executive’s decision under section 6(3) as provided in section 8; or
 - (ii) apply for a substitution of the chief executive’s decision under section 6(3) as provided in section 9.
- (2) The chief executive must also give the eligible person an information notice for the chief executive’s decision under section 6(3).

8 Eligible person may apply for amended eligible reported catch

- (1) The eligible person may apply to the chief executive to amend the chief executive’s decision under section 6(3) if the chief executive has made an error in the details mentioned in section 7(1)(a).
- (2) The application must be—
 - (a) made in writing; and
 - (b) supported by evidence of the error.
- (3) If the eligible person makes an application under subsection (1), the chief executive must—
 - (a) amend the chief executive’s decision under section 6(3) to address the error; or

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- (b) decide not to amend the chief executive's decision under section 6(3).
- (4) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).

9 Eligible person may apply for substituted eligible reported catch

- (1) The eligible person may apply to the chief executive to substitute the chief executive's decision under section 6(3) if—
 - (a) prescribed crab was not taken in the prescribed crab management region under the eligible licence in 3, 4, 5 or 6 prescribed years (each a *nil history year*); and
 - (b) either of the following applies for each nil history year (each a *substitution reason* for the nil history year)—
 - (i) the eligible person did not take prescribed crab in the prescribed crab management region because of a natural disaster or a biosecurity event under the *Biosecurity Act 2014*;
 - (ii) the eligible person did not take fish in any commercial fishery because of the person's illness or injury.
- (2) The application must—
 - (a) be made in writing; and
 - (b) include details of, and evidence supporting, the substitution reason for each nil history year.
- (3) If the eligible person applies for a substitution under subsection (1), the chief executive must—

-
- (a) substitute the chief executive's decision under section 6(3); or
 - (b) decide not to substitute the chief executive's decision under section 6(3).
- (4) However, the chief executive may substitute the chief executive's decision under section 6(3) only if the chief executive is satisfied there is a substitution reason for the nil history years.
- (5) The person's substituted eligible reported catch must be worked out by substituting the person's reported catch for the C1-ITQ units for the prescribed number of nil history years with the average of the person's reported catch for the C1-ITQ units for each of the prescribed years that were not nil history years.
- (6) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).
- (7) In this section—
- prescribed number*, of nil history years for an eligible person, means—
- (a) if the eligible person has only 3 nil history years—1; or
 - (b) if the eligible person has 4, 5 or 6 nil history years—2.

10 Deciding total reported catch for C1-ITQ units

The total reported catch for C1-ITQ units is the sum of each eligible person's eligible reported catch for the units as at 31 May 2021.

11 Deciding number of units to be issued

- (1) The number of C1-ITQ units to be issued to an

[s 76]

eligible person is the number worked out using the following formula—

$$C1-ITQ = \frac{EC \times N}{TC}$$

where—

C1-ITQ means the number of C1-ITQ units to be issued to the eligible person.

EC means the eligible person's eligible reported catch for the C1-ITQ units worked out under section 6 and, if applicable, as amended under section 8 or substituted under section 9.

N means—

- (a) for BC1-ITQ units—6,750; or
- (b) for EC1-ITQ units—29,600; or
- (c) for GC1-ITQ units—2,440.

TC means the total reported catch for the C1-ITQ units worked out under section 10.

- (2) If, after applying the formula, the number is not a whole number of C1-ITQ units, the number of C1-ITQ units to be issued is taken to be the nearest whole number, rounded up.

Division 3 C1-ITQ unit certificate

12 C1-ITQ certificate

- (1) The chief executive must issue a certificate (a *C1-ITQ certificate*) to each person who holds C1-ITQ units.
- (2) The C1-ITQ certificate must state the following—
 - (a) the holder's name;

- (b) for each type of C1-ITQ units, that the units are issued for the taking of prescribed crab in the prescribed crab management region;
- (c) how many C1-ITQ units of each type the holder has;
- (d) if the chief executive has imposed conditions on the C1-ITQ units under section 61 of the Act—the conditions.

Schedule 2D Hand-harvest ITQ units

section 58D

1 Purpose of schedule

This schedule provides for the issue of hand-harvest ITQ units to a person (an *eligible person*) who, immediately before the commencement, held a licence for taking prescribed hand-harvest ITQ fish.

2 Definitions for schedule

In this schedule—

eligible licence, for hand-harvest ITQ units, means a commercial harvest fishery licence in effect immediately before the commencement on which the relevant fishery symbol for the units is written.

eligible person see section 1.

relevant fishery symbol means—

- (a) for B1B-ITQ units, B1W-ITQ units or B1O-ITQ units—‘B1’; or

[s 76]

- (b) for DS-ITQ units or DO-ITQ units—‘D’; or
- (c) for G-ITQ units—‘G’; or
- (d) for J1-ITQ units—‘J1’; or
- (e) for R-ITQ units—‘R’.

3 References to prescribed hand-harvest ITQ fish

In this schedule, a reference to prescribed hand-harvest ITQ fish in relation to a hand-harvest ITQ unit is a reference to the fish stated for the hand-harvest ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 4.

Note—

See section 151 in relation to references to the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9.

4 What is an eligible person’s *quota entitlement*

- (1) An eligible person’s *quota entitlement* for hand-harvest ITQ units is the amount of prescribed hand-harvest ITQ fish, in kilograms, that the person was authorised to take each year under an eligible licence.
- (2) If an eligible person was authorised to take prescribed hand-harvest ITQ fish under 2 or more eligible licences, the person’s *quota entitlement* for the hand-harvest ITQ units is the sum of the amounts the person was authorised to take under all of the licences.

5 Issue of hand-harvest ITQ units

The chief executive must, on or before 31 August 2021, issue to each eligible person a hand-harvest

ITQ unit for each kilogram of the eligible person's quota entitlement for the units worked out under section 4.

6 When hand-harvest ITQ units take effect

Hand-harvest ITQ units issued under this schedule take effect on 1 September 2021.

7 Hand-harvest ITQ certificate

- (1) The chief executive must issue a certificate (a *hand-harvest ITQ certificate*) to each person who holds harvest-ITQ units.
- (2) The hand-harvest ITQ certificate must state the following—
 - (a) the holder's name;
 - (b) for each type of hand-harvest ITQ units, that the units are issued for the taking of prescribed hand-harvest ITQ fish;
 - (c) how many hand-harvest ITQ units of each type the holder has;
 - (d) if the chief executive has imposed conditions on the hand-harvest ITQ units under section 61 of the Act—the conditions.

77 Amendment of sch 3 (Declared fish habitat areas)

- (1) Schedule 3, entry for Baffle Creek FHA-031, column 2, 'within conservation parks'—

omit.
- (2) Schedule 3, entry for Baffle Creek FHA-031, column 2, last 4 dot points—

omit.

[s 78]

- (3) Schedule 3, entry for Cawarral Creek FHA–050 (revision 1), column 2, before the first line—

insert—

The declared fish habitat area includes the part of lot 2 on SP129098 shown within the outer boundary shown on the fish habitat area plan for the area.

- (4) Schedule 3, entry for Kinkuna FHA–002 (revision 1), column 2, from ‘includes’ to ‘plan.’—

omit, insert—

includes the following—

- the part of lot 112 on plan CK3120 within the outer boundary shown on the fish habitat area plan for the area
- the part of the esplanade on the northern bank of Coonar Creek within the outer boundary shown on the fish habitat area plan for the area.

- (5) Schedule 3, entry for Princess Charlotte Bay FHA–043, column 2, ‘plan NPW365’—

omit, insert—

SP224292

- (6) Schedule 3, ‘outer boundary shown on the plan’—

omit, insert—

outer boundary shown on the fish habitat area plan for the area

78 Amendment of sch 7 (References relating to particular fish)

- (1) Schedule 7, part 5, entry for Balmain bug—

omit, insert—

Balmain bug	<i>Ibacus</i> spp.
(2) Schedule 7, part 6, entries for snapper and Southern herring— <i>omit.</i>	
(3) Schedule 7, part 6— <i>insert—</i>	
herring	genus <i>Herklotsichthys</i>
red spot whiting	<i>Sillago flindersi</i>
snapper	<i>Chrysophrys auratus</i>
stout whiting	<i>Sillago robusta</i>
whiting	<i>Sillago</i> spp.

79 Amendment of sch 9 (References relating to boats)

- (1) Schedule 9, sections 1 to 4—
omit, insert—

1 Definition for schedule

In this schedule—

National Standard for Commercial Vessels means the National Standard for Commercial Vessels published by the Australian Maritime Safety Authority on its website.

2 Meaning of *breadth* of particular boats

The *breadth* of a boat that is a domestic commercial vessel is the breadth of the boat within the meaning given by the National Standard for Commercial Vessels, Part B, Schedule 3.

3 Meaning of *depth* of particular boats

The *depth* of a boat that is a domestic commercial vessel is the depth of the boat worked out under the National Standard for Commercial Vessels, Part B, Schedule 1.

4 Meaning of *length* of particular boats

The *length* of a boat that is a domestic commercial vessel is the measured length of the boat worked out under the National Standard for Commercial Vessels, Part B, Schedule 2.

- (2) Schedule 9, section 5, heading, ‘a boat’—

omit, insert—

particular boats

- (3) Schedule 9, section 5, after ‘, for a boat’—

insert—

that is a domestic commercial vessel

- (4) Schedule 9, section 5, definition *B*, ‘beam’—

omit, insert—

breadth

80 Amendment of sch 10 (References relating to fishing apparatus)

Schedule 10, part 3—

insert—

3A Flow trap

A *flow trap* is a trap consisting of an inclined ramp that can be placed in a flowing waterway and connected to a container capable of trapping eels.

81 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definitions *amidships*, *beam* and *ITQ*—
omit.
- (2) Schedule 11—
insert—

breadth, of a boat that is a domestic commercial vessel, see schedule 9, section 2.

C1-ITQ unit means a BC1-ITQ unit, EC1-ITQ unit or GC1-ITQ unit.

ENL-ITQ unit means a BM1-ITQ unit, BM2-ITQ unit, BM3-ITQ unit, BM4-ITQ unit, BM5-ITQ unit, GM1-ITQ unit, GM2-ITQ unit, GM3-ITQ unit, GM4-ITQ unit, GM5-ITQ unit, KT1-ITQ unit, KT2-ITQ unit, KT3-ITQ unit, KT4-ITQ unit, KT5-ITQ unit, SCM5-ITQ unit or WT5-ITQ unit.

flow trap see schedule 10, part 3, section 3A.

hand-harvest ITQ unit means a B1B-ITQ unit, B1W-ITQ unit, B1O-ITQ unit, DS-ITQ unit, DO-ITQ unit, G-ITQ unit, J1-ITQ unit or R-ITQ unit.

information requirement means—

- (a) an information requirement under section 118(1) of the Act; or
- (b) a requirement to give the chief executive information under a condition of an authority.

line unit means a CT line unit, OS line unit or RTE line unit.

National Standard for Commercial Vessels, for schedule 9, see schedule 9, section 1.

- (3) Schedule 11, definitions *depth* and *hull units*, after ‘a boat’—

[s 82]

insert—

that is a domestic commercial vessel

- (4) Schedule 11, definition *entitlement*, paragraph (b), ‘an ITQ unit’—

omit, insert—

a C2-ITQ unit

- (5) Schedule 11, definition *length*, paragraph (a), after ‘boat’—

insert—

that is a domestic commercial vessel

Part 4 Minor and consequential amendments

82 Legislation amended

Schedule 1 amends the legislation it mentions.

Chapter 3 Amendments commencing on 1 January 2021

Part 1 Amendments of Fisheries (Commercial Fisheries) Regulation 2019

83 Regulation amended

This part amends the *Fisheries (Commercial Fisheries) Regulation 2019*.

Note—

See also the amendments in schedule 2.

84 Amendment of s 4 (Commercial fisheries)

(1) Section 4(1) and (2), ‘1 to 8’—

omit, insert—

2 to 8

(2) Section 4(2)(c), ‘a licence’—

omit, insert—

a primary commercial fishing licence

(3) Section 4(2)(c)(iii)—

renumber as section 4(2)(c)(iv).

(4) Section 4(2)(c)—

insert—

(iii) persons who may take fish in the fishery;
and

(5) Section 4(2)(d) and (f)—

omit.

(6) Section 4(2)(e)—

renumber as section 4(2)(d).

(7) Section 4(3), ‘subsection (2)(e) or (f)’—

omit, insert—

subsection (2)(d)

85 Amendment of s 5 (Management and operation of commercial fisheries)

Section 5(2) to (4)—

omit, insert—

[s 86]

- (2) A person may take fish for trade or commerce in the fishery area of a commercial fishery only if the person—
 - (a) is acting under a primary commercial fishing licence on which the fishery symbol for the fishery is written; and
 - (b) is a commercial fisher or assistant fisher authorised to take the fish in the fishery under a commercial fisher licence.
- (3) The *Fisheries (General) Regulation 2019* together with this regulation provide for—
 - (a) restrictions on the issue of primary commercial fishing licences and commercial fisher licences; and
 - (b) restrictions on writing fishery symbols on primary commercial fishing licences; and
 - (c) what is authorised under a primary commercial fishing licence on which a fishery symbol is written, including the persons who are authorised to take fish in the fishery under a commercial fisher licence; and
 - (d) conditions applying to a primary commercial fishing licence, or commercial fisher licence, about the taking of fish in a commercial fishery.

86 Replacement of s 6 (References in fishery provisions)

Section 6—

omit, insert—

6 Interpretation of fishery provisions

- (1) This section states particular matters about the interpretation of a fishery provision about a

commercial fishery.

- (2) In a fishery provision about a commercial fishery—
- (a) a reference to the licence is a reference to a primary commercial fishing licence on which the fishery symbol for the fishery is written; and
 - (b) a reference to a primary boat is a reference to the primary boat for the licence mentioned in paragraph (a); and
 - (c) a reference to a tender boat is a reference to a tender boat for the licence mentioned in paragraph (a); and
 - (d) a reference to a commercial fisher is a reference to a commercial fisher acting under the licence mentioned in paragraph (a); and
 - (e) a reference to an assistant fisher is a reference to an assistant fisher under direction of a commercial fisher mentioned in paragraph (d).

87 Amendment of s 11 (Additional restrictions on authorisation)

Section 11(1)(a), ‘for the licence’—

omit, insert—

under a quota authority for the fish

88 Amendment of s 13 (Restriction on taking fish in more than 1 commercial fishery)

Section 13(1), from ‘a commercial’ to ‘fishery licence’—

omit, insert—

a primary commercial fishing licence

89 Replacement of ch 3, pts 1–3

Chapter 3, parts 1 to 3—

omit, insert—

Part 1 Primary commercial fishing licence

Division 1 Authorisation

32 Authorisation—holder

- (1) The holder of a primary commercial fishing licence may do any of the following under the licence—
 - (a) allow a commercial fisher to act under the licence to take fish for trade or commerce, without using a boat, in a hand-harvest only commercial fishery identified in the licence;
 - (b) allow a commercial fisher to use the primary boat identified in the licence to take fish for trade or commerce in a commercial fishery identified in the licence;
 - (c) allow a commercial fisher to use no more than the authorised number of tender boats for a commercial fishery identified in the licence, at the same time, to take fish in the fishery;
 - (d) allow a commercial fisher to use a tender boat as if it were the primary boat identified in the licence if—

- (i) the primary boat is not also being used to take fish for trade or commerce in a commercial fishery; and
 - (ii) the licence is kept on the tender boat while it is being used as the primary boat;
- (e) allow a commercial fisher who uses a boat to take fish in a commercial fishery as mentioned in paragraph (b), (c) or (d) to carry the fish;
 - (f) sell fish taken in a commercial fishery by a commercial fisher acting under the licence;
 - (g) process fish taken in a commercial fishery by a commercial fisher acting under the licence;
 - (h) buy, sell and possess commercial fishing apparatus.
- (2) For subsection (1), a commercial fishery is identified in the licence only if the fishery symbol for the fishery is written on the licence.
 - (3) For subsection (1)(d)(i), the primary boat is not being used to take fish for trade or commerce in a commercial fishery only because there is fishing apparatus or fish on the boat.
 - (4) While a tender boat is being used under subsection (1)(d), the provisions of this regulation apply to the boat as if it were a primary boat.
 - (5) The primary boat and any of its tender boats may be used in the N11 fishery to take N11 fish without the fishery symbol 'N11' being written on the licence if the boat and the taking of the fish complies with schedule 4, part 7.

33 Authorisation—other persons

- (1) The holder of a primary commercial fishing licence may authorise someone else to do a thing under the licence that the holder may do under section 32.
- (2) A person authorised under subsection (1) by the holder of a primary commercial fishing licence to do a thing may do the thing under the licence.
- (3) However, the holder of an E licence may authorise a person under subsection (1) to do a thing in the eel fishery only if the chief executive has approved the person as the holder's approved nominee under section 34.

34 Chief executive may approve nominee for eel fishery

- (1) The holder of an E licence may apply in writing to the chief executive for someone else to be the holder's approved nominee.
- (2) The chief executive may grant the approval only if the chief executive is satisfied the holder has become temporarily incapacitated or is otherwise temporarily unable to act under the licence.
- (3) The approval may be granted only for the period during which the chief executive considers the holder will be incapacitated or otherwise temporarily unable to act under the licence.
- (4) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice about the decision.

Division 2 General conditions

35 Purpose of division

This division prescribes conditions for a primary commercial fishing licence.

36 Condition about length of primary boat

A primary boat may be used in a commercial fishery only if its length is no more than—

- (a) if a fishery provision about the fishery states that a primary boat longer than a stated length must not be used in the fishery—the stated length; or
- (b) otherwise—25m.

37 Condition about use of tender boat

(1) A tender boat may be used in a commercial fishery only if—

- (a) its primary boat—
 - (i) may be used in the fishery; and
 - (ii) is not being used in another commercial fishery; and
- (b) the tender boat's length is no more than 10m.

(2) Subsection (1)(a)(ii) does not apply in relation to the use of a tender boat in a commercial fishery if the other commercial fishery in which the primary boat is being used is a crab fishery.

38 Condition about selling N11 fish

If a primary boat or a tender boat for a primary boat is used to take N11 fish under section 32(5), the N11 fish cannot be sold under the licence unless the fishery symbol 'N11' is written on the

licence.

Division 3 Additional conditions about boat modification and replacement for east coast trawl fishery

Subdivision 1 M1, M2, T1 and T2 licences

39 Modifying boats

- (1) This section prescribes a condition for an M1, M2, T1 or T2 licence.
- (2) The holder of the licence may modify the primary boat identified in the licence only if—
 - (a) the modification does not change the number of hull units for the boat; or
 - (b) the modification is of a kind allowed under section 40.

40 Amending or replacing particular licences to allow boat modification or replacement

- (1) The chief executive may amend or replace an M1, T1 or T2 licence to allow the primary boat identified in the licence to be modified or replaced only if the modification or replacement does not result in—
 - (a) the hull units for the boat being more than 70; or
 - (b) the boat's main engine power being more than 300 maximum continuous brake kW.
- (2) The chief executive may amend or replace an M2

licence to allow the primary boat identified in the licence to be modified or replaced only if—

- (a) the modification or replacement does not increase the number of hull units for the boat; or
- (b) the holder of the licence surrenders another M2 licence.

Subdivision 2 T5, T6, T7, T8 and T9 licences

41 Modifying boats

- (1) This section prescribes a condition for a T5, T6, T7, T8 or T9 licence.
- (2) The holder of the licence may modify the primary boat identified in the licence only if—
 - (a) the modification does not change the boat's main engine power or its length; or
 - (b) the modification is of a kind allowed under section 42.

42 Amending or replacing particular licences to allow boat modification or replacement

The chief executive may amend or replace a T5, T6, T7, T8 or T9 licence to allow the primary boat identified in the licence to be modified or replaced only if the modified or replacement boat is no longer than 14m.

Part 2 Commercial fisher licence

Division 1 Authorisation

43 Authorisation—commercial fisher

- (1) The holder of a commercial fisher licence may do any of the following under the licence—
 - (a) buy commercial fishing apparatus;
 - (b) possess commercial fishing apparatus;
 - (c) use commercial fishing apparatus, but only while acting under a primary commercial fishing licence authorising the use of the apparatus;
 - (d) take fish for trade or commerce, but only while acting under a primary commercial fishing licence;
 - (e) possess fish taken as mentioned in paragraph (d);
 - (f) sell fish taken as mentioned in paragraph (d);
 - (g) process fish taken as mentioned in paragraph (d).
- (2) However, a commercial fisher may take fish for trade or commerce without using a boat only in a hand-harvest only commercial fishery.

44 Authorisation—assistant fisher

- (1) Subject to subsections (2) to (5), the holder of a commercial fisher licence may authorise someone else (an *assistant fisher*) to do a thing under the licence that the commercial fisher may do under section 43.
- (2) An assistant fisher may do a thing mentioned in section 43(1)(b) to (d) under a commercial fisher

licence only if the assistant fisher is acting under direction of the commercial fisher.

- (3) An assistant fisher may do a thing mentioned in section 43(1)(e) to (g) under a commercial fisher licence on a boat only if the assistant fisher is acting under direction of the commercial fisher.
- (4) An assistant fisher may do a thing mentioned in section 43(1)(e) or (g) under a commercial fisher licence, other than on a boat, only if the assistant fisher complies with the commercial fisher's instructions.
- (5) An assistant fisher is not authorised to do a thing mentioned in section 43 in a commercial fishery if a fishery provision about the commercial fishery states that only a commercial fisher may do the thing.

45 Meaning of *under direction*—commercial trawl fishery (fin fish)

For the commercial trawl fishery (fin fish), an assistant fisher is *under direction* of a commercial fisher only if the assistant fisher and the commercial fisher are—

- (a) on the same boat; or
- (b) on different boats but the assistant fisher is on a tender boat that is not a trawler.

46 Meaning of *under direction*—east coast trawl fishery

For the east coast trawl fishery, an assistant fisher is *under direction* of a commercial fisher only if the assistant fisher and the commercial fisher are—

- (a) on the same boat; or

- (b) on different boats but the assistant fisher is on a tender boat.

47 Meaning of *under direction*—other commercial fisheries

- (1) This section states when an assistant fisher is *under direction* of a commercial fisher for a commercial fishery other than a commercial fishery mentioned in section 45 or 46.
- (2) The assistant fisher is under direction of the commercial fisher if—
 - (a) the assistant fisher and commercial fisher are engaged in—
 - (i) the same fishing operation in the commercial fishery; or
 - (ii) 2 fishing operations in 2 commercial fisheries, if the 2 commercial fisheries are commercial fisheries that a person is authorised to take fish in at the same time under section 13; and
 - (b) the assistant fisher is acting in accordance with the commercial fisher’s instructions.

Division 2 Condition

48 Purpose of division

This division prescribes a condition for a commercial fisher licence.

49 Commercial fisher to display notice

- (1) This section applies to a commercial fisher who is acting under a primary commercial fishing

licence to take fish without a boat.

- (2) The commercial fisher must display a notice—
 - (a) adjacent to the place on the land from which the fisher is taking fish under the primary commercial fishing licence; and
 - (b) stating the licence number for the primary commercial fishing licence.
- (3) For the notice—
 - (a) each letter or number must have a height of at least 20cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 2cm.

90 Replacement of ss 53–55

Sections 53 to 55—

omit, insert—

53 Fishery symbol may be written only on primary commercial fishing licence

- (1) The chief executive may write a fishery symbol only on a primary commercial fishing licence.
- (2) A reference to a licence in this part is a reference to a primary commercial fishing licence.

54 General restriction on writing fishery symbols

- (1) The chief executive may write a fishery symbol on a licence only if—
 - (a) the chief executive must move the fishery symbol to the licence under section 63; or
 - (b) the licence is a replacement of a licence on which the symbol was written.
- (2) However, the chief executive may write the

[s 91]

fishery symbol ‘E’ on a licence only if the licence is a replacement of a licence on which the symbol was written.

Note—

Under the *Fisheries (General) Regulation 2019*, section 34, E licences are not transferable.

91 Amendment of s 61 (Definitions for division)

(1) Section 61, definition *administrative conditions*—

omit.

(2) Section 61, definition *authorised tender boat number*—

omit, insert—

authorised tender boat number, for a fishery symbol stated on a primary commercial fishing licence, means the authorised number of tender boats for the symbol stated on the licence under the *Fisheries (General) Regulation 2019*, section 32.

92 Amendment of s 62 (Application to move fishery symbol to another licence)

(1) Section 62(1)—

omit, insert—

(1) This section applies if—

- (a) a fishery symbol is written on a primary commercial fishing licence (the ***first licence***); and
- (b) the fishery symbol may, under this part, be written on another primary commercial fishing licence (the ***second licence***).

(2) Section 62—

insert—

- (6) Also, an application cannot be made for the ‘E’ fishery symbol.

93 Replacement of ss 63–65

Sections 63 to 65—

omit, insert—

63 Moving fishery symbol

- (1) This section applies if—
- (a) an application to move a fishery symbol to a licence is made under section 62; and
 - (b) the fishery symbol may, under this part, be written on the licence.
- (2) The chief executive must move the fishery symbol and the authorised tender boat number for the symbol from the first licence to the second licence by removing from the first licence, and writing on the second licence—
- (a) the fishery symbol; and
 - (b) the authorised tender boat number for the fishery symbol and the brackets containing the authorised tender boat number; and
 - (c) any administrative licence conditions applying to the fishery symbol.
- (3) The action required to be taken by the chief executive under subsection (2) may be done automatically by an online system established by the chief executive for that purpose, or purposes including that purpose.
- (4) In this section—
- administrative licence conditions*** means conditions of a licence imposed by the chief executive under section 61 of the Act.

[s 94]

94 Insertion of new ch 7, pt 2, div 2

Chapter 7, part 2, as inserted by this regulation—

insert—

**Division 2 Amendments commencing
on 1 January 2021**

**171 Existing primary boats for primary commercial
fishing licences**

- (1) This section applies in relation to a primary commercial fishing licence for a commercial fishery, in effect immediately before the commencement, if the primary boat for the licence is longer than the maximum length permitted to be used in the fishery under section 36.
- (2) Section 36 does not apply to the use of the primary boat under the licence in the commercial fishery until the primary boat identified in the licence is modified or replaced.

Note—

Under the *Fisheries (General) Regulation 2019*, sections 154 and 155, commercial fishing boat licences and commercial harvest fishery licences in effect on the commencement are taken to be primary commercial fishing licences.

95 Amendment of sch 3, pt 1 (Line fishery (other than Great Barrier Reef region))

Schedule 3, section 6—

omit.

96 Amendment of sch 3, pt 2 (Line fishery (reef))

Schedule 3, section 15—

omit.

- 97 Amendment of sch 3, pt 3 (Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish))**
Schedule 3, section 24—
omit.
- 98 Amendment of sch 3, pt 4 (Line fishery (multiple hook—east coast))**
Schedule 3, section 35—
omit.
- 99 Amendment of sch 4, pt 1 (General netting and ocean beach fisheries)**
Schedule 4, section 29—
omit.
- 100 Amendment of sch 4, pt 2 (Net fishery (east coast no. 1))**
Schedule 4, section 39—
omit.
- 101 Amendment of sch 4, pt 3 (Net fishery (east coast no. 2))**
Schedule 4, section 68—
omit.
- 102 Amendment of sch 4, pt 4 (Net fishery (east coast no. 3))**
Schedule 4, section 82—
omit.

[s 103]

103 Amendment of sch 4, pt 5 (Net fishery (east coast no. 4))

Schedule 4, section 93—

omit.

104 Amendment of sch 4, pt 6 (Net fishery (Gulf of Carpentaria no. 1))

Schedule 4, section 109—

omit.

105 Amendment of sch 4, pt 7 (Net fishery (no. 11))

Schedule 4, section 125—

omit.

106 Amendment of sch 4, pt 8 (Net fishery (Gulf of Carpentaria no. 3))

Schedule 4, section 137—

omit.

107 Amendment of sch 4, pt 9 (Net fishery (Gulf of Carpentaria no. 4))

Schedule 4, section 149—

omit.

108 Amendment of sch 5 (Spanish mackerel commercial fishery)

Schedule 5, section 9—

omit.

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- 109 Amendment of sch 6 (Reef line commercial fishery)**
Schedule 6, section 8—
omit.
- 110 Amendment of sch 7, pt 1 (Commercial crab fishery)**
Schedule 7, section 8—
omit.
- 111 Amendment of sch 7, pt 2 (Commercial spanner crab fishery (managed area A))**
Schedule 7, section 19—
omit.
- 112 Amendment of sch 7, pt 3 (Commercial spanner crab fishery (managed area B))**
Schedule 7, section 34—
omit.
- 113 Amendment of sch 8, pt 1 (Commercial crayfish and rocklobster fishery)**
Schedule 8, section 7—
omit.
- 114 Amendment of sch 11 (Dictionary)**
(1) Schedule 11, definitions *administrative conditions* and *under direction*—
omit.
(2) Schedule 11—
insert—

117 Amendment of s 13 (References to *primary boat* and *tender boat* and related references)

(1) Section 13(1)—

omit, insert—

(1) A *primary boat* is a boat identified in a primary commercial fishing licence as the primary commercial fishing boat for the licence.

(2) Section 13(2) and (3), ‘commercial fishing boat licence’—

omit, insert—

primary commercial fishing licence

(3) Section 13(4)—

omit.

118 Replacement of s 24 (Types of licences)

Section 24—

omit, insert—

24 Types of licences

The chief executive may issue a licence of any of the following types—

- (a) a primary commercial fishing licence;
- (b) a commercial fisher licence;
- (c) a charter fishing licence.

119 Replacement of ch 2, pt 2 (Licences)

Chapter 2, part 2—

omit, insert—

Part 2 Licences

Division 1 Primary commercial fishing licence

31 Restrictions on issue of licence

- (1) The chief executive may issue a primary commercial fishing licence that identifies a primary commercial fishing boat only if the boat—
 - (a) is a domestic commercial vessel; and
 - (b) is not already identified as a primary commercial fishing boat in another primary commercial fishing licence.
- (2) Only 1 boat may be identified as the primary commercial fishing boat in a primary commercial fishing licence.

32 Deciding number of tender boats for licence

- (1) If the chief executive decides to issue a primary commercial fishing licence, the chief executive must decide the number (the *authorised number*) of tender boats that are to be authorised for use under each fishery symbol to be written on the licence.
- (2) Subsection (1) does not apply to the fishery symbol 'E', 'F', 'G', 'H', 'JE', 'O', 'P', 'W1', 'W2' or 'Y'.
- (3) The authorised number may be zero or a particular number.
- (4) However, the authorised number must not be more than—
 - (a) for the fishery symbol 'A1', 'A2', 'D' or 'L3'—1; or

- (b) for the fishery symbol ‘B1’ or ‘J1’—4; or
 - (c) for the fishery symbol ‘R’—8; or
 - (d) for another fishery symbol—7.
- (5) The chief executive must state the authorised number of tender boats for a fishery symbol, in brackets, immediately after the fishery symbol.
- (6) The chief executive must give the holder of the licence an information notice for a decision under this section.

33 Authorisation and conditions

The *Fisheries (Commercial Fisheries) Regulation 2019* provides for—

- (a) the authorisation under a primary commercial fishing licence; and
- (b) conditions applying to a primary commercial fishing licence.

34 Licence for eel fishery not transferable

A primary commercial fishing licence on which the fishery symbol ‘E’ is written is not transferable.

Division 2 Commercial fisher licence

35 Restriction on issue of licence

The chief executive may issue a commercial fisher licence to a person only if the person—

- (a) is at least 18 years of age; and

[s 119]

- (b) has knowledge, to the reasonable satisfaction of the chief executive, of fisheries legislation to the extent it applies to commercial fisheries.

36 Authorisation and conditions

The *Fisheries (Commercial Fisheries) Regulation 2019* provides for—

- (a) the authorisation under a commercial fisher licence; and
- (b) conditions applying to a commercial fisher licence.

37 Licence not transferable

A commercial fisher licence is not transferable.

Division 3 Charter fishing licence

38 Authorisation

- (1) The holder of a charter fishing licence may, under the licence, conduct a charter fishing trip in offshore waters.
- (2) The holder of a charter fishing licence may authorise someone else to conduct a charter fishing trip as mentioned in subsection (1) under the licence.
- (3) A person authorised by the holder of a charter fishing licence under subsection (2) may, under the licence, conduct a charter fishing trip as mentioned in subsection (1).

39 Condition about taking maray or Australian sardines

It is a condition of a charter fishing licence that a person who conducts a charter fishing trip under the licence must not take, or allow someone else to take, maray or Australian sardines during the trip—

- (a) for a purpose other than use as bait for fishing during the trip; or
- (b) in a way that contravenes the *Fisheries Declaration 2019*, chapter 4, part 4.

120 Replacement of s 65 (Criteria for suspending particular licences)

Section 65—

omit, insert—

65 Criteria for suspending or cancelling particular licences

- (1) This section applies in relation to a primary commercial fishing licence or commercial fisher licence held by a person.
- (2) An appropriate period of suspension may be—
 - (a) for the person's first conviction—3 months to 1 year; or
 - (b) for the person's second conviction—6 months to 3 years; or
 - (c) for the person's third or later conviction—1 year to 5 years.
- (3) Cancellation of the person's licence may be appropriate for the person's third or later conviction.

[s 121]

121 Amendment of s 83 (Authorities and boats in relation to which requirements apply)

(1) Section 83(1), ‘each authority’—

omit, insert—

each primary commercial fishing licence

(2) Section 83(2)(a) and (b)—

omit, insert—

(a) the primary boat for the relevant authority;
and

(b) each tender boat with an engine power of more than 3kW authorised under the Act to be used under the relevant authority.

122 Insertion of new ch 7, pt 2, div 2

Chapter 7, part 2, as inserted by this regulation—

insert—

**Division 2 Amendments commencing
on 1 January 2021**

154 Existing commercial fishing boat licences

(1) A commercial fishing boat licence in effect immediately before the commencement of this section is taken to be a primary commercial fishing licence subject to the same term and conditions that applied to the licence immediately before the commencement.

(2) Section 32 does not apply in relation to tender boats authorised to be used under the licence until the licence is renewed or transferred.

(3) Subsection (4) applies if—

- (a) section 145 applied to the licence on the commencement of that section; and
 - (b) the licence has not been renewed or transferred between the commencement of that section and the commencement of this section.
- (4) Section 31(2) does not apply to the licence unless and until the licence is renewed or transferred.

155 Existing commercial harvest fishery licences

- (1) This section applies in relation to a person who held a commercial harvest fishery licence in effect immediately before the commencement (the *existing licence*).
- (2) From the commencement, the person is taken to hold a primary commercial fishing licence, subject to the same term and conditions that applied to the existing licence immediately before the commencement.
- (3) The chief executive must give the person a written notice stating the following matters for the licence—
 - (a) the boat that is the primary commercial fishing boat;
 - (b) the authorised number of tender boats for each fishery symbol written on the licence.
- (4) Section 32 applies in relation to the chief executive deciding the authorised number of tender boats for the licence under subsection (3)(b).
- (5) If the person applies for, and is issued, a commercial fisher licence before 30 June 2021, no annual fee is payable for the first year of the licence.

156 Existing commercial fisher licences

- (1) This section applies to a commercial fisher licence—
 - (a) to which section 144 applied on the commencement of that section; and
 - (b) that has not been renewed between the commencement of that section and the commencement of this section.
- (2) Section 35 does not apply to the commercial fisher licence until the licence is renewed.

157 Existing carrier boat licences

- (1) A carrier boat licence in effect immediately before the commencement ends 1 year after the commencement.
- (2) Sections 42 and 43 as in force immediately before the commencement continue to apply in relation to the licence.

158 Undecided applications for particular licences

- (1) An undecided application for a commercial fishing boat licence or commercial harvest fishery licence is taken to be an application for a primary commercial fishing licence.
- (2) An undecided application for a carrier boat licence is taken to have been withdrawn.
- (3) The chief executive must refund any fee paid for an application mentioned in subsection (2) to the applicant.
- (4) In this section—

undecided application means an application made, but not decided, before the

commencement.

159 References to particular licences

In a document, if the context permits, a reference to a commercial fishing boat licence or commercial harvest fishery licence is taken to be a reference to a primary commercial fishing licence.

123 Amendment of sch 1 (Prescribed acts for which authority required)

- (1) Schedule 1, entry for Using primary boat or tender boat to take fish for trade or commerce, second column, paragraph (b), ‘commercial fishing boat licence’—

omit, insert—

primary commercial fishing licence

- (2) Schedule 1, entry for Carrying fish for trade or commerce, second column, from ‘or is acting under’—

omit, insert—

or is acting under, an authority authorising the person to use the boat to carry fish taken for trade or commerce

Part 3 Minor and consequential amendments

124 Legislation amended

Schedule 2 amends the legislation it mentions.

Chapter 4 Amendments commencing on 1 September 2021

Part 1 Amendment of Fisheries (Commercial Fisheries) Regulation 2019

125 Regulation amended

This part amends the *Fisheries (Commercial Fisheries) Regulation 2019*.

Note—

See also the amendments in schedule 3.

126 Amendment of s 13 (Restriction on taking fish in more than 1 commercial fishery)

Section 13(2)—

omit, insert—

- (2) However, if the licence has 2 or more fishery symbols written on it and 1 or more of the fishery symbols is ‘C1’ or ‘C2’, the person may, at the same time—
 - (a) if only 1 fishery symbol is ‘C1’ or ‘C2’—take crabs under the fishery symbol ‘C1’ or ‘C2’ and fish under 1 other fishery symbol written on the licence; or
 - (b) if 2 or more of the fishery symbols are ‘C1’ or ‘C2’ and no other fishery symbols are written on the licence—take crabs under all of the fishery symbols ‘C1’ or ‘C2’; or

-
- (c) if 2 or more of the fishery symbols are ‘C1’ or ‘C2’ and 1 or more other fishery symbols are written on the licence—
 - (i) take crabs under all of the fishery symbols ‘C1’ or ‘C2’; and
 - (ii) fish under 1 other fishery symbol written on the licence.

127 Replacement of ss 15A and 15B

Sections 15A and 15B, as inserted by this regulation—
omit, insert—

15A Restriction on retaining fish

- (1) This section applies to fish other than fish taken under a B1, R, RQ, SM or T4 licence.
- (2) A person acting under a primary commercial fishing licence is not authorised to keep fish on an authorised boat for the licence when the boat leaves a landing place to start a new fishing operation.

15B Restriction on transshipping fish

- (1) This section applies to fish other than—
 - (a) fish taken under a D, R, RQ, SM or T1 licence; or
 - (b) hammerhead sharks taken under an L4, N3, N12 or N13 licence.
- (2) A person acting under a primary commercial fishing licence is not authorised to transfer fish from an authorised boat for the licence to a transport vessel from or using which the fish are proposed to be unloaded.

[s 128]

128 Replacement of s 40 (Amending or replacing particular licences to allow boat modification or replacement)

Section 40, as inserted by this regulation—

omit, insert—

40 Amending or replacing particular licences to allow boat modification or replacement

The chief executive may amend or replace an M1, M2, T1 or T2 licence to allow the primary boat identified in the licence to be modified or replaced only if the modification or replacement does not result in the hull units for the boat being more than 120.

129 Amendment of s 59 (Restrictions on writing particular east coast trawl fishery symbols on licences allowing the use of boats of particular types)

Section 59(1)(a) and (b)—

omit, insert—

- (a) write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a licence allowing the use of a boat that has more than 120 hull units; or
- (b) write a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ fishery symbol on a licence allowing the use of a boat longer than 14m; or

130 Amendment of s 67 (Reference to a day)

- (1) Section 67(2), from ‘T1’ to ‘units’—

omit, insert—

trawl licence in relation to which effort units for a trawl region

- (2) Section 67(3), from ‘a T1 licence’ to ‘T1 effort units’—

omit, insert—

an M1 licence in relation to which effort units for
a trawl region

131 Amendment of s 68 (Purpose of this division)

Section 68, after ‘effort units’—

insert—

for a trawl region

132 Amendment of s 69 (Entitlement under effort units)

(1) Section 69(1) and (2)—

omit, insert—

(1) The holder of effort units for a trawl region may, in an effort year, use, or allow someone else to use, the primary boat identified in a trawl licence also held by the holder—

(a) until all the effort units for the region for the year have been used; and

(b) for 4 additional days (each a *steaming day*).

(2) Section 69(3)(a), ‘year’—

omit, insert—

trawl region for the effort year

(3) Section 69(3)—

renumber as section 69(2).

133 Amendment of s 70 (When effort units entitlement is used for an effort year)

(1) Section 70(1), ‘effort units is’—

omit, insert—

effort units for a trawl region is

[s 133]

- (2) Section 70(1)(a), ‘a boat identified in a T1 or T2 licence’—
omit, insert—
the primary boat identified in a trawl licence
- (3) Section 70(2)—
omit, insert—
(2) Effort units for a trawl region are used when the holder, or anyone else allowed by the holder, has used the primary boat identified in a trawl licence in the region on a day.
- (4) Section 70(3), definition *EUCF*, ‘boat used’—
omit, insert—
primary boat used
- (5) Section 70(4), ‘boat is used’—
omit, insert—
primary boat is used
- (6) Section 70(5), ‘use of the boat’—
omit, insert—
use of the primary boat
- (7) Section 70(5), example, ‘boat is used’—
omit, insert—
primary boat is used
- (8) Section 70(6)—
omit, insert—
(6) The ***unused entitlement*** under effort units for a trawl region for an effort year is the number of effort units for the trawl region and the steaming days that have not been used for the effort year under any trawl licence held by the holder of the effort units.

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- 134 Amendment of s 71 (No carrying forward of unused entitlement)**
- (1) Section 71(1), ‘uses a boat’—
omit, insert—
for a trawl region uses the primary boat identified
in a trawl licence in the trawl region
- (2) Section 71(2), after ‘effort units’—
insert—
for the trawl region
- 135 Amendment of ch 4, pt 1, div 3, hdg (Usage notices for T1 effort units)**
- Chapter 4, part 1, division 3, heading, ‘T1’—
omit.
- 136 Amendment of s 72 (Chief executive to give usage notice)**
- (1) Section 72(1), ‘T1 effort units’—
omit, insert—
effort units for a trawl region
- (2) Section 72(2), ‘T1 licence’—
omit, insert—
trawl licence
- 137 Amendment of s 73 (Obligations of T1 licence holders under usage notice)**
- (1) Section 73, heading, ‘T1’—
omit.
- (2) Section 73(1), ‘T1 licence’—
omit, insert—

[s 138]

trawl licence

(3) Section 73(2) and (4), ‘T1’—

omit.

(4) Section 73(4), ‘taking fish from the boat’—

omit, insert—

using the boat to take fish

(5) Section 73(5), ‘T1’—

omit.

(6) Section 73(6), definition *relevant boat*, ‘T1 licence’—

omit, insert—

trawl licence

138 Amendment of s 74 (Location detected or reported)

Section 74(1) and (2)—

omit, insert—

- (1) This section applies if the primary boat identified in a trawl licence is detected by vessel tracking equipment or manually reported at any time during a day (the *relevant day*) within a trawl region.
- (2) The detection or manual report is evidence the holder of the licence has used the boat for a whole day for effort units for the trawl region.

139 Amendment of s 80 (Exception—detection in particular regulated waters)

(1) Section 80(a)—

omit, insert—

- (a) the southern offshore trawl region A, the southern offshore trawl region B, or the

southern inshore trawl region, in a period mentioned in the *Fisheries Declaration 2019*, section 110A;

- (2) Section 80(c), second dot point, ‘M1 and M2 area’—

omit, insert—

Moreton Bay trawl region

140 Amendment of s 82 (Location not detected or reported)

- (1) Section 82(1)(a)—

omit, insert—

(a) section 80 of the Act applied to the use, in a trawl region, of the primary boat identified in a trawl licence; and

- (2) Section 82(2), from ‘for—’ to ‘T2 effort units.’—

omit, insert—

for effort units for the trawl region.

- (3) Section 82(3), ‘area mentioned in subsection (1)(a)’—

omit, insert—

trawl region

141 Amendment of s 89 (Unloaded fish notice is evidence of use of entitlement)

- (1) Section 89, heading, ‘Unloaded fish’—

omit, insert—

Weight

- (2) Section 89(1)—

omit, insert—

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief

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executive a weight notice for spanish mackerel
taken under SM units.

- (3) Section 89(2), after ‘holder’—

insert—

of the SM units

- (4) Section 89(4)—

omit.

142 Insertion of new s 91A

After section 91—

insert—

91A References to prescribed coral reef fin fish

A reference to prescribed coral reef fin fish in relation to a line unit is a reference to the regulated coral reef fin fish stated for the line unit in schedule 9, part 1.

143 Amendment of s 93 (Entitlement under line unit)

- (1) Section 93(1) to (3)—

omit, insert—

- (1) The holder of, or a person acting under, a line unit may take, in a line year, the weight of prescribed coral reef fin fish worked out by dividing the total quota entitlement for the fish for the line year by the total number of line units of that type that have been issued.

- (2) Section 93(4), ‘, (2) or (3)’—

omit.

- (3) Section 93(6), definition *total quota entitlement*, from ‘regulated coral’ to ‘fin fish’—

omit, insert—

prescribed coral reef fin fish

- (4) Section 93(4) to (6)—

renumber as section 93(2) to (4).

144 Amendment of s 96 (Unloaded fish notice is evidence of use of entitlement)

- (1) Section 96, heading, ‘Unloaded fish’—

omit, insert—

Weight

- (2) Section 96(1)—

omit, insert—

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed coral reef fin fish taken under line units.

- (3) Section 96(2), ‘holder has taken, under the line unit,’—

omit, insert—

holder of the line units has taken, under the line units,

- (4) Section 96(4)—

omit.

145 Insertion of new ch 4, pt 4, div 3

Chapter 4, part 4—

insert—

Division 3

Evidentiary aids for use of entitlement

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101A Weight notice is evidence of use of entitlement

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for spanner crab taken under C2-ITQ units.
- (2) The notice is evidence that the holder of the C2-ITQ units has taken, under the C2-ITQ units, the whole weight equivalent of the amount of spanner crab stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of spanner crab stated in the notice is the weight, for each spanner crab the subject of the notice, of an entire intact spanner crab.

146 Amendment of s 104 (Entitlement under T4-ITQ unit)

Section 104(3)—

insert—

Note—

See section 106 in relation to carrying forward unused entitlements under T4-ITQ units for a T4-ITQ year to the following T4-ITQ year.

147 Amendment of s 106 (No carrying forward of unused entitlement)

- (1) Section 106, heading, ‘No carrying’—

omit, insert—

Carrying

- (2) Section 106(2), ‘T4-ITQ year.’—

omit, insert—

, other than an unused entitlement to which subsection (3) applies.

(3) Section 106—

insert—

- (3) If the holder's unused entitlement under the T4-ITQ units for the T4-ITQ year is 20t or less, the unused entitlement is carried forward to the following T4-ITQ year (the *relevant T4-ITQ year*).
- (4) The holder of, or a person acting under, the holder's T4-ITQ units may take in the relevant T4-ITQ year up to the amount of (whole weight) whiting carried forward under subsection (3).
- (5) The authorisation under subsection (4)—
 - (a) applies in addition to the holder's entitlement under the holder's T4-ITQ units for the relevant T4-ITQ year under section 104; and
 - (b) does not form part of the holder's entitlement under the holder's T4-ITQ units for the relevant T4-ITQ year under section 104.

148 Insertion of new ch 4, pt 5, div 3

Chapter 4, part 5—

insert—

Division 3 Evidentiary aids for use of entitlement

106A Weight notice is evidence of use of entitlement

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed whiting

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taken under T4-ITQ units.

- (2) The notice is evidence that the holder of the T4-ITQ units has taken, under the T4-ITQ units, the whole weight equivalent of the amount of prescribed whiting stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed whiting stated in the notice is the amount, in kilograms, of the fish.

149 Insertion of new ch 4, pts 5A–5C

Chapter 4—

insert—

Part 5A ENL-ITQ units

Division 1 Interpretation

106B Meaning of *ENL-ITQ year*

ENL-ITQ year means the period of 1 year starting on 1 January in a year and ending on 31 December in the year.

Note—

See, however, section 173.

106C References to prescribed ENL-ITQ fish, prescribed ENL management region and ENL-ITQ licences

- (1) A reference to prescribed ENL-ITQ fish in relation to an ENL-ITQ unit is a reference to the fish stated for the ENL-ITQ unit in schedule 9, part 2.
- (2) A reference to a prescribed ENL management

region in relation to an ENL-ITQ unit is a reference to the management region stated for the ENL-ITQ unit in schedule 9, part 2.

Note—

The management regions are described in schedule 4, part 10.

- (3) A reference to an ENL-ITQ licence in relation to an ENL-ITQ unit is a reference to a primary commercial fishing licence on which is written a fishery symbol stated for the ENL-ITQ unit in schedule 9, part 2.

Division 2 Entitlement

106D Purpose of division

This division states the quota entitlement for ENL-ITQ units.

106E Entitlement under ENL-ITQ unit

- (1) The holder of, or a person acting under, an ENL-ITQ unit may take in a prescribed ENL management region in an ENL-ITQ year the weight of prescribed ENL-ITQ fish worked out by dividing the total quota entitlement for the fish for the region for the year by the total number of ENL-ITQ units of the same type that have been issued.
- (2) The authorisation for an ENL-ITQ year under subsection (1)—
- (a) is the holder's *entitlement* under the ENL-ITQ unit for the ENL-ITQ year; and
 - (b) imposes a quota on the entitlement for the year.

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(3) However, the entitlement applies only while the holder holds an ENL-ITQ licence that is in effect.

(4) In this section—

total quota entitlement, for prescribed ENL-ITQ fish for a prescribed ENL management region, for an ENL-ITQ year, means the total quota entitlement stated for the fish for the region in the quota declaration for commercial net fisheries for the ENL-ITQ year.

106F When ENL-ITQ unit entitlement is *used* for an ENL-ITQ year

(1) The entitlement under an ENL-ITQ unit is ***used*** for an ENL-ITQ year—

(a) when the holder of, or a person acting under, the ENL-ITQ unit has taken in the ENL-ITQ year, under any ENL-ITQ licence held by the holder, an amount of (whole weight) prescribed ENL-ITQ fish in the prescribed ENL management region equalling the holder's entitlement under the ENL-ITQ unit; or

(b) if section 106G applies.

(2) The ***unused entitlement*** under an ENL-ITQ unit for an ENL-ITQ year is the amount of (whole weight) prescribed ENL-ITQ fish that has not been taken in the prescribed ENL management region, for the ENL-ITQ year, under any ENL-ITQ licence held by the holder of the ENL-ITQ unit.

106G No carrying forward of unused entitlement

(1) This section applies if, in an ENL-ITQ year, the holder of, or a person acting under, ENL-ITQ

units takes an amount of prescribed ENL-ITQ fish in a prescribed ENL management region that is less than the total entitlements under the holder's ENL-ITQ units.

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

Division 3 Evidentiary aids for use of entitlement

106H Weight notice is evidence of use of entitlement

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed ENL-ITQ fish taken under ENL-ITQ units.
- (2) The notice is evidence that the holder of the ENL-ITQ units has taken, under the ENL-ITQ units, the whole weight equivalent of the amount of prescribed ENL-ITQ fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed ENL-ITQ fish stated in the notice is the amount, in kilograms, of the fish.

Part 5B C1-ITQ units

Division 1 Interpretation

106I Meaning of *C1-ITQ year*

C1-ITQ year means the period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

Note—

See, however, section 174.

106J References to prescribed crab and prescribed crab management region

- (1) A reference to prescribed crab in relation to a C1-ITQ unit is a reference to the crab stated for the C1-ITQ unit in schedule 9, part 3.
- (2) A reference to a prescribed crab management region in relation to a C1-ITQ unit is a reference to the management region stated for the C1-ITQ unit in schedule 9, part 3.

Note—

The management regions are described in schedule 7, part 1, division 4.

Division 2 Entitlement

106K Purpose of division

This division states the quota entitlement for C1-ITQ units.

106L Entitlement under C1-ITQ unit

- (1) The holder of, or a person acting under, a C1-ITQ unit may take in the prescribed crab management region in a C1-ITQ year the weight of prescribed crab worked out by dividing the total quota entitlement for the crab for the region for the year by the total number of C1-ITQ units of the same

type that have been issued.

- (2) The authorisation for a C1-ITQ year under subsection (1)—
 - (a) is the holder's *entitlement* under the C1-ITQ unit for the C1-ITQ year; and
 - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds a C1 licence that is in effect.
- (4) In this section—

total quota entitlement, for prescribed crab for a prescribed crab management region, for a C1-ITQ year, means the total quota entitlement stated for the crab for the region in the quota declaration for the commercial crab fishery for the C1-ITQ year.

106M When C1-ITQ unit entitlement is *used* for a C1-ITQ year

- (1) The entitlement under a C1-ITQ unit is *used* for a C1-ITQ year—
 - (a) when the holder of, or a person acting under, the C1-ITQ unit has taken in the C1-ITQ year, under any C1 licence held by the holder, an amount of (whole weight) prescribed crab in the prescribed crab management region equalling the holder's entitlement under the C1-ITQ unit; or
 - (b) if section 106N applies.
- (2) The *unused entitlement* under a C1-ITQ unit for a C1-ITQ year is the amount of (whole weight) prescribed crab that has not been taken in the prescribed crab management region, for the C1-ITQ year, under any C1 licence held by the holder of the C1-ITQ unit.

106N No carrying forward of unused entitlement

- (1) This section applies if, in a C1-ITQ year, the holder of, or a person acting under, C1-ITQ units takes an amount of prescribed crab in a prescribed crab management region that is less than the total entitlements under the holder's C1-ITQ units.
- (2) The holder of the C1-ITQ units is taken, at the end of the C1-ITQ year, to have used all the entitlements under the C1-ITQ units held by the holder for the C1-ITQ year.

Division 3 Evidentiary aids for use of entitlement

106O Weight notice is evidence of use of entitlement

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed crab taken under C1-ITQ units.
- (2) The notice is evidence that the holder of the C1-ITQ units has taken, under the C1-ITQ units, the whole weight equivalent of the amount of prescribed crab stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed crab stated in the notice is the weight, for each prescribed crab of that species the subject of the notice, of an entire intact crab of the species.

Part 5C Hand-harvest ITQ units

Division 1 Interpretation

106P Meaning of *hand-harvest ITQ year*

Hand-harvest ITQ year means—

- (a) for R-ITQ units—the period of 9 months starting on 1 January in a year and ending on 30 September in the year; or
- (b) for other hand-harvest ITQ units—the period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

Note—

See, however, section 175.

106Q Meaning of *whole weight* of red champagne lobster and tropical rocklobster

- (1) The *whole weight* of red champagne lobster or tropical rocklobster that is in whole form and dead is the weight, in kilograms, of the lobster or rocklobster.
- (2) The *whole weight* of red champagne lobster or tropical rocklobster that is in whole form and alive is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

WW is the whole weight, in kilograms, of the red champagne lobster or tropical rocklobster.

W is the weight, in kilograms, of the live red champagne lobster or tropical rocklobster.

CF is 0.987.

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- (3) The *whole weight* of red champagne lobster or tropical rocklobster in the form of tails only is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

WW is the whole weight, in kilograms, of the red champagne lobster or tropical rocklobster.

W is the weight, in kilograms, of the tails of the red champagne lobster or tropical rocklobster.

CF is 2.7.

106R References to prescribed hand-harvest ITQ fish and hand-harvest ITQ licence

- (1) A reference to prescribed hand-harvest ITQ fish in relation to a hand-harvest ITQ unit is a reference to the fish stated for the hand-harvest ITQ unit in schedule 9, part 4.
- (2) A reference to a hand-harvest ITQ licence in relation to a hand-harvest ITQ unit is a reference to a primary commercial fishing licence for a commercial fishery in which the prescribed hand-harvest ITQ fish may be taken.

Division 2 Entitlement

106S Purpose of division

This division states the quota entitlement for hand-harvest ITQ units.

106T Entitlement under hand-harvest ITQ unit

- (1) The holder of, or a person acting under, a hand-harvest ITQ unit may take in a hand-harvest ITQ year the weight of prescribed hand-harvest ITQ fish worked out by dividing the total quota entitlement for the fish for the year by the total number of hand-harvest ITQ units of the same type that have been issued.
- (2) The authorisation for a hand-harvest ITQ year under subsection (1)—
 - (a) is the holder's *entitlement* under the hand-harvest ITQ unit for the hand-harvest ITQ year; and
 - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds a hand-harvest ITQ licence that is in effect.
- (4) In this section—

total quota entitlement, for prescribed hand-harvest ITQ fish, for a hand-harvest ITQ year, means the total quota entitlement stated for the fish in the quota declaration for commercial hand-harvest fisheries for the hand-harvest ITQ year.

106U When hand-harvest ITQ unit entitlement is used for a hand-harvest ITQ year

- (1) The entitlement under a hand-harvest ITQ unit is *used* for a hand-harvest ITQ year—
 - (a) when the holder of, or a person acting under, the hand-harvest ITQ unit has taken in the hand-harvest ITQ year, under any hand-harvest ITQ licence held by the holder,

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an amount of (whole weight) prescribed hand-harvest ITQ fish equalling the holder's entitlement under the hand-harvest ITQ unit; or

(b) if section 106V applies.

- (2) The *unused entitlement* under a hand-harvest ITQ unit for a hand-harvest ITQ year is the amount of (whole weight) prescribed hand-harvest ITQ fish that has not been taken, for the hand-harvest ITQ year, under any hand-harvest ITQ licence held by the holder of the hand-harvest ITQ unit.

106V No carrying forward of unused entitlement

- (1) This section applies if, in a hand-harvest ITQ year, the holder of, or a person acting under, hand-harvest ITQ units takes an amount of prescribed hand-harvest ITQ fish that is less than the total entitlements under the holder's hand-harvest ITQ units.
- (2) The holder of the hand-harvest ITQ units is taken, at the end of the hand-harvest ITQ year, to have used all the entitlements under the hand-harvest ITQ units held by the holder for the hand-harvest ITQ year.

Division 3 Evidentiary aids for use of entitlement

106W Weight notice is evidence of use of entitlement

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed hand-

harvest ITQ fish taken under hand-harvest ITQ units.

- (2) The notice is evidence that the holder of the hand-harvest ITQ units has taken, under the hand-harvest ITQ units, the whole weight equivalent of the amount of prescribed hand-harvest ITQ fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed hand-harvest ITQ fish stated in the notice is—
 - (a) for red champagne lobster or tropical rocklobster—the amount worked out under section 106Q; or
 - (b) otherwise—the weight, in kilograms, of the fish.

150 Amendment of s 107 (Definitions for part)

- (1) Section 107, definition *quota units*, paragraph (a), after ‘units’—

insert—

for a trawl region
- (2) Section 107, definition *quota units*—

insert—

 - (f) ENL-ITQ units; or
 - (g) C1-ITQ units; or
 - (h) hand-harvest ITQ units.
- (3) Section 107, definition *quota year*, paragraph (a), after ‘units’—

insert—

for a trawl region
- (4) Section 107, definition *quota year*—

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insert—

- (f) for ENL-ITQ units—an ENL-ITQ year; or
- (g) for C1-ITQ units—a C1-ITQ year; or
- (h) for hand-harvest ITQ units—a hand-harvest ITQ year.

151 Replacement of s 109 (Application of division)

Section 109—

omit, insert—

109 Application of division

- (1) This division applies to—
 - (a) a certificate issued by the chief executive under the Act to a person who holds quota units; or
 - (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.
- (2) A certificate mentioned in subsection (1) for quota units is commonly called—
 - (a) for effort units for a trawl region—an effort unit certificate; or
 - (b) for SM units—an SM unit certificate; or
 - (c) for line units—a line unit certificate; or
 - (d) for C2-ITQ units—a C2-ITQ unit certificate; or
 - (e) for T4-ITQ units—a T4-ITQ unit certificate; or
 - (f) for ENL-ITQ units—an ENL-ITQ unit certificate; or

-
- (g) for C1-ITQ units—a C1-ITQ unit certificate; or
 - (h) for hand-harvest ITQ units—a hand-harvest ITQ unit certificate.
- (3) For this division, each certificate mentioned in subsection (1) for quota units is a ***quota authority certificate***.

152 Amendment of s 110 (Content of quota authority certificates)

Section 110, heading, after ‘certificates’—

insert—

generally

153 Replacement of s 111 (Only 1 line unit certificate to be issued for line units)

Section 111—

omit, insert—

111 Quota authority certificates for more than 1 type of particular quota units

- (1) This section applies if a person holds more than 1 type of the following quota units (each a ***prescribed quota unit***)—
 - (a) line units;
 - (b) ENL-ITQ units;
 - (c) C1-ITQ units;
 - (d) hand-harvest ITQ units.
- (2) Only 1 quota authority certificate may be issued to the person for all of the prescribed quota units held by the person.
- (3) The quota authority certificate for the prescribed

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quota units must state, for each type of prescribed quota units for which the certificate is issued—

- (a) the fish that may be taken under the units;
and
- (b) if applicable, the region in which the fish may be taken under the units.

154 Replacement of s 117 (Eligibility of transferee for particular quota units)

Section 117—

omit, insert—

117 Eligibility of transferee for quota units

A quota unit may be transferred only to a person, other than the transferor, who holds a primary commercial fishing licence for the commercial fishery in relation to which the quota unit is issued.

155 Amendment of s 119 (Entitlement of transferee)

- (1) Section 119(3), after ‘effort units’—

insert—

for a trawl region

- (2) Section 119(3) and (4), after ‘use a boat’—

insert—

in the trawl region

156 Insertion of new chs 5 and 6

After chapter 4—

insert—

Chapter 5 Logbook requirements

Part 1 Preliminary

121 Purpose of chapter

This chapter prescribes conditions for the following licences—

- (a) a primary commercial fishing licence;
- (b) a commercial fisher licence.

122 Definitions for chapter

In this chapter—

approved logbook, for a primary commercial fishing licence, means—

- (a) an approved logbook (commercial fishing) for the licence; or
- (b) an approved logbook (TEP animal interaction) for the licence.

approved logbook (commercial fishing), for a primary commercial fishing licence, means an electronic or paper logbook—

- (a) provided by the chief executive to the holder of the licence for recording information under part 3; or
- (b) approved by the chief executive under section 123(3)(a) for the licence for recording information under part 3.

approved logbook (TEP animal interaction), for a primary commercial fishing licence, means an

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electronic or paper logbook—

- (a) provided by the chief executive to the holder of the licence for recording information under part 4; or
- (b) approved by the chief executive under section 123(3)(a) for the licence for recording information under part 4.

TEP animal means a protected animal within the meaning of section 118 of the Act that is—

- (a) designated by the chief executive for the purpose of recording particular information about particular interactions with the animal; and
- (b) published on the department’s website.

123 Approving logbooks

- (1) The holder of a primary commercial fishing licence may apply to the chief executive for approval of a logbook for the licence for recording information under part 3 or 4.
- (2) The application must be in the approved form.
- (3) The chief executive may—
 - (a) approve the logbook for the licence; or
 - (b) refuse to approve the logbook for the licence.
- (4) If the chief executive refuses to approve the logbook, the chief executive must give the applicant an information notice about the decision.

Part 2

Requirements for approved logbooks

124 Logbooks must be held before fishing operation starts

The commercial fisher in control of a fishing operation must not start the fishing operation if the commercial fisher does not physically possess, or have access to, each approved logbook for the primary commercial fishing licence under which fish will be taken in the fishing operation.

125 Exchange of logbooks between holder and commercial fisher in control

- (1) This section applies if the holder of a primary commercial fishing licence under which fish will be taken in a fishing operation is not the commercial fisher in control of the fishing operation.
- (2) The holder of the licence must give each approved logbook for the licence to the commercial fisher in control of the fishing operation—
 - (a) before the fishing operation starts; and
 - (b) in the prescribed way.
- (3) The commercial fisher in control of the fishing operation must give each approved logbook for the licence to the holder of the licence—
 - (a) when the fishing operation ends; and
 - (b) in the prescribed way.
- (4) In this section—

prescribed way, for giving an approved logbook for a primary commercial fishing licence to a person, means—

 - (a) giving the logbook personally to the person;
or

- (b) leaving the logbook on a commercial fishing boat to be used or used under the licence to which the person has access and telling the person where the logbook has been left; or
- (c) sending the logbook by registered post to the person; or
- (d) for an electronic logbook—giving the person access to the logbook.

Part 3 Requirements for approved logbooks (commercial fishing)

126 Making logbook entries for days of fishing operations

- (1) The commercial fisher in control of a fishing operation must make an entry in the approved logbook (commercial fishing) for the primary commercial fishing licence under which the commercial fisher is acting for each day of the fishing operation.
- (2) The entry must—
 - (a) state the following information for each individual species of fish taken in the fishing operation on the day—
 - (i) the species of the fish;
 - (ii) the number of individual fish or containers containing fish;
 - (iii) the estimated weight of the fish;
 - (iv) the form of the fish; and
 - (b) include information required in the approved logbook (commercial fishing); and

- (c) be accompanied by a declaration by the commercial fisher that the entry is complete and accurate.
- (3) The entry must be made—
 - (a) at the end of the day; or
 - (b) if the fishing operation ends before the end of the day—before the fishing operation ends.

127 Making logbook entries for outside fishing operation days

- (1) The holder, or a person authorised by the holder, of a primary commercial fishing licence must make an entry in the approved logbook (commercial fishing) for the licence for each outside fishing operation day for the licence.
- (2) The entry must—
 - (a) state that no fishing operation was conducted under the licence on the day; and
 - (b) include information required in the approved logbook (commercial fishing); and
 - (c) be accompanied by a declaration by the person who makes the entry that the entry is complete and accurate.
- (3) The entry may relate to 1 day or a continuous period of more than 1 day.

Example for an entry for a continuous period—

No fishing operation was conducted during the period 6 to 12 October 2021.

- (4) The entry must be made before the approved logbook (commercial fishing) is given to the chief executive under section 130.

128 Logbook entries to be available for inspection

- (1) This section applies if fish taken in a fishing operation are in the physical possession of the commercial fisher in control of the fishing operation.
- (2) The commercial fisher in control must ensure the following is available for immediate inspection—
 - (a) if the fishing operation has not ended—the approved logbook (commercial fishing) for the primary commercial fishing licence under which the fish were taken;
 - (b) if the fishing operation has ended—a copy of the entry relating to the fish from the approved logbook (commercial fishing) for the primary commercial fishing licence under which the fish were taken.

129 Logbook entries to be given to chief executive

The commercial fisher in control of a fishing operation must give to the chief executive a copy of each entry for a day of the fishing operation made in the approved logbook (commercial fishing) for the primary commercial fishing licence under which the commercial fisher is acting—

- (a) if the approved logbook (commercial fishing) is electronic—within 24 hours after the fishing operation ends; or
- (b) if the approved logbook (commercial fishing) is in paper form—within 7 days after the fishing operation ends.

130 Logbooks to be given to chief executive

- (1) The holder of a primary commercial fishing

licence must, for each month, give the part of the approved logbook (commercial fishing) for the licence relating to the month to the chief executive.

- (2) The part of the approved logbook (commercial fishing) given under subsection (1) must be received by the chief executive no more than 15 days after the end of the month to which the part relates.

Part 4 Requirements for approved logbooks (TEP animal interaction)

131 Making logbook entries during fishing operations

- (1) The commercial fisher in control of a fishing operation must make an entry in the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting for each interaction with a TEP animal during the fishing operation.
- (2) The entry must—
 - (a) state the following information for the interaction—
 - (i) the date of the interaction;
 - (ii) the species of the TEP animal involved in the interaction;
 - (iii) the number of TEP animals involved in the interaction;

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- (iv) the release condition of each TEP animal involved in the interaction;
 - (v) the location of the interaction;
 - (vi) if fish were being taken at the time of the interaction—how the fish were being taken; and
- (b) include information required in the approved logbook (TEP animal interaction); and
 - (c) be accompanied by a declaration by the commercial fisher that the entry is complete and accurate.
- (3) The entry must be made—
- (a) before the end of the day of the interaction with the TEP animal; or
 - (b) if the fishing operation ends before the end of the day of the interaction with the TEP animal—before the fishing operation ends.
- (4) In this section—
- interaction*, with a TEP animal, means physical contact between a person, boat or fishing apparatus involved in a fishing operation and the animal.
- release condition*, for a TEP animal, means the condition of the animal after an interaction, including whether the animal is—
- (a) dead; or
 - (b) alive and injured; or
 - (c) alive and not injured.

132 Logbook to be available for inspection

The commercial fisher in control of a fishing

operation must ensure the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting is available for immediate inspection during the fishing operation.

133 Logbook entries to be given to chief executive

The commercial fisher in control of a fishing operation must give to the chief executive a copy of each entry for the fishing operation made in the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting—

- (a) if the approved logbook (TEP animal interaction) is electronic—within 24 hours after the fishing operation ends; or
- (b) if the approved logbook (TEP animal interaction) is in paper form—within 7 days after the fishing operation ends.

134 Logbooks to be given to chief executive

- (1) This section applies if 1 or more interactions with a TEP animal mentioned in section 131 happen in a month during a fishing operation conducted under a primary commercial fishing licence.
- (2) The holder of the licence must give the part of the approved logbook (TEP animal interaction) for the licence relating to the month to the chief executive.
- (3) The part of the approved logbook (TEP animal interaction) given under subsection (2) must be received by the chief executive no more than 15 days after the end of the month to which the part relates.

Chapter 6 Notice requirements

Part 1 Pre-trip notices

Division 1 Preliminary

135 Purpose and application of part

- (1) This part prescribes conditions for the following licences—
 - (a) a primary commercial fishing licence;
 - (b) a commercial fisher licence.
- (2) Division 2 prescribes conditions for the commercial fisher licence of the commercial fisher in control of a fishing operation for taking fish under a primary commercial fishing licence.
- (3) However, division 2 does not apply to a fishing operation conducted under a primary commercial fishing licence if—
 - (a) 1 or more of the fishery symbols ‘L4’, ‘N3’, ‘N12’ or ‘N13’ is written on the licence; and
 - (b) the commercial fisher in control of the fishing operation intends to take fish in the fishing operation only under 1 or more of those symbols.
- (4) Division 3 prescribes conditions for the primary commercial fishing licence that identifies an authorised boat that is to be used by a commercial fisher to conduct a recreational fishing operation.

136 Definitions for part

In this part—

earlier pre-trip notice see section 139(1)(a).

limited pre-trip notice see section 139(2).

pre-trip notice—

- (a) for division 2—see section 138(2); or
- (b) for division 3—see section 145(2).

pre-trip particulars—

- (a) for division 2—see section 138(3); or
- (b) for division 3—see section 145(3).

proposed landing place means—

- (a) for a fishing operation for taking fish using a boat but not using a seine net—the landing place at which the boat will be landed at the end of the fishing operation; or
- (b) for a fishing operation for taking fish using a boat and a seine net—the beach or foreshore at which the boat will be used to carry out fishing; or
- (c) for a fishing operation for taking fish without a boat—the landing place at which the fish will be landed at the end of the fishing operation.

recreational fishing operation means a fishing operation to carry out recreational fishing.

137 Notices to chief executive

- (1) A notice given to the chief executive under this part must be given—
 - (a) by using the AIVR system; or

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- (b) in another way approved by the chief executive, including, for example, another communication system.
- (2) If a notice is required to be given under this part and a person uses the AIVR system to give the notice, the person does not comply with the requirement until the person receives, in response, a transaction number from the system.

Division 2 Commercial fishing

138 Requirement to give pre-trip notice

- (1) This section applies if fish are proposed to be taken in a fishing operation under a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation must give a notice (a *pre-trip notice*) to the chief executive before the fishing operation starts.
- (3) The pre-trip notice must state each of the following (the *pre-trip particulars*)—
 - (a) the licence number of the primary commercial fishing licence;
 - (b) the licence number of the commercial fisher licence held by the commercial fisher in control of the fishing operation;
 - (c) that the purpose of the fishing operation is to take fish under the primary commercial fishing licence;
 - (d) the prescribed numerical code or the latitude and longitude coordinates for the proposed landing place for the fishing operation.
- (4) For subsection (3)(d), the proposed landing place

must be—

- (a) a public place; or
- (b) a place, other than a public place, that is used for trade or commerce but is not a residence.

139 When limited pre-trip notice may be given

- (1) This section applies if—
 - (a) a pre-trip notice (the *earlier pre-trip notice*) has previously been given to the chief executive under section 138 in relation to a primary commercial fishing licence; and
 - (b) the earlier pre-trip notice is the most recently given pre-trip notice in relation to the licence; and
 - (c) 1 or more pre-trip particulars of the fishing operation are the same as the pre-trip particulars stated in the earlier pre-trip notice (the *equivalent pre-trip particulars*).
- (2) The commercial fisher in control may give a notice (a *limited pre-trip notice*) to the chief executive before the fishing operation starts.
- (3) A limited pre-trip notice must state the pre-trip particulars for the fishing operation other than the equivalent pre-trip particulars.
- (4) If a limited pre-trip notice is given under this section by the commercial fisher in control of a fishing operation, a pre-trip notice is not required to be given under section 138 for the fishing operation.

140 When no pre-trip notice required to be given

- (1) The commercial fisher in control of a fishing

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operation to be conducted under a primary commercial fishing licence is not required to give a pre-trip notice if—

- (a) an earlier pre-trip notice was previously given to the chief executive under section 138 in relation to the licence; and
 - (b) the earlier pre-trip notice is the most recently given pre-trip notice in relation to the licence; and
 - (c) the pre-trip particulars of the fishing operation have not changed from the pre-trip particulars stated in the earlier pre-trip notice.
- (2) Also, the commercial fisher in control of a fishing operation to be conducted under a primary commercial fishing licence is not required to give a pre-trip notice if—
- (a) the chief executive was previously given an earlier pre-trip notice in relation to the licence; and
 - (b) the chief executive was subsequently given a limited pre-trip notice in relation to the licence; and
 - (c) the earlier pre-trip notice and limited pre-trip notice are the most recently given of those types of notices in relation to the licence; and
 - (d) the pre-trip particulars of the fishing operation have not changed from the pre-trip particulars for the fishing operation stated in the earlier pre-trip notice and limited pre-trip notice.

Example for subsection (2)—

A pre-trip notice is given for fishing operation 1. One pre-trip particular changes for fishing operation 2, so a

limited pre-trip notice for that particular is given. If no changes are made between fishing operation 2 and 3, no notice is required to be given for fishing operation 3.

141 New proposed landing place

- (1) This section applies if—
 - (a) a fishing operation has started; and
 - (b) the commercial fisher in control of the fishing operation decides to change the proposed landing place for the fishing operation.
- (2) The commercial fisher in control must give the chief executive a notice (an *amending notice*) stating the new proposed landing place for the fishing operation.
- (3) An amending notice must be given at least 1 hour before—
 - (a) for a fishing operation for taking fish using a boat but not using a seine net—the boat lands at the new proposed landing place; or
 - (b) for a fishing operation for taking fish using a boat and a seine net—fishing is carried out at the new proposed landing place; or
 - (c) for a fishing operation for taking fish without a boat—the fish taken in the fishing operation land at the new proposed landing place.

142 Where boat used without seine net must be landed

- (1) This section applies if an authorised boat for a primary commercial fishing licence but no seine net is used to take fish in a fishing operation.

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- (2) The commercial fisher in control of the fishing operation must ensure the boat lands at the following place—
 - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;
 - (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
- (3) If more than 1 authorised boat is used to take fish in the fishing operation, the commercial fisher in control must ensure all of the boats are landed together and in compliance with subsection (2).
- (4) This section does not apply if, because of a medical emergency or extreme weather event, the authorised boat was required to land at another landing place.

Note—

See section 161 for the requirement to give the chief executive an emergency notice.

143 Where boat used with seine net must be used to carry out fishing

- (1) This section applies if an authorised boat for a primary commercial fishing licence and a seine net are used to take fish in a fishing operation.
- (2) The commercial fisher in control of the fishing operation must ensure the boat is used to carry out fishing only at the following place—
 - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;

-
- (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
 - (3) If more than 1 authorised boat is used to take fish in the fishing operation, the commercial fisher in control must ensure all of the boats are used to carry out fishing together and in compliance with subsection (2).

144 Where fish taken without using a boat must be landed

- (1) This section applies if no boat is used to take fish in a fishing operation conducted under a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation must ensure the fish are landed at the following place—
 - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;
 - (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
- (3) Subsection (2) does not apply if, because of a medical emergency or extreme weather event, the fish were required to be landed at another landing place.

Note—

See section 161 for the requirement to give the chief executive an emergency notice.

Division 3 Other fishing

145 Requirement to give pre-trip notice

- (1) This section applies if an authorised boat for a primary commercial fishing licence is proposed to be used, by a commercial fisher, to conduct a charter fishing trip or recreational fishing operation.
- (2) The commercial fisher must give a notice (a *pre-trip notice*) to the chief executive before the charter fishing trip or recreational fishing operation starts.
- (3) The pre-trip notice must state each of the following (the *pre-trip particulars*)—
 - (a) the licence number of the primary commercial fishing licence;
 - (b) the licence number of the commercial fisher licence held by the commercial fisher;
 - (c) whether the authorised boat is to be used to conduct—
 - (i) a charter fishing trip; or
 - (ii) a recreational fishing operation.

146 When no pre-trip notice required to be given

A person is not required to give a pre-trip notice under section 145 for the use of an authorised boat for a primary commercial fishing licence if—

- (a) a pre-trip notice (the *earlier pre-trip notice*) was previously given to the chief executive under section 145 for the use of the boat; and
- (b) the earlier notice is the most recently given pre-trip notice for the use of the boat; and
- (c) the pre-trip particulars for the use of the boat have not changed from the pre-trip

particulars stated in the earlier pre-trip notice.

Part 2 Other notices

Division 1 Preliminary

147 Purpose of part

This part prescribes conditions for a commercial fisher licence.

148 Notices to chief executive

- (1) A notice given to the chief executive under this part must be given—
 - (a) by using the AIVR system; or
 - (b) in another way approved by the chief executive, including, for example, another communication system.
- (2) If a notice is required to be given under this part and a person uses the AIVR system to give the notice, the person does not comply with the requirement until the person receives, in response, a transaction number from the system.

149 Particulars to be stated in notices

A notice given under this part must—

- (a) state the numerical part of the licence number of the primary commercial fishing licence under which the fish the subject of the notice were taken; and

- (b) if the person giving the notice is prompted, by the way used to give the notice, to state particular information—state that information.

Division 2 Prior notices

150 Application of division

This division applies in relation to—

- (a) fish taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*, other than the east coast trawl fishery; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*.

151 Requirement to give prior notice—boat to be landed

- (1) This section applies if—
 - (a) fish are on an authorised boat for a primary commercial fishing licence; and
 - (b) it is proposed to land the boat; and
 - (c) the fish are not proposed to be transferred, at sea, to a transport vessel.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must give a notice (a *prior notice*) to the chief executive—
 - (a) if the fish are a species to which a regulated period applies under the *Fisheries*

Declaration 2019 and the period has not started—before the period starts; or

- (b) otherwise—before the authorised boat lands.

152 Requirement to give prior notice—fish loaded onto vehicle

- (1) This section applies if—
- (a) either—
- (i) fish are taken in a commercial fishery mentioned in schedule 4, part 1; or
- (ii) fish are taken under a fishery symbol without using a boat; and
- (b) the fish are loaded onto a vehicle.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must give a notice (a *prior notice*) to the chief executive before the vehicle onto which the fish are loaded leaves the place at which the fish are loaded.

153 No prior notice required to be given in emergency

A prior notice is not required to be given under this division if, because of a medical emergency or extreme weather event, before a prior notice could be given—

- (a) the authorised boat was landed; or
- (b) the vehicle onto which the fish are loaded leaves the place at which the fish are loaded.

Note—

See section 161 for the requirement to give the chief executive an emergency notice.

Division 3 Transhipment

154 Requirement to give transhipment notice and label fish

- (1) This section applies if—
 - (a) fish taken under a licence are proposed to be transferred, at sea, to a transport vessel; and
 - (b) the fish are proposed to be unloaded from, or using, the transport vessel to which the fish are to be transferred.

Note—

See section 15B for a restriction about the transhipment of fish to a transport vessel.

- (2) The commercial fisher in control of the fishing operation in which the fish were taken must—
 - (a) give a notice (a *transhipment notice*) to the chief executive before the fish are transferred to the transport vessel; and
 - (b) label the fish in a way that identifies the numerical part of the licence number of the primary commercial fishing licence under which the fish were taken.

155 Requirement to keep transferred fish separate

- (1) This section applies if fish taken under a D or R licence are transferred to a primary boat being used under another D or R licence.
- (2) The commercial fisher in control of the fishing operation in which the primary boat is being used must ensure the fish, while on board the boat—
 - (a) are kept separate from other fish on board the boat; and

- (b) remain labelled in the way the fish were labelled under section 154(2)(b).

Division 4 Retained fish notices

156 Retained fish notice

- (1) This section applies in relation to fish taken under an RQ, R, B1, SM or T4 licence that are on an authorised boat for the licence that has landed.

Note—

See section 15A for a restriction about keeping fish on a boat that has landed when the boat leaves the landing place for a new fishing operation.

- (2) The commercial fisher in control of the fishing operation in which the fish were taken must not allow the authorised boat to leave the boat's landing place to start a new fishing operation with any of the fish, unless the commercial fisher has given the chief executive a notice (a ***retained fish notice***).
- (3) The commercial fisher in control must give the retained fish notice before the earlier of the following—
- (a) 24 hours after the fishing operation ends;
 - (b) the start of the next fishing operation.
- (4) Also, the commercial fisher in control must ensure the fish that are to be retained remain on the authorised boat.

Division 5 Unloading fish

157 Application of division

This division applies in relation to—

- (a) fish taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*, other than the east coast trawl fishery; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*.

158 Unloading fish from authorised boats

- (1) This section applies if fish are on an authorised boat for a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must not unload the fish, or allow the fish to be unloaded, unless—
 - (a) the commercial fisher has given a prior notice about the fish to the chief executive under division 2; or
 - (b) the commercial fisher has given an emergency notice to the chief executive under section 161.
- (3) Also, the commercial fisher in control may unload the fish, or allow the fish to be unloaded, only if the fish are unloaded at a place that is open for entry under the Act.

159 Weighing fish

- (1) This section applies if—
 - (a) an authorised boat for a primary commercial fishing licence used to take fish lands; or

- (b) fish taken without using a boat are loaded onto a vehicle.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must weigh the fish, or allow the fish to be weighed, at a place that is open for entry under the Act.
- (3) The fish must be weighed in the form in which the fish were in—
 - (a) when the authorised boat landed; or
 - (b) when the fish were loaded onto the vehicle.
- (4) The fish must be weighed—
 - (a) for fish taken under the fishery symbol ‘B1’ using an authorised boat—within 7 days after the fishing operation ends; or
 - (b) for fish taken in a commercial fishery mentioned in schedule 4, part 1, or under the fishery symbol ‘T4’, using an authorised boat—before the fish leave the possession of the commercial fisher in control, but no later than 24 hours after the fishing operation ends; or
 - (c) for fish taken under the fishery symbol ‘R’ or ‘D’ using an authorised boat—before the commercial fisher in control leaves the place where the boat is landed; or
 - (d) for other fish taken using an authorised boat—before the fish leave the physical possession of the commercial fisher in control, but no later than 24 hours after the fishing operation ends; or
 - (e) for fish taken without using a boat—before the fish leave the possession of the commercial fisher in control, but no later

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than 24 hours after the fishing operation ends.

- (5) The weight of the fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).
- (6) The weight of the fish must be given to the chief executive in a notice (a *weight notice*).
- (7) The weight notice must be given—
 - (a) immediately after the fish have been weighed; and
 - (b) before the fish leave the possession of the commercial fisher in control of the fishing operation in which the fish were taken.

160 Taking fish after leaving landing place

- (1) This section applies if—
 - (a) a fishing operation conducted under a primary commercial fishing licence ends (the *first fishing operation*); and
 - (b) a new fishing operation conducted under the licence starts (the *second fishing operation*).
- (2) The commercial fisher in control of the second fishing operation must ensure fish are not taken under the primary commercial fishing licence unless a weight notice has been given for any fish taken in the first fishing operation.
- (3) Also, if fish taken in the first fishing operation were taken using an authorised boat for the primary commercial fishing licence, the commercial fisher in control of the second fishing operation must ensure fish are not taken under the licence unless all the fish taken in the first fishing operation have been unloaded from the boat.

- (4) Subsection (3) does not apply in relation to fish for which the commercial fisher in control of the first fishing operation has given the chief executive a retained fish notice under section 156.

Division 6 Emergency notices

161 Emergency notice

- (1) This section applies if, because of a medical emergency or extreme weather event—
- (a) an authorised boat for a primary commercial fishing licence landed other than at the place where a commercial fisher in control of a fishing operation was required to ensure the boat landed under section 142; or
 - (b) fish taken under a primary commercial fishing licence were landed at a place other than the place where a commercial fisher in control of a fishing operation was required to ensure the fish landed under section 144; or
 - (c) the commercial fisher in control of a fishing operation did not give a prior notice under division 2.
- (2) The commercial fisher in control of the fishing operation must give a notice about the medical emergency or extreme weather event (an *emergency notice*) to the chief executive.
- (3) The emergency notice must be given as soon as practicable, but before the start of the next fishing operation under the primary commercial fishing licence.

Division 7 Catch disposal records

162 Application of division

This division applies in relation to—

- (a) fish, other than coral, taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*.

163 Requirement to make catch disposal record

- (1) The commercial fisher in control of a fishing operation in which fish are taken must make a record (a *catch disposal record*) in the approved form.
- (2) The catch disposal record must—
 - (a) be made before the earliest of the following—
 - (i) the day that is 7 days after the end of the fishing operation;
 - (ii) the start of the next fishing operation;
 - (iii) for fish that are disposed of—when the fish are disposed of; and

Examples of ways fish are disposed of—
sale by wholesale, sale by retail, throwing away spoilt fish, personal consumption
 - (b) state—
 - (i) the number of individual fish or containers containing fish; and

-
- (ii) the weight of the fish; and
 - (iii) the form of the fish; and
 - (iv) the species of the fish; and
 - (v) whether the fish have been disposed of or kept by a relevant person; and
 - (vi) if some or all of the fish were disposed of—details of the fish that were disposed of and how the fish were disposed of; and
 - (vii) if some or all of the fish were kept by a relevant person—details of the fish that were kept; and
- (c) include information required in the catch disposal record; and
 - (d) be accompanied by a declaration by the commercial fisher that the record is complete and accurate.
- (3) If the fish are consigned or transhipped, a copy of the catch disposal record must accompany the fish.
- (4) In this section—
- relevant person* means—
- (a) the commercial fisher in control of the fishing operation; or
 - (b) another person who was fishing in the fishing operation; or
 - (c) the holder of the primary commercial fishing licence under which the fish were taken.

164 Catch disposal record available for inspection

A commercial fisher who makes a catch disposal

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record must ensure the record, or a copy of the record, is available for immediate inspection while the fish the subject of the record are in the commercial fisher's physical possession.

165 Requirement to give catch disposal record

- (1) A commercial fisher who makes a catch disposal record must give the record to the chief executive—
 - (a) if the record is made electronically—within 24 hours after the record is made; or
 - (b) if the record is made in paper form—within 7 days after the record is made.
- (2) The catch disposal record must be received by the chief executive no more than 15 days after the end of the month in which the record is made.

157 Insertion of new ch 7, pt 2, div 3

Chapter 7, part 2, as inserted by this regulation—
insert—

Division 3 Amendments commencing on 1 September 2021

172 Entitlement under effort units for 2021 effort year

For the effort year from midday on 1 January 2021 to midday on 1 January 2022, the entitlement of the holder of effort units is the entitlement worked out by—

- (a) adding the entitlement under the holder's effort units immediately before the commencement and the entitlement under

the holder's effort units on the commencement; and

- (b) dividing that number by 2.

173 First ENL-ITQ year

- (1) The first ENL-ITQ year is the period starting on 1 September 2021 and ending on 31 December 2021.
- (2) The entitlement under an ENL-ITQ unit under section 106E applies to the period mentioned in subsection (1).

174 First C1-ITQ year

- (1) The first C1-ITQ year is the period starting on 1 September 2021 and ending on 30 June 2022.
- (2) The entitlement under a C1-ITQ unit under section 106L applies to the period mentioned in subsection (1).

175 First hand-harvest ITQ year for R-ITQ units

- (1) The first hand-harvest ITQ year for R-ITQ units is the period starting on 1 January 2021 and ending on 30 September 2021.
- (2) The entitlement under an R-ITQ unit under section 106T applies to the period mentioned in subsection (1).
- (3) Any red champagne lobster or tropical rocklobster taken in the commercial crayfish and rocklobster fishery under the primary commercial fishing licence held by the holder of R-ITQ units between 1 January 2021 and the commencement is taken to have been taken under the holder's R-ITQ units.

176 First hand-harvest ITQ year for hand-harvest ITQ units other than R-ITQ units

- (1) This section applies in relation to hand-harvest ITQ units other than R-ITQ units.
- (2) The first hand-harvest ITQ year for hand-harvest ITQ units is the period starting on 1 July 2021 and ending on 30 June 2022.
- (3) The entitlement under a hand-harvest ITQ unit under section 106T applies to the period mentioned in subsection (2).
- (4) Any prescribed hand-harvest ITQ fish taken in a hand-harvest fishery under the primary commercial fishing licence held by the holder of hand-harvest ITQ units between 1 July 2021 and the commencement is taken to have been taken under the holder's hand-harvest ITQ units.

177 Logbooks

- (1) Chapter 5 applies only in relation to a fishing operation that starts after the commencement.
- (2) Any requirement about logbooks (however called) applying to a licence under the Act immediately before the commencement continues to apply—
 - (a) in relation to a fishing operation conducted under the licence that started before the commencement; and
 - (b) whether or not the fishing operation has ended on the commencement.
- (3) An approved form under the *Fisheries (General) Regulation 2019*, chapter 5, part 2 or 3, as in force before the commencement, held by the holder of a primary commercial fishing licence immediately before the commencement is taken

to be, for chapter 5—

- (a) if the approved form is for recording information about taking fish during fishing operations—an approved logbook (commercial fishing) for the licence; or
- (b) if the approved form is for recording information about interactions with particular animals during fishing operations—an approved logbook (TEP animal interaction) for the licence.

Note—

See also the *Fisheries (General) Regulation 2019*, sections 161 and 162.

178 Reporting requirements

- (1) Chapter 6 applies in relation to a fishing operation, and fish taken in a fishing operation, that starts after the commencement.
- (2) The relevant provisions continue to apply—
 - (a) in relation to a fishing operation, and fish taken in a fishing operation, started before the commencement; and
 - (b) whether or not the fishing operation has ended on the commencement.
- (3) In this section—

relevant provisions means the following provisions as in force immediately before the commencement—

 - (a) for a fishing operation for taking fish under the fishery symbol ‘SM’—schedule 5, parts 4 and 5;

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- (b) for a fishing operation for taking fish under the fishery symbol 'RQ'—schedule 6, part 5;
- (c) for a fishing operation for taking fish under the fishery symbol 'T4'—schedule 8, part 3, division 3.

179 Requirements to check fishing apparatus

- (1) This section applies to a requirement to check fishing apparatus under either of the following provisions if the fishing apparatus was set before the commencement—
 - (a) schedule 7A, section 48;
 - (b) schedule 7A, section 97.
- (2) The requirement applies in relation to the fishing apparatus as if the apparatus was set on the commencement.

158 Omission of sch 1 (Commercial harvest fisheries)

Schedule 1—

omit.

159 Replacement of sch 2 (East coast trawl fishery)

Schedule 2—

omit, insert—

Schedule 2 East coast trawl fishery

section 4

Part 1 Fishery, fishery symbols and fishery area

1 East coast trawl fishery

The east coast trawl fishery is the activity of fishing using trawl nets (*trawling*) for the fish mentioned in section 4 in the fishery area, as provided under this schedule.

2 Fishery symbols

The fishery symbols for the fishery are ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’.

3 Fishery area

The fishery area consists of the area of the tidal waters east of longitude 142°31.89' east.

Part 2 Authorisation

Division 1 General

4 What fish may be taken

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

- (a) any of the following fish (each a *principal fish*)—
 - (i) prawns;

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- (ii) bugs other than Balmain bugs (each a *principal bug*);
- (iii) scallops;
- (iv) squid;
- (b) any of the following fish, if the fish are taken while taking a principal fish—
 - (i) Balmain bugs;
 - (ii) blue swimmer crabs;
 - (iii) cuttlefish;
 - (iv) mantis shrimps;
 - (v) octopus;
 - (vi) pipefish;
 - (vii) red champagne lobsters;
 - (viii) slipper lobsters;
 - (ix) threadfin bream;
 - (x) three-spotted crabs.

5 Who may take fish

Permitted fish may be taken by trawling, and permitted fish taken by trawling may be possessed, only by a commercial fisher.

6 Fish may be taken only with unused effort unit entitlements

Permitted fish may be taken in a trawl region in an effort year only if the fish are taken under effort units for the trawl region with unused entitlements for the effort year.

7 Possessing particular fishing apparatus

- (1) A person may possess, on a boat in the fishery area, a beam, otter board or trawl sled used with a net only if—
- (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of trawl sleds a person may not possess—

- a trawl sled that has spikes attached to its trawl shoe
 - a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess, on a boat in the fishery area, a beam, otter board or trawl sled with a thing that—
- (a) is designed to attach to the beam, otter board or trawl sled; and
 - (b) if attached, would extend below the trawl shoe of the beam, otter board or trawl sled.

Division 2 M1 licences and M2 licences

8 Application of division

This division states where and in what way permitted fish may be taken under an M1 or M2 licence.

9 Where permitted fish may be taken

Permitted fish may be taken only in the Moreton Bay trawl region.

10 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets or otter trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

11 Net length

A net must be no longer than—

- (a) for a beam trawl net—10m; or
- (b) for an otter trawl net—32.5m.

12 Net mesh size

The mesh size of a net must be at least 38mm but no more than 60mm.

13 Length of sweeps of net

Each sweep used on a net must be no longer than 3m.

14 Covering net

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

15 Use of chains for net

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than 10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
 - (a) if a ground chain is used—6mm; or
 - (b) if something else is attached at 1 or more points to the bottom rope of an otter trawl net so that the thing is suspended below the bottom rope when the net is in use—10mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

16 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 11.

17 Use of crab bag

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

18 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—

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- (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
- (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

19 Use of BRD

A net, other than a try net, must achieve the purpose of a BRD.

20 Use of TED

A net, other than a try net, must achieve the purpose of a TED.

Division 3 T1 licences

21 Application of division

This division states where and in what way permitted fish may be taken under a T1 licence.

22 Where permitted fish may be taken

Permitted fish may be taken only in the T1 area.

23 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets or otter trawl nets.
- (2) However, scallops may be taken only by using otter trawl nets.
- (3) Permitted fish may be taken by a net only if—
 - (a) the net is used for the primary purpose of taking principal fish; and
 - (b) the net and its use comply with this division.

24 Net and head rope lengths

- (1) In the following areas, a beam trawl net must be no longer than 10m and an otter trawl net must be no longer than 32.5m—
 - (a) the Hervey Bay area;
 - (b) the Facing Island area;
 - (c) the Keppel Bay area;
 - (d) the Repulse Bay area;
 - (e) the Cleveland Bay area.
- (2) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope that is no longer than 8m.
- (3) An otter trawl 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)

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- 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 area regulated 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).
- (4) An otter trawl net used in the deep water net area must be no longer than 184m.
- (5) A beam trawl net used in an area other than an area mentioned in subsection (1) must be no longer than 10m.
- (6) An otter trawl net used in an area other than an area mentioned in subsection (1), (2), (3) or (4) must be no longer than—
- (a) if the net is used for the primary purpose of taking principal bugs or scallops—109m; or

- (b) if the net is used for the primary purpose of taking principal fish other than principal bugs or scallops—88m.

25 Net mesh size

- (1) A net used for the primary purpose of taking principal fish other than principal bugs or scallops must have—
 - (a) for a net used in the following areas—a mesh size of at least 38mm but no more than 60mm—
 - (i) the Hervey Bay area;
 - (ii) the Facing Island area;
 - (iii) the Keppel Bay area;
 - (iv) the Repulse Bay area;
 - (v) the Cleveland Bay area;
 - (vi) the deep water net area; or
 - (b) for a net used in the Laguna Bay area—a mesh size of at least 28mm; or
 - (c) for a net used in an area, other than an area mentioned in paragraph (a) or (b)—
 - (i) a mesh size of at least 43mm 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.
- (2) A net used for the primary purpose of taking principal bugs or scallops must have a mesh size of at least 75mm.

26 Length of sweeps of net

- (1) This section does not apply to the Laguna Bay area.
- (2) Each sweep used on a net must be no longer than—
 - (a) if the net is used in the Hervey Bay area—3m; or
 - (b) if the net is used in any other waters—10m.

27 Covering net

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

28 Use of chains for net

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than—
 - (a) if the net is used in the deep water net area—12mm; or
 - (b) if the net is used in any other waters—10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
 - (a) if a ground chain is used—6mm; or

-
- (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

29 Use of more than 1 net or head rope

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 24.

30 Use of crab bag

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

31 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
- (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
- (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe

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- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

32 Use of BRD

A net, other than a try net, must achieve the purpose of a BRD.

33 Use of TED

A net, other than a try net, must achieve the purpose of a TED.

Division 4 T2 licences

34 Application of division

This division states where and in what way permitted fish may be taken under a T2 licence.

35 Where permitted fish may be taken

Permitted fish may be taken only in the southern offshore trawl region B.

36 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using otter trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

37 Net length

- (1) A net used in the deep water net area must be no longer than 184m.

- (2) A net used in an area other than the deep water net area must be no longer than—
 - (a) if the net is used for the primary purpose of taking principal bugs or scallops—109m; or
 - (b) if the net is used for the primary purpose of taking permitted fish other than principal bugs or scallops—88m.

38 Net mesh size

- (1) A net used for the primary purpose of taking permitted fish other than principal bugs or scallops must—
 - (a) have a mesh size of at least 43mm but no more than 60mm; and
 - (b) 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 principal bugs or scallops must have a mesh size of at least 75mm.

39 Length of sweeps of net

Each sweep used on a net must be no longer than 10m.

40 Covering net

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
 - (a) if the net is used for the primary purpose of taking principal bugs or scallops—at least 75mm; or

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- (b) if the net is used for the primary purpose of taking permitted fish other than principal bugs or scallops—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than any part within 150 rows of mesh from its drawstring, must not be completely covered.

41 Use of chains for net

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than—
 - (a) if the net is used in the deep water net area—12mm; or
 - (b) if the net is used in any other waters—10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
 - (a) if a ground chain is used—6mm; or
 - (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

42 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 37

for a net.

43 Use of crab bag

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

44 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
 - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

45 Use of BRD

A net, other than a try net, must achieve the purpose of a BRD.

46 Use of TED

A net, other than a try net, must achieve the purpose of a TED.

Division 5 T5 licences

47 Application of division

This division states where and in what way permitted fish may be taken under a T5 licence.

48 Where permitted fish may be taken

Permitted fish may be taken only in the T5 area.

49 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using—
 - (a) in the Laguna Bay area—otter trawl nets; or
 - (b) in any other waters—beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

50 Net and head rope lengths

- (1) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.
- (2) A beam trawl net used in waters other than in the Laguna Bay area must be no longer than 5m.

51 Net mesh size

- (1) A net must have a mesh size of at least 28mm.
- (2) A net, other than a net used in the Noosa River and lakes connected to it or in the Laguna Bay area, must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

52 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

53 Use of more than 1 net or head rope

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 50.

54 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
 - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

55 Use of BRD

A net must achieve the purpose of a BRD.

56 Use of TED in Laguna Bay area

A net used in the Laguna Bay area must achieve the purpose of a TED.

Division 6 T6 licences

57 Application of division

This division states where and in what way permitted fish may be taken under a T6 licence.

58 Where permitted fish may be taken

Permitted fish may be taken only in the T6 area.

59 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

60 Net length

- (1) A net used in the Hervey Bay area must be no longer than 10m.
- (2) A net used in waters other than the Hervey Bay area must be no longer than 5m.

61 Net mesh size

- (1) A net used in the Hervey Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (2) A net used in waters other than the Hervey Bay area must have—
 - (a) a mesh size of at least 28mm; and
 - (b) a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

62 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
 - (a) if the net is used in the Hervey Bay area—at least 38mm but no more than 60mm; or
 - (b) if the net is used in waters other than the Hervey Bay area—at least 28mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

63 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 60 for a net.

64 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.

- (2) The net may be used only if—
- (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

65 Use of BRD

A net used must achieve the purpose of a BRD.

66 Use of TED other than in river or creek

A net, other than a net used in a river or creek, must achieve the purpose of a TED.

Division 7 T7 licences

67 Application of division

This division states where and in what way permitted fish may be taken under a T7 licence.

68 Where permitted fish may be taken

Permitted fish may be taken only in the T7 area.

69 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

70 Net length

A net must be no longer than 5m.

71 Net mesh size

- (1) A net must have a mesh size of at least 28mm.
- (2) A net must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

72 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

73 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than 5m.

74 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl

sled is used with a net.

- (2) The net may be used only if—
- (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

75 Use of BRD

A net must achieve the purpose of a BRD.

Division 8 T8 licences

76 Application of division

This division states where and in what way permitted fish may be taken under a T8 licence.

77 Where permitted fish may be taken

Permitted fish may be taken only in the T8 area.

78 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the

net and its use complies with this division.

79 Net length

A net must not be longer than—

- (a) for a net used in the Facing Island area or the Keppel Bay area—10m; or
- (b) for a net used in another part of the fishery area—5m.

80 Net mesh size

- (1) A net used in a river or creek, other than in the Fitzroy River mouth area, must have a mesh size of at least 28mm.
- (2) A net used in the Fitzroy River mouth area must have a mesh size of at least 31mm.
- (3) A net used in the Facing Island area or the Keppel Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (4) A net used in a river or creek must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

81 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
 - (a) if the net is used in a river or creek, other than in the Fitzroy River mouth area—at least 28mm; or
 - (b) if the net is used in the Fitzroy River mouth area—at least 31mm; or

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- (c) if the net is used in the Facing Island area or the Keppel Bay area—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

82 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 79 for a net.

83 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
 - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and
 - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

84 Use of BRD

A net must achieve the purpose of a BRD.

85 Use of TED other than in river or creek

A net, other than a net used in a river or creek, must achieve the purpose of a TED.

Division 9 T9 licences

86 Application of division

This division states where and in what way permitted fish may be taken under a T9 licence.

87 Where permitted fish may be taken

Permitted fish may be taken only in the T9 area.

88 Way permitted fish may be taken

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken with a net only if the net and its use comply with this division.

89 Net length

- (1) A net used in a river or creek must be no longer than 5m.
- (2) A net used other than in a river or creek must be no longer than 10m.

90 Net mesh size

- (1) A net used in a river or creek must have a mesh size of at least 28mm.
- (2) A net used other than in a river or creek must have a mesh size of at least 38mm but no more than

60mm.

- (3) A net used in a river or creek must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

91 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
 - (a) if the net is used in a river or creek—at least 28mm; or
 - (b) if the net is used other than in a river or creek—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

92 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 89 for a net.

93 Use of nets with particular fishing apparatus or attachments

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
 - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and

- (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of nets that must not be used—

- a net that uses a trawl sled that has spikes attached to its trawl shoe
- a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

94 Use of BRD

A net used must achieve the purpose of a BRD.

95 Use of TED other than in river or creek

- (1) A net, other than a net used in a river or creek, must achieve the purpose of a TED.
- (2) However, a net used under this division is not required to achieve the purpose of a TED if—
 - (a) the boat from which the net is used—
 - (i) is no longer than 6.7m; and
 - (ii) has an outboard engine with no more than 90kW of power; and
 - (b) the net—
 - (i) is used in water shallower than 3m; and
 - (ii) remains in the water for no more than 25 minutes; and
 - (iii) is used only by hand, without any equipment to assist in its use.

Division 10 Use of BRDs

Subdivision 1 General

96 Meaning of *BRD* and *purpose of a BRD*

- (1) A *BRD* is a bycatch reduction device.
- (2) The *purpose of a BRD* is to reduce the level of bycatch taken by the use of the net to the lowest level that allows the economically viable use of the net, having regard to the sustainability of the fishery area's ecological systems.

97 Achieving purpose of BRD

A net is taken to achieve the purpose of a BRD if the net includes or is used with a device (a *recognised BRD*) that complies with—

- (a) for an otter trawl net used to trawl for prawns—subdivision 2; or
- (b) for an otter trawl net used to trawl for principal bugs or scallops—subdivision 3; or
- (c) for a beam trawl net—subdivision 4.

Subdivision 2 Recognised BRDs for otter trawl nets used to trawl for prawns

98 Application of subdivision

This subdivision applies to an otter trawl net used to trawl for prawns.

99 Square mesh cod end—northern trawl region or central trawl region

- (1) The cod end of a net used in the northern trawl region or central trawl region is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 50mm; and
 - (b) at least—
 - (i) 80 bars in circumference; and
 - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh.

100 Square mesh cod end—deep water net area

- (1) The cod end of a net used in the deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 45mm; and
 - (b) at least—
 - (i) 80 bars in circumference; and
 - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise

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knotted, the cod end must contain 4 evenly spaced belly ropes.

- (5) During trawling, nothing must cover any of the square mesh.

101 Square mesh cod end—outside of northern trawl region, central trawl region and deep water net area

- (1) The cod end of a net used outside of the northern trawl region, central trawl region and deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
- (a) a mesh size of at least 38mm; and
 - (b) at least—
 - (i) 80 bars in circumference; and
 - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel made of square mesh of—
- (a) a mesh size of at least 45mm; and
 - (b) at least—
 - (i) 300mm wide; and
 - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

102 Square mesh panel—outside of central trawl region

- (1) A panel of a net used outside of the central trawl region is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The panel must be installed so that—
 - (a) the trailing edge of the surrounding panel is no more than 35 meshes from the cod end drawstrings of the net; and
 - (b) the trailing edge of the centre panel is no more than 40 meshes from the cod end drawstrings of the net.
- (5) The surrounding panel must be made of square mesh of—
 - (a) a mesh size of at least 45mm; and
 - (b) at least—
 - (i) 550mm wide; and
 - (ii) 700mm long.
- (6) The centre panel must be made of square mesh of—
 - (a) a mesh size of at least 55mm; and
 - (b) at least—
 - (i) 250mm wide; and
 - (ii) 300mm long.
- (7) During trawling, nothing must cover any of the square mesh.

103 Fisheye

- (1) An opening, commonly known as a fisheye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) held open by a rigid frame that consists of—
 - (i) a semicircular-shaped frame; and
 - (ii) an isosceles triangle-shaped frame; and
 - (b) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
 - (a) at least—
 - (i) 350mm wide; and
 - (ii) 150mm high; and
 - (b) divided in half by a rigid bar; and
 - (c) attached, by a rigid bar—
 - (i) from the midpoint of the semicircular-shaped part of the frame; and
 - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
 - (a) equal to the width of the semicircular-shaped frame; and
 - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.

- (6) During trawling, nothing must cover any part of the opening.

104 Bigeye

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) in the top of the net; and
 - (b) at least 350mm across the width of the net; and
 - (c) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
 - (a) the part of the opening closest to the mouth of the net must be weighted by an approved chain or 300g of other weights; and
 - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 2 floats, each of which is at least—
 - (i) 90mm wide; and
 - (ii) 50mm in diameter; and
 - (c) nothing must cover any part of the opening.
- (5) In this section—

approved chain means a chain that—

 - (a) weighs at least 300g; and
 - (b) contains at least the following number of links—

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- (i) for a chain with links 4mm in diameter—42;
- (ii) for a chain with links 6mm in diameter—12;
- (iii) for a chain with links 8mm in diameter—6;
- (iv) for a chain with links 10mm in diameter—3.

105 V-cut and bell cod end—outside of central trawl region and deep water net area

- (1) A combination of the cod end of a net and a V-cut opening in the cod end used outside of the central trawl region and deep water net area is a recognised BRD if—
 - (a) the last 33 meshes of the net from the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end; and
 - (b) the opening complies with subsections (3) and (4); and
 - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
 - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
 - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
 - (a) be in the top of the net; and

- (b) have 2 diagonal forward measurements of 10 bars of the net; and
 - (c) have a lateral measurement along its forward edge of 11 meshes of the net.
- (4) The apex of the opening must not be more than 45 meshes of the net from the drawstrings.

Subdivision 3 Recognised BRDs for otter trawl nets used to trawl for principal bugs or scallops

106 Application of subdivision

This subdivision applies to an otter trawl net used to trawl for principal bugs or scallops.

107 Scallop square mesh cod end

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 88mm; and
 - (b) at least—
 - (i) 50 bars in circumference; and
 - (ii) 1,500mm long.
- (3) The square mesh must be no more than 15 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh other than a compliant chaffing mat.

(6) In this section—

compliant chaffing mat, for a cod end, means a mat that is attached to the bottom half of the circumference of the cod end—

- (a) only—
 - (i) along the leading edge of the mat; and
 - (ii) halfway along the length of each side of the mat; and
 - (iii) at a point on each rear corner of the mat; and
- (b) along no more than half of the length of the cod end.

Subdivision 4 Recognised BRDs for beam trawl nets

108 Application of subdivision

This subdivision applies to a beam trawl net.

109 Square mesh cod end

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 31mm; and
 - (b) at least—
 - (i) 100 bars in circumference; and
 - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.

- (4) The square mesh must have installed in it a panel made of square mesh of—
 - (a) a mesh size of at least 45mm; and
 - (b) at least—
 - (i) 300mm wide; and
 - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

110 Square mesh panel

- (1) A panel of a net is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The surrounding panel must be made of square mesh of—
 - (a) a mesh size of at least 40mm; and
 - (b) at least—
 - (i) 450mm wide; and
 - (ii) 600mm long.
- (5) The centre panel must be made of square mesh of—
 - (a) a mesh size of at least 50mm; and
 - (b) at least—
 - (i) 200mm wide; and

- (ii) 300mm long.
- (6) The panel must be installed so that—
 - (a) the trailing edge of the surrounding panel is no more than 60 meshes from the cod end drawstrings of the net; and
 - (b) the trailing edge of the centre panel is no more than 65 meshes from the cod end drawstrings of the net.
- (7) During trawling, nothing must cover any of the square mesh.

111 Fisheye

- (1) An opening, commonly known as a fisheye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) held open by a rigid frame that consists of—
 - (i) a semicircular-shaped frame; and
 - (ii) an isosceles triangle-shaped frame; and
 - (b) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
 - (a) at least—
 - (i) 230mm wide; and
 - (ii) 100mm high; and
 - (b) divided in half by a rigid bar; and
 - (c) attached, by a rigid bar—

- (i) from the midpoint of the semicircular-shaped part of the frame; and
 - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
 - (a) equal to the width of the semicircular-shaped frame; and
 - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

112 Bigeye

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) in the top of the net; and
 - (b) at least 230mm across the width of the net; and
 - (c) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
 - (a) the part of the opening closest to the mouth of the net must be weighted by an approved chain or 300g of other weights; and

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- (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 1 float that is at least—
 - (i) 90mm wide; and
 - (ii) 50mm in diameter; and
 - (c) nothing must cover any part of the opening.
- (5) In this section—

approved chain means a chain that—

- (a) weighs at least 300g; and
- (b) contains at least the following number of links—
 - (i) for a chain with links 4mm in diameter—42;
 - (ii) for a chain with links 6mm in diameter—12;
 - (iii) for a chain with links 8mm in diameter—6;
 - (iv) for a chain with links 10mm in diameter—3.

113 V-cut and bell cod end

- (1) A combination of the cod end of a net and a V-cut opening in the cod end is a recognised BRD if—
 - (a) the following number of the meshes of the net before the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end—
 - (i) if the net has a mesh size of less than 31mm—50;
 - (ii) if the net has a mesh size of 31mm or more—40; and

- (b) the opening complies with subsections (3) and (4); and
 - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
- (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
 - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
- (a) be in the top of the net; and
 - (b) have 2 diagonal forward measurements of the following number of bars of the net each—
 - (i) if the net has a mesh size of less than 31mm—15;
 - (ii) if the net has a mesh size of 31mm or more—12; and
 - (c) have a lateral measurement along its forward edge of the following number of meshes of the net—
 - (i) if the net has a mesh size of less than 31mm—16;
 - (ii) if the net has a mesh size of 31mm or more—13.
- (4) The apex of the opening must not be more than the following number of meshes of the net from the drawstrings—
- (a) if the net has a mesh size of less than 31mm—65;

- (b) if the net has a mesh size of 31mm or more—55.

Division 11 Use of TEDs

Subdivision 1 General

114 Meaning of *TED* and *purpose of a TED*

- (1) A *TED* is a turtle excluder device.
- (2) The *purpose of a TED* is to allow turtles to escape immediately after being taken in a net.

115 Achieving purpose of TED

- (1) A net is taken to achieve the purpose of a TED if—
 - (a) the net includes or is used with a device (a *recognised TED*) that complies with this division; and
 - (b) if an accelerator funnel is attached to a recognised TED—the accelerator funnel complies with section 120.
- (2) A device is a recognised TED if it consists of—
 - (a) a grid that complies with section 116(1) and (2); and
 - (b) an opening (the *escape hole*) in the net that complies with section 117; and
 - (c) if the escape hole is in the bottom of the net—
 - (i) a grid that complies with section 116(3); or

- (ii) floats that comply with section 119;
and
- (d) a flap covering the escape hole that
complies with section 118.

Subdivision 2 Requirements for recognised TEDs

116 Grid requirements

- (1) The grid must—
 - (a) be at least 810mm wide and 810mm high;
and
 - (b) have vertical bars, spaced no more than
120mm apart, extending from the top to the
bottom of the net; and
 - (c) be constructed as a single solid unit without
any hinged or collapsible components; and
 - (d) be attached to the entire circumference of
the net; and
 - (e) be installed and kept at an angle of between
30° and 55° in the net so that it is inclined
towards the escape hole.
- (2) The grid must be constructed of rigid material.
- (3) Also, if the escape hole is in the bottom of the net,
the grid must be—
 - (a) constructed of a material with a density of
no more than the density of seawater; and
 - (b) appropriately marked with—
 - (i) the density of the material, expressed in
g/cm³ or kg/cm³; and
 - (ii) the name of the grid's manufacturer.

117 Escape hole requirements

- (1) The escape hole must allow turtles to escape immediately after the turtles are taken in the net.
- (2) The escape hole must consist of—
 - (a) a horizontal cut that is—
 - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
 - (ii) at least 610mm wide; and
 - (iii) no narrower than the grid, other than for 100mm at either side of the grid; and
 - (b) 2 cuts that are each—
 - (i) in front of and perpendicular to the trailing edge of the grid; and
 - (ii) of equal length; and
 - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
 - (c) a leading edge cut that, when the net is stretched, is at least—
 - (i) if the escape hole is covered with a single flap—1,810mm; or
 - (ii) if the escape hole is covered with a double flap—1,420mm.
- (3) Alternatively, the escape hole may consist of—
 - (a) a horizontal cut that is—
 - (i) at the trailing edge of the escape hole and immediately in front of and

- parallel to the trailing edge of the grid;
and
- (ii) at least 1,020mm wide; and
- (b) 2 all bar cuts that each—
 - (i) are of equal length and at least 1,360mm long; and
 - (ii) taper from either end of the horizontal cut mentioned in paragraph (a) to where the cuts meet.
- (4) Alternatively, the escape hole may consist of—
 - (a) a horizontal cut that is—
 - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
 - (ii) at least 610mm wide; and
 - (iii) no narrower than the grid, other than for 100mm at either side of the grid; and
 - (b) 2 cuts that are each—
 - (i) in front of and perpendicular to the trailing edge of the grid; and
 - (ii) of equal length; and
 - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
 - (c) 2 all bar cuts that—
 - (i) each intersect with, and are in front of, the perpendicular cuts mentioned in paragraph (b); and

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- (ii) are each of equal length and at least 500mm long; and
 - (iii) allow the escape hole, at the intersections mentioned in subparagraph (i), to stretch to, if the escape hole is covered with a single flap, 1,810mm, or if the escape hole is covered with a double flap, 1,420mm.
- (5) In this section—
- all bar cut*** means a cut through parallel opposing bars in a row of meshes.

118 Flap requirements

- (1) The escape hole must be covered by a rectangular flap attached to the outside of the net.
- (2) The flap must consist of 1 panel that—
 - (a) has a mesh size of no more than—
 - (i) for a net used to trawl for prawns—50mm; or
 - (ii) for a net used to trawl for scallops—90mm; and
 - (b) is at least—
 - (i) 3,380mm wide; and
 - (ii) 1,320mm long; and
 - (c) does not overlap the escape hole by more than 130mm on either side; and
 - (d) is not sewn down the outside edges more than 150mm past the trailing edge of the grid; and
 - (e) is attached, by the longer edge, to the net in front of the leading edge of the escape hole.

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- (3) Alternatively, the flap may consist of 2 equal-sized panels that—
 - (a) each have a mesh size of no more than—
 - (i) for a net used to trawl for prawns—50mm; or
 - (ii) for a net used to trawl for scallops—90mm; and
 - (b) are each at least 1,470mm wide; and
 - (c) do not overlap by more than 380mm along the leading edge of the panels, when each panel is fully stretched; and
 - (d) are sewn together only along the leading edges of the panels; and
 - (e) are attached to the net in front of the leading edge of the escape hole.
 - (4) The trailing edge of a flap must not extend more than 610mm behind the trailing edge of the grid.

119 Float requirements

- (1) If the escape hole is in the bottom of the net, the following floats must be attached to the grid—
 - (a) if the grid has a circumference of no more than 3,050mm, at least—
 - (i) 2 small floats; or
 - (ii) 1 medium float;
 - (b) if the grid has a circumference of more than 3,050mm, at least—
 - (i) 4 small floats; or
 - (ii) 2 medium floats.
- (2) Alternatively, the following floats may be attached to the grid—

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- (a) 3 small plastic floats;
 - (b) 2 medium plastic floats;
 - (c) 1 large plastic float.
- (3) Alternatively, 1 or more floats, with a total buoyancy at least equal to the weight of the recognised TED, may be attached to the grid if—
- (a) the buoyancy, expressed in grams or kilograms, of each float is appropriately marked on the float; and
 - (b) the weight of the recognised TED is appropriately marked on the grid.

- (4) In this section—

attached means attached to the top half of the grid—

- (a) inside the net and behind the grid; or
- (b) outside the net but not attached to a flap.

large plastic float means a float made of hard plastic that is at least 250mm in diameter.

medium float means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

- (a) 222mm long; and
- (b) 172mm in diameter.

medium plastic float means a float made of hard plastic that is at least 200mm, but less than 250mm, in diameter.

small float means a float made of ethylene vinyl acetate or polyvinyl chloride that is—

- (a) at least 180mm, but less than 222mm, long; and

(b) at least 147mm, but less than 172mm, in diameter.

small plastic float means a float made of hard plastic that is at least 150mm, but less than 200mm, in diameter.

weight means weight expressed in grams or kilograms.

120 Accelerator funnel requirements

- (1) The accelerator funnel must be made of mesh of a mesh size of at least 38mm but no more than 50mm.
- (2) The accelerator funnel must be installed in the leading edge of the net in front of the recognised TED so that—
 - (a) the leading edge of the accelerator funnel is attached at least 18 meshes in front of the closest point of the grid; and
 - (b) the trailing edge of the accelerator funnel does not extend past the bars of the grid.
- (3) If the recognised TED has an escape hole in the top of the net, the bottom of the trailing edge of the accelerator funnel must be attached to the bottom of the recognised TED by no more than one-third of the circumference of the trailing edge.
- (4) If the recognised TED has an escape hole in the bottom of the net, the top of the trailing edge of the accelerator funnel must be attached to the top of the recognised TED by no more than one-third of the circumference of the trailing edge.
- (5) The circumference of the trailing edge of the accelerator funnel must be at least—

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- (a) for an accelerator funnel with a mesh size of at least 38mm but less than 43mm—100 meshes; or
- (b) for an accelerator funnel with a mesh size of at least 43mm but less than 48mm—93 meshes; or
- (c) for an accelerator funnel with a mesh size of at least of 48mm but less than 50mm—83 meshes; or
- (d) for an accelerator funnel with a mesh size of at least 50mm—80 meshes.

Part 3 Conditions

Division 1 General conditions

121 Use of primary boats

- (1) It is a condition of the following licences that a primary boat longer than 14m must not be used—
 - (a) M1 licence;
 - (b) M2 licence.
- (2) It is a condition of the following licences that a primary boat longer than 20m must not be used—
 - (a) T1 licence;
 - (b) T2 licence.
- (3) It is a condition of the following licences that a primary boat longer than 9m must not be used—
 - (a) T5 licence;
 - (b) T6 licence;
 - (c) T7 licence;

- (d) T8 licence;
- (e) T9 licence.

Division 2 Communication conditions

122 Purpose of division

This division prescribes conditions for an M1, M2, T1 or T2 licence.

123 Obligation to nominate communication mode for boat

- (1) The holder of the licence must, by notice to the chief executive, nominate a mode by which the chief executive or an inspector may communicate with the person in control of the primary boat identified in the licence whenever the person is on the boat.
- (2) The mode—
 - (a) can not be by the use of a radio or vessel tracking equipment; and
 - (b) must be able to be received on the boat instantaneously after the communication is sent by the chief executive or inspector.

Examples of modes that may be nominated—

a facsimile, mobile phone, radiophone or satellite phone

- (3) More than 1 mode may be nominated.
- (4) The holder may change the nominated mode by giving notice of a new nominated mode to the chief executive.
- (5) However, the new nominated mode must not be used until the chief executive has advised the holder that the notice of the change has been

received by the chief executive.

124 Obligation to ensure communication with person in control

The holder of the licence and the person in control of the primary boat identified in the licence must take all reasonable steps to ensure the chief executive or an inspector is, whenever the person is on the boat, able to communicate with the person by using a mode of communication nominated for the boat under section 123.

Division 3 Conditions about processing scallops for T1 licences

Subdivision 1 Processing scallops

125 Restrictions on processing scallops on commercial fishing boat

- (1) This section prescribes conditions for a T1 licence.
- (2) This section applies to the extent that processing a scallop involves more than sorting the scallop or removing half of the shell of the scallop.
- (3) A person may process a scallop on a commercial fishing boat used under the licence only if—
 - (a) the processing takes place in waters mentioned in subdivision 2; and
 - (b) the person in control of the boat is a commercial fisher.

Subdivision 2 Waters for processing scallops

126 Application of subdivision

For section 125(3)(a), this subdivision states the waters where scallops may be processed on a commercial fishing boat.

127 Tin Can Bay public wharf area

Tin Can Inlet within a 1n mile radius of the public wharf at Tin Can Bay township.

128 Parts of Hervey Bay

- (1) Hervey Bay within the following boundary—
 - from latitude 25°19.00' south, longitude 152°55.00' east then eastward along latitude 25°19.00' south to the intersection with the western shore of Big Woody Island
 - north along the western shore of Big Woody Island to the northern tip of Big Woody Island
 - to latitude 25°17.49' south, longitude 152°55.66' east
 - to latitude 25°18.10' south, longitude 152°55.66' east
 - to latitude 25°18.10' south, longitude 152°55.00' east
 - to latitude 25°19.00' south, longitude 152°55.00' east.
- (2) Hervey Bay within the following boundary—

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- from the special mark known as EU1 to the south cardinal mark known as S6
- to the special mark known as S4
- to the special mark known as EU1.

129 Burnett River from near Bundaberg to near Millaquin Sugar Mill

The Burnett River, Bundaberg between the railway bridge and the shortest straight line across the river from the pump station at the Millaquin Sugar Mill.

130 Area near Gladstone

The area near Gladstone within the following boundary—

- from the green beacon near the northern shore at the mouth of Auckland Inlet to the rear lead at Targinie Channel, Middle Bank
- to Permain Point on the southern tip of Picnic Island
- along the western shore of Picnic Island to its northern tip
- to the northern tip of Clinton Coal Wharf
- to the shore on the northern side of the wharf
- to the green beacon near the northern shore at the mouth of Auckland Inlet.

131 Area near Yeppoon

Waters near Double Head, near Yeppoon, within the following boundary—

- from the intersection of latitude 23°10.40' south with the mainland shore (near Bluff Point)
- to latitude 23°10.40' south, longitude 150°48.56' east
- to latitude 23°09.65' south, longitude 150°48.56' east
- to Double Head
- to Wreck Point
- along the shore to latitude 23°10.40' south.

132 Area near Bowen

Waters west of Stone Island, near Bowen, within the following boundary—

- from Dalrymple Point to the western side of South Head, Stone Island
- along the western shore of Stone Island to the tip of the sand spit at the island's south-western tip
- to the lead known as M5
to Dalrymple Point.

133 Area west of Cape Cleveland

Waters west of Cape Cleveland within the following boundary—

- from Cape Cleveland along the shore to longitude 147°00.07' east
- along longitude 147°00.07' east to latitude 19°11.91' south
- along latitude 19°11.91' south to the shore
- along the shore to Cape Cleveland.

134 Area west of Magnetic Island

Waters west of Magnetic Island within the following boundary—

- from latitude 19°07.91' south, on the western shore of Magnetic Island, along the latitude to longitude 146°46.07' east
- along longitude 146°46.07' east to latitude 19°08.91' south
- along latitude 19°08.91' south to the shore of Magnetic Island
- along the shore to latitude 19°07.91' south.

135 Part of North East Bay (Great Palm Island)

North East Bay (Great Palm Island) within the following boundary—

- from longitude 146°41.07' east, on the northern shore of Great Palm Island, along the longitude to latitude 18°42.91' south
- along latitude 18°42.91' south to longitude 146°40.07' east
- along longitude 146°40.07' east to the shore of Great Palm Island
- along the shore to longitude 146°41.07' east.

136 Lucinda Services Jetty area

Waters within a 1km radius of the seaward end of the Lucinda Services Jetty, Lucinda.

Part 4 Areas

Division 1 Trawl regions

137 Purpose of division

- (1) This division describes trawl regions for effort units.
- (2) Some trawl regions also form the part of the fishery area within which fish may be taken by trawling, or may be or must not be taken in a particular way, under particular licences.

138 Northern trawl region

The *northern trawl region* consists of the area of the tidal waters within the following boundary—

- from latitude 10°41.25' south, longitude 142°31.88' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 14°59.94' south, longitude 146°00.45' east
- to latitude 18°00.00' south, longitude 148°06.12' east
- to latitude 18°00.00' south, longitude 146°04.15' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east

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- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- to latitude 10°41.25' south, longitude 142°31.88' east.

139 Central trawl region

The *central trawl region* consists of the area of tidal waters within the following boundary—

- from latitude 18°00.00' south, longitude 146°04.15' east
- to latitude 18°00.00' south, longitude 148°06.12' east
- to latitude 18°19.88' south, longitude 148°20.04' east
- to latitude 18°44.89' south, longitude 152°35.04' east

-
- to latitude 21°09.05' south, longitude 154°00.87' east
 - to latitude 21°08.97' south, longitude 152°48.00' east
 - to latitude 21°08.04' south, longitude 152°33.12' east
 - to latitude 22°00.00' south, longitude 152°46.87' east
 - to latitude 22°00.00' south, longitude 149°29.83' east
 - along the shore to latitude 22°00.00' south, longitude 149°29.68' east
 - along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
 - to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point)
 - along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
 - to latitude 21°12.60' south, longitude 149°11.73' east
 - along the shore to latitude 21°08.84' south, longitude 149°12.63' east
 - to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
 - along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
 - to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)

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- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 18°00.00' south, longitude 146°04.15' east.

140 Southern inshore trawl region

The *southern inshore trawl region* consists of the area of tidal waters within the following boundary—

- from latitude 22°00.00' south, longitude 149°29.83' east
- to latitude 22°00.00' south, longitude 152°46.87' east
- to latitude 22°26.57' south, longitude 152°53.90' east
- to latitude 22°32.00' south, longitude 152°17.11' east
- to latitude 23°12.76' south, longitude 151°50.85' east
- to latitude 24°13.68' south, longitude 152°45.45' east
- to latitude 24°15.16' south, longitude 152°58.10' east
- to latitude 24°17.69' south, longitude 153°02.83' east
- to latitude 24°17.69' south, longitude 153°03.04' east
- to latitude 24°41.81' south, longitude 153°15.95' east
- along the western shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)
- to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
- along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)

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- to latitude 24°44.83' south, longitude 152°23.84' east
- along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
- to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)
- along the shore to latitude 24°00.50' south, longitude 151°36.22' east
- to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
- along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)
- to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)
- along the shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- to latitude 23°59.38' south, longitude 151°25.67' east
- along the shore to latitude 23°56.23' south, longitude 151°21.42' east
- to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
- along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
- to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)

- along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
- to latitude 23°28.77' south, longitude 150°52.38' east
- along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (southern tip of Rosslyn Bay breakwall)
- to latitude 23°09.52' south, longitude 150°47.10' east (northern end of Rosslyn Bay breakwall)
- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)
- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
- to latitude 22°23.01' south, longitude 149°48.55' east (Charon Point)
- along the shore to latitude 22°20.90' south, longitude 149°41.53' east
- to latitude 22°00.00' south, longitude 149°29.83' east.

141 Southern offshore trawl region A

The *southern offshore trawl region A* consists of

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the area of tidal waters within the following boundary—

- from latitude 28°09.88' south, longitude 153°33.10' east (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 Island 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 Island 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)
- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)
- to the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- along the shore to latitude 25°48.68' south, longitude 153°03.89' east (F[↑]B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F[↑]B sign at Hook Point)

- along the eastern shore of Fraser Island to latitude 24°41.81' south, longitude 153°15.95' east
- to latitude 24°17.69' south, longitude 153°02.83' east
- to latitude 24°15.16' south, longitude 152°58.10' east
- to latitude 24°13.68' south, longitude 152°45.45' east
- to latitude 23°12.76' south, longitude 151°50.85' east
- to latitude 22°32.00' south, longitude 152°17.11' east
- to latitude 22°26.57' south, longitude 152°53.90' east
- to latitude 22°00.00' south, longitude 152°46.87' east
- to latitude 21°08.04' south, longitude 152°33.12' east
- to latitude 21°08.97' south, longitude 152°48.00' east
- to latitude 21°09.05' south, longitude 154°00.87' east
- to latitude 22°14.89' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.89' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east

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- to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark).

142 Southern offshore trawl region B

The *southern offshore trawl region B* consists of the area of tidal 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' east (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 Island 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 Island to latitude 27°26.06' south, longitude 153°32.78' east (Point Lookout)
- to latitude 27°01.67' south, longitude 153°28.09' east (Cape Moreton)
- to latitude 26°48.15' south, longitude 153°09.03' east (Caloundra Head)

- 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°48.62' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign 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 24°17.69' south, longitude 153°03.04' east
- to latitude 24°21.40' 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.

143 Moreton Bay trawl region

The *Moreton Bay trawl region* consists of the area of the tidal waters within the following boundary—

- from latitude 27°04.93' south on Bribie Island's western shore (approximately

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- latitude 27°04.93' south, longitude 153°09.48' east)
- to latitude 27°09.19' south, longitude 153°03.91' east (the special mark flashing yellow light beacon off the Caboolture River)
 - to latitude 27°10.97' south, longitude 153°06.14' east (the special mark yellow flashing light beacon No. 1 at the entrance of the Scarborough Boat Harbour)
 - to latitude 27°11.03' south, longitude 153°07.97' east (the North Reef flashing green light beacon)
 - to latitude 27°14.51' south, longitude 153°07.40' east (the Garnet Rock flashing green light beacon off Margate)
 - to latitude 27°16.51' south, longitude 153°06.75' east (the Otter Rock flashing green light beacon off Woody Point)
 - to latitude 27°15.99' south, longitude 153°06.12' east
 - to latitude 27°19.44' south, longitude 153°06.44' east (the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek)
 - to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel)
 - to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)

- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°20.07' south, longitude 153°11.62' east (the Eastern Coffee Pot flashing red light beacon)
- to latitude 27°21.64' south, longitude 153°10.53' east (the east inner bar flashing red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°22.19' south, longitude 153°14.18' east (the north cardinal beacon north of St Helena Island)
- to latitude 27°24.34' south, longitude 153°14.50' east (the south cardinal light beacon south-east of St Helena Island)
- to latitude 27°24.86' south, longitude 153°14.56' east (the red light beacon north-east of Green Island)
- to latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point)
- to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)
- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)

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- to latitude 27°35.65' south, longitude 153°23.83' east (the south cardinal beacon at the southern tip of the Pelican Banks)
- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)
- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western shore (approximately latitude 27°30.14' south, longitude 153°24.08' east)
- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty at One Mile Anchorage)

- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)
- to latitude 27°27.25' south, longitude 153°19.98' east (the green light beacon that flashes every 6 seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)
- to latitude 27°25.31' south, longitude 153°18.26' east (the flashing green light beacon north of Chain Banks)
- to latitude 27°24.22' south, longitude 153°20.10' east (the northernmost red lateral beacon at the entrance to Rous Channel)
- to latitude 27°18.70' south, longitude 153°23.10' east (the northernmost green lateral beacon at the entrance to Fraser's Gutter)
- to latitude 27°15.90' south, longitude 153°23.06' east
- to latitude 27°15.90' south, longitude 153°23.61' east (Moreton Island's western shore)
- to latitude 26°48.53' south, longitude 153°07.99' east)
- along the shore to latitude 27°05.08' south on Bribie Island's eastern shore (Skirmish Point approximately latitude 27°05.08' south, longitude 153°12.43' east)
- along Bribie Island's eastern, southern and western shores to latitude 27°04.93' south on Bribie Island's western shore.

Division 2 Particular areas

144 Purpose of division

This division describes particular areas within the fishery area for either or both of the following purposes—

- (a) to identify the part of the fishery area within which fish may be taken by trawling under particular licences;
- (b) for the application of particular restrictions or conditions about the use of nets to take fish by trawling under particular licences.

145 Meaning of *Cleveland Bay area*

Cleveland Bay area means Cleveland Bay, near Townsville, south of a line from Cape Pallarenda to Cape Cleveland.

146 Meaning of *deep water net area*

The *deep water net area* means tidal waters within the following boundary—

- from latitude 28°03.48' south, longitude 153°47.06' east
- to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east
- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 26°29.90' south, longitude 153°34.06' east

-
- to latitude 26°19.90' south, longitude 153°40.76' east
 - to latitude 26°09.90' south, longitude 153°50.06' east
 - to latitude 24°59.90' south, longitude 153°35.06' east
 - to latitude 24°29.90' south, longitude 153°20.06' east
 - to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea Spit light, off the northern tip of Fraser Island)
 - to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
 - to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
 - to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
 - to latitude 22°34.40' south, longitude 151°56.06' east
 - to latitude 22°44.90' south, longitude 152°10.56' east
 - to latitude 22°38.63' south, longitude 152°43.43' east
 - to latitude 22°19.18' south, longitude 153°00.32' east
 - to latitude 22°00.00' south, longitude 152°56.58' east
 - to latitude 21°36.68' south, longitude 152°51.62' east

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- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°04.61' south, longitude 150°48.61' east

- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°29.91' south, longitude 149°49.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°45.64' south, longitude 148°09.21' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°14.91' south, longitude 147°24.27' east

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- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°09.91' south, longitude 147°10.86' east
- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 17°45.36' south, longitude 146°48.82' east
- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east
- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east

- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 18°19.91' south, longitude 148°20.06' east
- to latitude 18°44.91' south, longitude 152°35.06' east
- to latitude 22°14.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°22.06' east
- to latitude 27°57.90' south, longitude 154°00.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east.

147 Meaning of *Facing Island area*

Facing Island area means tidal waters within the following boundary—

- from latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)

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- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- to latitude 23°45.25' south, longitude 151°19.93' east (North Point, Facing Island)
- along the western shore to latitude 23°52.85' south, longitude 151°22.44' east (Gatcombe Head)
- to latitude 23°53.33' south, longitude 151°30.88' east (Fairway Buoy (Wild Cattle Cutting))
- to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east.

148 Meaning of *Fitzroy River mouth area*

Fitzroy River mouth area means Keppel Bay and adjoining rivers and creeks, south and west of the following line—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet
- along the western shore of Curtis Island to the southern bank of Barker Creek
- across The Narrows to the southern bank of Deception Creek at Division Point.

149 Meaning of *Hervey Bay area*

Hervey Bay area means Hervey Bay between latitude 25°04.90' south and a line—

- from longitude 152°49.40' east on the mainland shore (the eastern tip of Point Vernon, approximately latitude 25°14.72' south, longitude 152°49.40' east)
- to latitude 25°13.05' south, longitude 152°59.05' east (Sandy Point, Fraser Island).

150 Meaning of *Keppel Bay area*

Keppel Bay area means Keppel Bay within the following boundary—

- from latitude 23°30.90' south, longitude 150°59.64' east (an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
- along the shore to latitude 23°28.76' south, longitude 150°59.48' east (Warner Point)
- to latitude 23°24.97' south, longitude 150°51.15' east (Quartz Rock)
- to latitude 23°25.98' south, longitude 150°49.80' east
- to latitude 23°28.77' south, longitude 150°52.38' east (Cattle Point)
- to latitude 23°30.90' south, longitude 150°59.64' east.

151 Meaning of *Laguna Bay area*

Laguna Bay area means tidal waters within the following boundary—

- from the intersection of latitude 26°15.90' south with the mainland shore (near Teewah at approximately latitude 26°15.90' south, longitude 153°04.20' east)

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- to latitude 26°22.54' south, longitude 153°06.98' east (eastern tip of Noosa Head)
- then along the mainland shore to its intersection with latitude 26°15.90' south.

152 Meaning of *Repulse Bay area*

Repulse Bay area means Repulse Bay, near Proserpine, within the following boundary—

- from Rocky Point along the shore to the northern bank of the O'Connell River
- east for 2n miles
- to Rocky Point.

153 Meaning of *T1 area*

The *T1 area* means tidal 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' east (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 Island 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 Island 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)
 - 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°03.89' east (F↑B sign at Inskip Point)
 - to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
 - along the eastern shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)

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- to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
- along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)
- to latitude 24°44.83' south, longitude 152°23.84' east
- along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
- to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)
- along the shore to latitude 24°00.50' south, longitude 151°36.22' east
- to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
- along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)
- to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)
- along the shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- to latitude 23°59.38' south, longitude 151°25.67' east
- along the shore to latitude 23°56.23' south, longitude 151°21.42' east
- to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
- along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
- to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)

- along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
- to latitude 23°28.77' south, longitude 150°52.38' east
- along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (southern tip of Rosslyn Bay breakwall)
- to latitude 23°09.52' south, longitude 150°47.10' east (northern end of Rosslyn Bay breakwall)
- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)
- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
- to latitude 22°23.01' south, longitude 149°48.55' east (Charon Point)
- along the shore to latitude 22°20.90' south, longitude 149°41.53' east

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- to latitude 22°00.00' south, longitude 149°29.68' east
- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east

-
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
 - along the shore to latitude 19°16.24' south, longitude 146°50.15' east
 - to latitude 19°16.13' south, longitude 146°50.13' east
 - to latitude 19°15.32' south, longitude 146°50.80' east
 - to latitude 19°14.57' south, longitude 146°50.14' east
 - to latitude 19°14.62' south, longitude 146°50.00' east
 - to latitude 19°15.01' south, longitude 146°49.74' east
 - to latitude 19°14.97' south, longitude 146°49.43' east
 - to latitude 19°14.98' south, longitude 146°49.35' east
 - along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
 - to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
 - along the shore to latitude 17°30.65' south, longitude 146°04.22' east
 - to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
 - along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
 - to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)

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- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 18°19.91' south, longitude 148°20.04' east
- to latitude 18°44.90' south, longitude 152°35.04' 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.

154 Meaning of *T5 area*

- (1) The *T5 area* means all tidal waters of the following—
 - (a) the Brisbane River–Victoria Bridge to Juno Point area described in subsection (2);
 - (b) the Brisbane River mouth area described in subsection (3);
 - (c) the Noosa River and lakes connected to the Noosa River;
 - (d) the Laguna Bay area;
 - (e) the Logan River area described in subsection (4);
 - (f) other rivers or creeks south of Double Island Point.
- (2) The *Brisbane River–Victoria Bridge to Juno Point area* means Brisbane River between the Victoria Bridge and a line from the F[↑]B sign at Juno Point to the tip of the eastern bank of the river.
- (3) The *Brisbane River mouth area* means tidal waters within the following boundary—
 - from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east)
 - to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
 - to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot beacon)
 - to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West)

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flashing white and red light beacon of the main shipping channel of the Brisbane River)

- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
 - to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot beacon)
 - to latitude 27°21.74' south on the mainland shore.
- (4) The *Logan River area* means Logan River and adjoining waterways, upstream of the line—
- from the intersection of the mainland shore with longitude 153°19.20' east (at approximately latitude 27°40.50' south) to latitude 27°40.40' south, longitude 153°19.50' east
 - to latitude 27°41.50' south, longitude 153°21.10' east
 - to the intersection of the mainland shore with longitude 153°21.10' east (at approximately latitude 27°41.90' south).

155 Meaning of *T6 area*

- (1) The *T6 area* means all tidal waters of the following—
- (a) the Great Sandy Strait area described in subsection (2);
 - (b) the Hervey Bay area;

-
- (c) rivers and creeks between Double Island Point and the northern bank of the Burrum River.
- (2) The ***Great Sandy Strait area*** means the Great Sandy Strait between the following lines—
- a line from the F[↑]B sign at the mouth of Pulgul Creek to the F[↑]B sign at the southern tip of Big Woody Island, and then to the F[↑]B sign at Blackfellow Point, Fraser Island
 - a line from the F[↑]B sign at North Head, Mary River to the F[↑]B sign at North White Cliffs, Fraser Island.

156 Meaning of ***T7 area***

- (1) The ***T7 area*** means all tidal waters of the following—
- (a) the Moore Park beach area described in subsection (2);
- (b) rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).
- (2) The ***Moore Park beach area*** means tidal waters within the following boundary—
- from latitude 24°44'11" south, longitude 152°22'00" east on the mainland shore
 - to latitude 24°40'52" south, longitude 152°22'00" east
 - to latitude 24°40'58" south, longitude 152°19'10" east
 - to latitude 24°36'47" south, longitude 152°13'43" east
 - to latitude 24°35'28" south, longitude 152°10'44" east

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- to latitude 24°30'00" south, longitude 152°06'31" east
- to latitude 24°30'01" south, longitude 152°02'33" east
- along the mainland shore to latitude 24°44'11" south, longitude 152°22'00" east.

157 Meaning of *T8 area*

The *T8 area* means all tidal waters of the following—

- (a) the Facing Island area;
- (b) the Keppel Bay area;
- (c) the Fitzroy River mouth area;
- (d) rivers and creeks between Richards Point (Rodds Peninsula) and Reef Point, south of Townshend Island.

158 Meaning of *T9 area*

(1) The *T9 area* means all tidal waters of the following—

- (a) the Llewellyn Bay area described in subsection (2);
- (b) the Repulse Bay area;
- (c) the Sinclair Bay area described in subsection (3);
- (d) the Cleveland Bay area;
- (e) rivers and creeks that are part of the fishery area of the east coast trawl fishery between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.

(2) The *Llewellyn Bay area* means Llewellyn Bay,

near Sarina, west of a line—

- from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
- to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).

(3) The ***Sinclair Bay area*** means Sinclair Bay, near Bowen, within the following boundary—

- from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude 20°06.80' south, longitude 148°26.81' east on the shore
- along the shore to latitude 20°09.54' south, longitude 148°25.36' east.

160 Amendment of sch 4, pt 1 (General netting and ocean beach fisheries)

(1) Schedule 4, section 25, after 'barramundi,'—

insert—

crabs,

(2) Schedule 4, after section 28—

insert—

29 Prescribed ENL-ITQ fish may be taken only with unused entitlements

Prescribed ENL-ITQ fish may be taken in a prescribed ENL management region in an ENL-ITQ year only if the fish are taken under ENL-ITQ units with unused entitlements for the ENL-ITQ year.

-
- (c) be made of monofilament that is no more than 0.5mm in diameter.
- (7) Schedule 4, section 48(a)—
omit, insert—
- (a) the net—
- (i) has a mesh size of at least 50mm but no more than 115mm; and
- (ii) is made of monofilament that is no more than 0.5mm in diameter; and
- (8) Schedule 4, section 50(1), from ‘only if’—
omit, insert—
- only if—
- (a) the net—
- (i) is no longer than 600m; and
- (ii) has a mesh size of at least 100mm but no more than 165mm; and
- (iii) is made of monofilament that is no more than 0.5mm in diameter; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (9) Schedule 4, section 51(a)—
insert—
- (iii) is made of monofilament that is no more than 0.5mm in diameter; and
- (10) Schedule 4, section 52(2)(a)—
insert—
- (iii) is made of monofilament that is no more than 0.5mm in diameter; and

- (b) has a mesh size of at least 150mm but no more than 178mm; and
- (c) is made of monofilament no more than 0.5mm in diameter.

163 Amendment of sch 4, pt 4 (Net fishery (east coast no. 3))

- (1) Schedule 4, section 76, after ‘barramundi,’—

insert—

crabs,

- (2) Schedule 4, section 77(2)—

omit, insert—

- (2) A net must—

- (a) have a mesh size of at least 160mm but no more than 165mm; and
- (b) be made of monofilament no more than 0.5mm in diameter.

164 Amendment of sch 4, pt 5 (Net fishery (east coast no. 4))

- (1) Schedule 4, section 90, after ‘barramundi,’—

insert—

crabs,

- (2) Schedule 4, section 92—

insert—

- (4) A bycatch reduction grid must be installed at the mouth of a tunnel net.
- (5) In this section—

bycatch reduction grid means a grid that—

- (a) is constructed as a single solid unit without any hinged or collapsible components; and

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- (b) is constructed of rigid material; and
- (c) has vertical bars, spaced no more than 200mm apart, extending from the top to the bottom of the net on which it is installed.

165 Insertion of new sch 4, pt 10

Schedule 4—

insert—

Part 10 Management regions

154 Purpose of part

This part describes management regions for—

- (a) ENL-ITQ units; and
- (b) other quotas for taking particular fish applying to a commercial fishery mentioned in this schedule.

155 East coast inshore management region 1

The *east coast inshore management region 1* consists of tidal waters in the fishery area between the top of the fishery area (just north of Cape York) and latitude 15°00' south (just north of Cooktown).

156 East coast inshore management region 2

The *east coast inshore management region 2* consists of tidal waters in the fishery area between latitude 15°00' south (just north of Cooktown) and latitude 19°00' south (near Balgal Beach).

157 East coast inshore management region 3

The east coast inshore management region 3 consists of tidal waters in the fishery area between latitude 19°00' south (near Balgal Beach) and latitude 22°00' south (near Clairview).

158 East coast inshore management region 4

The east coast inshore management region 4 consists of tidal waters in the fishery area between latitude 22°00' south (near Clairview) and latitude 24°30' south (Baffle Creek).

159 East coast inshore management region 5

The east coast inshore management region 5 consists of tidal waters in the fishery area between latitude 24°30' south (Baffle Creek) and the bottom of the fishery area (Queensland–New South Wales border).

166 Amendment of sch 5 (Spanish mackerel commercial fishery)

(1) Schedule 5, section 8—

omit, insert—

8 Fish may be taken only with unused entitlements

Spanish mackerel may be taken in an SM year only if the spanish mackerel is taken under SM units with unused entitlements for the SM year.

(2) Schedule 5, part 5—

omit.

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167 Amendment of sch 6 (Reef line commercial fishery)

- (1) Schedule 6, section 7—

omit, insert—

7 Prescribed regulated coral reef fin fish may be taken only with unused entitlements

Prescribed regulated coral reef fin fish may be taken in a line year only if the fish is taken under line units with unused entitlements for the line year.

- (2) Schedule 6, part 5—

omit.

168 Amendment of sch 7, pt 1 (Commercial crab fishery)

- (1) Schedule 7, section 5—

insert—

- (2) An item of crab apparatus used to take mud crabs must have positioned on the bottom edge of the apparatus—

- (a) 1 large rectangular escape vent; or
- (b) 2 small rectangular escape vents; or
- (c) 1 round escape vent.

- (3) In this section—

large rectangular escape vent means a rectangular opening in an item of crab apparatus that is at least 120mm long and 50mm wide.

round escape vent means a round opening in an item of crab apparatus that has a diameter of at least 105mm.

small rectangular escape vent means a rectangular opening in an item of crab apparatus that is at least 75mm long and 60mm wide.

- (2) Schedule 7, after section 7A, as inserted by this regulation—

insert—

8 Fish may be taken only with unused entitlements

- (1) A person may take mud crabs in the mud crab east coast management region in a C1-ITQ year only if the person holds, or is acting under, EC1-ITQ units with an entitlement of at least 1.2t of mud crabs.
- (2) A person may take mud crabs in the mud crab Gulf of Carpentaria management region in a C1-ITQ year only if the person holds, or is acting under, GC1-ITQ units with an entitlement of at least 1.2t of mud crabs.
- (3) Prescribed crabs may be taken in a prescribed crab management region in a C1-ITQ year only if the crabs are taken under C1-ITQ units with unused entitlements for the C1-ITQ year.

- (3) Schedule 7, part 1—

insert—

Division 4 Management regions

12B Purpose of division

This part describes management regions for C1-ITQ units.

12C Mud crab Gulf of Carpentaria management region

The *mud crab Gulf of Carpentaria management region* consists of all tidal waters in the fishery area west of longitude 142°31.49' east.

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12D Mud crab east coast management region

The *mud crab east coast management region* consists of all tidal waters in the fishery area east of longitude 142°31.49' east.

12E Blue swimmer crab management region

The *blue swimmer crab management region* consists of all tidal waters in the fishery area.

169 Insertion of new sch 7A

After schedule 7—

insert—

Schedule 7A Commercial hand-harvest fisheries

section 4

Part 1 Aquarium fish fishery

Division 1 Fishery, fishery symbols and fishery area

1 Aquarium fish fishery

The aquarium fish fishery is the activity of fishing for the fish mentioned in section 5 in the fishery area, as provided under this part.

2 Fishery symbols

The fishery symbols for the fishery are 'A1' and

‘A2’.

3 Fishery area

- (1) The fishery area consists of the area of the following waters—
 - (a) tidal waters within the Moreton Bay Marine Park;
 - (b) tidal waters north of Cape Moreton and south of latitude 26°18' south, other than waters within the Moreton Bay Marine Park;
 - (c) tidal waters west of longitude 151°08' east and between latitude 23°15' south and latitude 23° south;
 - (d) tidal waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;
 - (e) tidal waters within the following boundary—
 - from the intersection of latitude 17°08' south with the mainland shore to latitude 17°08' south, longitude 146°12' east
 - to latitude 16°51' south, longitude 146°28' east
 - to latitude 15°55' south, longitude 145°51' east
 - along latitude 15°55' south to the mainland shore
 - along the mainland shore to latitude 17°08' south;
 - (f) tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east, other

than the waters mentioned in paragraphs (a) to (e).

(2) In this section—

Moreton Bay Marine Park means the marine park described in the *Marine Parks (Declaration) Regulation 2006*, schedule 1.

Whitsundays Plan of Management means the *Whitsundays Plan of Management 1998* (Cwlth) prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.

Division 2 Authorisation

4 Where fish may be taken

Fish may be taken—

- (a) from the waters mentioned in section 3(1)(a) to (e) if the waters are stated on the licence; or
- (b) from the waters mentioned in section 3(1)(f).

5 What fish may be taken

- (1) Fish other than the following fish may be taken under the licence—
 - (a) barramundi;
 - (b) sea cucumber;
 - (c) shell grit;
 - (d) star sand;
 - (e) any species of coral, oyster, pearl oyster or trochus.

(2) In this section—

sea cucumber does not include fish of the following species—

- (a) *Bohadschia graeffei*;
- (b) *Calachrius crassus*;
- (c) *Cucmaria miniata*;
- (d) *Euapta godeffroyi*;
- (e) *Holothuria edulis*;
- (f) *Holothuria hilla*;
- (g) *Opheodesoma* spp.;
- (h) *Pentacta anceps*;
- (i) *Pentacta lutea*;
- (j) *Pseudocolchirus violaceus*;
- (k) *Stichopus noctivagus*;
- (l) *Synapta maculata*.

6 Way fish may be taken

- (1) Fish may be taken only by—
 - (a) hand; or
 - (b) using fishing lines, or cast, scoop or mesh nets under this division.
- (2) Underwater breathing apparatus or a herding device, including, for example, a rod, may also be used when taking fish.

7 Who may take fish

- (1) A commercial fisher and assistant fishers may take fish under the licence.
- (2) However, no more than 3 persons may take fish

under the licence at the same time.

- (3) A person taking fish under an A2 licence must not take or possess—
- (a) more than 10 fish; or
 - (b) more than 2 fish of the same species.

8 Use of fishing lines

A fishing line may be used only if it has a single barbless hook.

9 Use of cast nets

A cast net may be used only if the net—

- (a) is no longer than 3.7m; and
- (b) has a mesh size of no more than 28mm.

10 Use of scoop nets

A scoop net may be used only if the net—

- (a) is no more than 2m in any dimension; and
- (b) has—
 - (i) a mesh size of no more than 25mm; and
 - (ii) a handle or shaft no longer than 2.5m.

11 Use of mesh nets

- (1) A mesh net may be used only if the net—

- (a) is no longer than 16m; and
- (b) has—
 - (i) a mesh size of no more than 28mm; and

- (ii) a drop of no more than 3m.
- (2) A person using the net must be within 100m of it.

12 Selling fish

Fish taken under the licence may be sold only if the fish is to be used for—

- (a) display as aquarium fish; or
- (b) broodstock; or
- (c) a purpose related to a purpose mentioned in paragraph (a) or (b).

Division 3 Condition

13 Fish must not be taken for human consumption

- (1) This section prescribes a condition for the licence.
- (2) Fish must not be taken for human consumption.

Part 2 Sea cucumber fishery (east coast)

Division 1 Fishery, fishery symbol and fishery area

14 Sea cucumber fishery (east coast)

The sea cucumber fishery (east coast) is the activity of fishing for sea cucumber in the fishery area, as provided under this part.

15 Fishery symbol

The fishery symbol for the fishery is 'B1'.

16 Fishery area

- (1) The fishery area consists of—
 - (a) the area of all tidal waters east of longitude 142°31'49" east between latitude 10°41' south and latitude 26° south; and
 - (b) the Ashmore and Boot Reefs area.
- (2) The *Ashmore and Boot Reefs area* is the area of tidal waters within the following boundary—
 - from latitude 10°41' south, longitude 144°10' east
 - to latitude 10°28' south, longitude 144°10' east
 - to latitude 10°15' south, longitude 144°12' east
 - to latitude 9°54' south, longitude 144°28' east
 - to the intersection between longitude 144°28' east and the outer limit of the Australian fishing zone
 - to the intersection between the outer limit of the Australian fishing zone and longitude 145° east
 - to latitude 10°41' south, longitude 145° east
 - to latitude 10°41' south, longitude 144°10' east.
- (3) In this section—

Australian fishing zone has the meaning given by the Commonwealth Fisheries Act.

Division 2 Authorisation

17 What fish may be taken

Sea cucumber may be taken under the licence.

18 Way fish may be taken

- (1) Sea cucumber may be taken only by hand.
- (2) Underwater breathing apparatus may also be used when taking sea cucumber.

19 Who may take fish

- (1) A commercial fisher and assistant fishers may take sea cucumber under the licence.
- (2) However, no more than 6 persons may take sea cucumber under the licence at the same time.

20 Fish may be taken only with unused entitlements

Sea cucumber may be taken in a hand-harvest ITQ year only if the sea cucumber is taken under the following hand-harvest ITQ units with unused entitlements for the hand-harvest ITQ year—

- (a) for black teatfish—B1B-ITQ units;
- (b) for white teatfish—B1W-ITQ units;
- (c) for other seacucumber—B1O-ITQ units.

Part 3 Coral fishery

Division 1 Fishery, fishery symbol and fishery area

21 Coral fishery

The coral fishery is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under this part.

22 Fishery symbol

The fishery symbol for the fishery is 'D'.

23 Fishery area

The fishery area consists of the area of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

24 Where fish may be taken

Fish may be taken only from the area, within the fishery area, stated on the licence.

25 What fish may be taken

The following fish may be taken under the licence—

- (a) coral of the class Anthozoa or Hydrozoa, including its uncompact skeleton;
- (b) any marine organism living in or on coral mentioned in paragraph (a), other than a marine organism that is a regulated fish;

- (c) coral sand consisting of fine remnants of coral.

26 Way fish may be taken

- (1) Fish may be taken only by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking fish.

27 Who may take fish

- (1) A commercial fisher and assistant fishers may take fish under the licence.
- (2) However, no more than 3 persons may take fish under the licence at the same time.

28 Fish may be taken only with unused entitlements

Specialty coral or other coral may be taken in a hand-harvest ITQ year only if the coral is taken under the following hand-harvest ITQ units with unused entitlements for the hand-harvest ITQ year—

- (a) for specialty coral—DS-ITQ units;
- (b) for other coral—DO-ITQ units.

29 Maximum amount of coral sand that may be taken

No more than 5L of coral sand may be taken during a fishing operation.

Division 3 Conditions

30 Purpose of division

This division prescribes conditions for the licence.

31 Coral must not be trimmed

- (1) A person must not trim coral taken under the licence before the coral is unloaded.
- (2) In this section—
trim, for coral, means take any action to remove, or cause the removal of, a part of the substrate that is attached to the coral when the coral is taken.

32 Fish must not be released

- (1) A person must not release fish taken under the licence into Queensland waters.
- (2) Subsection (1) does not apply to the release of fish before it is removed from the water.

Part 4 Eel fishery

Division 1 Fishery, fishery symbol and fishery area

33 Eel fishery

The eel fishery is the activity of fishing for the eels mentioned in section 36 in the fishery area, as provided under this part.

34 Fishery symbol

The fishery symbol for the fishery is ‘E’.

35 Fishery area

The fishery area consists of the following—

- (a) waters in an impoundment formed by a dam stated on the licence;
- (b) waters in a privately owned artificially created impoundment within a river basin stated on the licence.

Division 2 Authorisation

Subdivision 1 General

36 What fish may be taken

Longfin eels and Southern shortfin eels may be taken under the licence.

37 Way fish may be taken

- (1) A person may take eels only by using an eel trap or a round eel trap.
- (2) A person may use an eel trap or round eel trap to take eels only if—
 - (a) the trap complies with subdivision 2; and
 - (b) the use of the trap complies with subdivision 3.

38 Who may take eels

Only a commercial fisher may take eels under the licence.

Subdivision 2 Eel traps and round eel traps

39 Application of subdivision

This subdivision applies to an eel trap or a round eel trap.

40 Trap entrance and trap pocket entrance

- (1) The trap must have only—
 - (a) 1 entrance into the trap itself (the *trap entrance*); and
 - (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
- (2) The trap entrance must not be extended by attaching wings.
- (3) The aperture of the trap pocket entrance must be no less than 20cm in any dimension.

41 Trap mesh size

- (1) The trap, other than its pocket, must have a mesh size of at least 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be no less than 22mm in any dimension.

42 Trap frame

The trap when set must have a frame made of rigid material.

43 Dimensions

The trap when set must have the following dimensions—

- (a) for an eel trap, a frame that is—
 - (i) no longer than 2m; and
 - (ii) no wider than 0.6m; and
 - (iii) no deeper than 0.6m;
- (b) for a round eel trap—
 - (i) a diameter no more than 1m; and
 - (ii) a height of no more than 0.6m.

44 Trap pocket

- (1) The pocket of the trap must—
 - (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and
 - (b) have rings that are—
 - (i) made of rigid material; and
 - (ii) no more than 1m apart; and
 - (iii) no less than 20cm in any dimension.
- (2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
- (3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.

(4) In this section—

trap pocket entrance see section 40(1)(b).

45 Trap float

The trap must have attached to it a float that is—

- (a) solid, light-coloured and clearly visible on the surface of the water; and
- (b) no less than 15cm in any dimension; and
- (c) marked with—
 - (i) the number of the licence under which the trap is being used; and
 - (ii) the first name and surname of the holder of the licence.

Subdivision 3 Use of eel traps and round eel traps

46 Restriction on trapping times

- (1) This section applies to an eel trap or a round eel trap in waters in the fishery area, other than waters—
 - (a) in a privately owned impoundment; or
 - (b) to which the public does not have access.

Example for paragraph (b)—

waters in a balancing storage, including, for example, the Bullyard Creek Balancing Storage

- (2) The trap must not be used on—
 - (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or

- (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- (3) However, the trap may remain in the water if it is not baited and its pocket is open.
- (4) In this section—
long weekend means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.
ordinary weekend means a weekend other than a long weekend.

47 Number of traps that may be used

No more than 50 eel traps or round eel traps may be used in an impoundment at the same time.

Division 3 Condition

48 Checking traps

- (1) This section prescribes a condition for the licence.
- (2) An eel trap or a round eel trap that is in use must be checked every 24 hours after being set.

Part 5 Shell fishery

Division 1 Fishery, fishery symbol and fishery area

49 Shell fishery

The shell fishery is the activity of fishing for the molluscs mentioned in section 52 in the fishery area, as provided under this part.

50 Fishery symbol

The fishery symbol for the fishery is ‘F’.

51 Fishery area

The fishery area consists of the area of all tidal waters and foreshores.

Division 2 Authorisation

52 What fish may be taken

Molluscs, other than green snails, oysters, pearl oysters, trochus or scallops, may be taken under the licence.

53 Way fish may be taken

- (1) Broken remnants of molluscs may be taken only by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements; or
 - (c) if stated on the licence, using mechanical equipment.
- (2) Molluscs, other than broken remnants, may be taken only by—

- (a) hand, without using digging or sieving implements; or
- (b) if stated on the licence, using shell dredges.

54 Use of shell dredges

A shell dredge used for taking molluscs must not have a mouth wider than 1.2m or teeth or prongs longer than 75mm.

55 Who may take fish

- (1) A commercial fisher and assistant fishers may take molluscs under the licence.
- (2) However, no more than 2 persons may take molluscs under the licence at the same time.

Part 6 Shell grit fishery

Division 1 Fishery, fishery symbol and fishery area

56 Shell grit fishery

The shell grit fishery is the activity of fishing for shell grit in the fishery area, as provided under this part.

57 Fishery symbol

The fishery symbol for the fishery is 'G'.

58 Fishery area

The fishery area consists of the area of all tidal

waters and foreshores south of latitude 10°41'
south and east of longitude 142°31'49" east.

Division 2 Authorisation

59 Where fish may be taken

Shell grit may be taken only in an area, within the fishery area, stated on the licence.

60 What fish may be taken

Shell grit may be taken under the licence.

61 Way fish may be taken

- (1) Shell grit may be taken only by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements.
- (2) A person may take shell grit only in a way that ensures the total volume of shell grit taken is replaced with an equal volume of sand that has been lawfully obtained.

62 Who may take fish

Only a commercial fisher may take shell grit under the licence.

63 Fish may be taken only with unused entitlements

Shell grit may be taken in a hand-harvest ITQ year only if the shell grit is taken under G-ITQ units with unused entitlements for the hand-harvest

ITQ year.

Part 7 Star sand fishery

Division 1 Fishery, fishery symbol and fishery area

64 Star sand fishery

The star sand fishery is the activity of fishing for star sand in the fishery area, as provided under this part.

65 Fishery symbol

The fishery symbol for the fishery is 'H'.

66 Fishery area

The fishery area consists of the area of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

67 Where fish may be taken

Star sand may be taken only in an area, within the fishery area, stated on the licence.

68 What fish may be taken

Star sand composed of the calcareous skeletons of unicellular animals known as Foraminifera may

be taken under the licence.

69 Way fish may be taken

Star sand may be taken only by—

- (a) hand; or
- (b) using hand-held non-mechanical implements.

70 Who may take fish

Only a commercial fisher may take star sand under the licence.

Part 8 Trochus fishery (east coast)

Division 1 Fishery, fishery symbol and fishery area

71 Trochus fishery (east coast)

The trochus fishery (east coast) is the activity of fishing for trochus in the fishery area, as provided under this part.

72 Fishery symbol

The fishery symbol for the fishery is 'J1'.

73 Fishery area

The fishery area consists of the area of all tidal waters south of latitude 10°41' south and east of

longitude 142°31'49" east.

Division 2 Authorisation

74 What fish may be taken

Trochus may be taken under the licence.

75 Way fish may be taken

- (1) Trochus may be taken only by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking trochus.

76 Who may take fish

- (1) A commercial fisher and assistant fishers may take trochus under the licence.
- (2) However, no more than 10 persons may take trochus under the licence at the same time.

77 Fish may be taken only with unused entitlements

Trochus may be taken in a hand-harvest ITQ year only if the trochus is taken under J1-ITQ units with unused entitlements for the hand-harvest ITQ year.

Part 9 Juvenile eel fishery

Division 1 Fishery, fishery symbol and fishery area

78 Juvenile eel fishery

The juvenile eel fishery is the activity of fishing for the juvenile eels mentioned in section 82 in the fishery area, as provided under this part.

79 Fishery symbol

The fishery symbol for the fishery is ‘JE’.

80 Fishery area

The fishery area consists of Queensland waters.

Division 2 Authorisation

Subdivision 1 General

81 Where fish may be taken

- (1) Elver and glass eels may be taken only in the area, within the fishery area, stated on the licence.
- (2) Juvenile eels may be taken in a tributary only—
 - (a) downstream of—
 - (i) the most downstream weir of the tributary; or
 - (ii) if the tributary does not have a weir—the point that is 1km upstream from the mouth of the river into which the tributary flows; and

- (b) up to 200m of either side of the mouth of the river into which the tributary flows.

82 What fish may be taken

Juvenile eels of the genus *Anguilla* may be taken under the licence.

83 Way fish may be taken

Juvenile eels may be taken only by—

- (a) using an eel trap or round eel trap—
 - (i) that complies with subdivision 2; and
 - (ii) in a way that complies with subdivision 3; or
- (b) using up to 3 scoop nets in a way that complies with subdivision 4; or
- (c) using up to 3 flow traps approved by the chief executive.

84 Who may take fish

- (1) A commercial fisher and assistant fishers may take juvenile eels under the licence.
- (2) However, no more than 3 persons may take juvenile eels under the licence at the same time.

85 Selling fish

- (1) A person who takes juvenile eels under the licence may sell the eels only for aquaculture in an approved aquaculture facility.
- (2) In this section—

approved aquaculture facility means a facility used for aquaculture in accordance with a material

change of use of premises for aquaculture that is or was—

- (a) accepted development under the Planning Act; or
- (b) the subject of a fisheries development approval.

Subdivision 2 Eel traps and round eel traps

86 Application of subdivision

This subdivision applies to an eel trap or a round eel trap.

87 Trap entrance and trap pocket entrance

- (1) The trap must have only—
 - (a) 1 entrance into the trap itself (the *trap entrance*); and
 - (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
- (2) The trap entrance must not be extended by attaching wings.
- (3) The aperture of the trap pocket entrance must be no less than 20cm in any dimension.

88 Trap mesh size

- (1) The trap, other than its pocket, must have a mesh size of at least 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be no less than 22mm in any dimension.

89 Trap frame

The trap when set must have a frame made of rigid material.

90 Dimensions

The trap when set must have the following dimensions—

- (a) for an eel trap, a frame that is—
 - (i) no longer than 2m; and
 - (ii) no wider than 0.6m; and
 - (iii) no deeper than 0.6m;
- (b) for a round eel trap—
 - (i) a diameter of no more than 1m; and
 - (ii) a height of no more than 0.6m.

91 Trap pocket

- (1) The pocket of the trap must—
 - (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and
 - (b) have rings that are—
 - (i) made of rigid material; and
 - (ii) no more than 1m apart; and
 - (iii) no less than 20cm in any dimension.
- (2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
- (3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.

(4) In this section—

trap pocket entrance see section 87(1)(b).

92 Trap float

The trap must have attached to it a float that is—

- (a) solid, light-coloured and clearly visible on the surface of the water; and
- (b) no less than 15cm in any dimension; and
- (c) marked with—
 - (i) the number of the licence under which the trap is being used; and
 - (ii) the first name and surname of the holder of the licence.

Subdivision 3 Use of eel traps and round eel traps

93 Restriction on trapping times

- (1) This section applies to an eel trap or a round eel trap in waters in the fishery area, other than waters—
 - (a) in a privately owned impoundment; or
 - (b) to which the public does not have access.

Example for paragraph (b)—

waters in a balancing storage, including, for example, the Bullyard Creek Balancing Storage

- (2) The trap must not be used on—
 - (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or

- (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- (3) However, the trap may remain in the water if it is not baited and its pocket is open.

- (4) In this section—

long weekend means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.

ordinary weekend means a weekend other than a long weekend.

94 Number of traps that may be used

Only 1 eel trap or round eel trap may be used to take juvenile eels under the licence in an impoundment at any time.

95 Other requirements

- (1) An eel trap or round eel trap must not be used to take juvenile eels within 20m of another eel trap or round eel trap being used by someone else to take juvenile eels.
- (2) An eel trap or round eel trap must not be used to take juvenile eels within 10m of the opening to a waterway that has a weir.
- (3) An eel trap or round eel trap may be used to take juvenile eels at night only if a fixed white light is displayed on the boat being used to take the eels.

Subdivision 4 Use of scoop nets

96 Use of scoop nets

A scoop net must not be used to take juvenile eels within 10m of the opening to a waterway that has a weir.

Division 3 Condition

97 Checking trap or net

- (1) This section prescribes a condition for the licence.
- (2) An eel trap, round eel trap or scoop net that is in use must be checked every 24 hours after being set.

Part 10 Oyster fishery

Division 1 Fishery, fishery symbol and fishery area

98 Oyster fishery

The oyster fishery is the activity of fishing for oysters mentioned in section 102, in the fishery area, as provided under this part.

99 Fishery symbol

The fishery symbol for the fishery is 'O'.

100 Fishery area

The fishery area consists of the area of all foreshores between low water and high water.

Division 2 Authorisation

101 Where fish may be taken

Oysters may be taken only in the area, within the fishery area, stated on the licence.

102 What fish may be taken

The following oysters may be taken under the licence—

- (a) blacklip oysters;
- (b) milky oysters.

103 Way fish may be taken

Oysters may be taken only by—

- (a) hand; or
- (b) using hand-held non-mechanical implements.

104 Who may take fish

- (1) A commercial fisher and assistant fishers may take oysters under the licence.
- (2) However, no more than 2 persons may take oysters under the licence at the same time.

Division 3 Conditions

105 Purpose of division

This division prescribes conditions for the licence.

106 Markers

- (1) A person taking oysters under the licence must keep a marker at the high water mark at each corner of the area within which oysters are being taken.
- (2) The marker must—
 - (a) state—
 - (i) the licence number of the commercial fisher licence under which the person is taking oysters; and
 - (ii) the name of the fishery; and
 - (b) have a diameter of no less than 500mm; and
 - (c) be made of retroflective material; and
 - (d) be kept no less than 2m above the surface of the land.
- (3) The marker must be kept in good condition at all times.

Part 11 Pearl fishery

Division 1 Fishery, fishery symbol and fishery area

107 Pearl fishery

The pearl fishery is the activity of fishing for live pearl oysters in the fishery area, as provided under this part.

108 Fishery symbol

The fishery symbol for the fishery is 'P'.

109 Fishery area

The fishery area consists of the area of tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

110 What fish may be taken

Live pearl oysters may be taken under the licence.

111 Way fish may be taken

- (1) Live pearl oysters may be taken only by—
 - (a) hand; or
 - (b) using hand-held implements.
- (2) Underwater breathing apparatus may also be used when taking live pearl oysters.

112 Who may take fish

- (1) A commercial fisher and assistant fishers may take live pearl oysters under the licence.
- (2) However, no more than 3 persons may take live pearl oysters under the licence at the same time.

Division 3 Condition

113 Selling fish

- (1) This section prescribes a condition for the licence.
- (2) Live pearl oysters taken under the licence may be sold only to a person acting under a development

approval for prescribed aquaculture development.

Part 12 Commercial crayfish and rocklobster fishery

Division 1 Fishery, fishery symbol and fishery area

114 Commercial crayfish and rocklobster fishery

The commercial crayfish and rocklobster fishery is the activity of fishing for the fish mentioned in section 117 in the fishery area, as provided under this part.

115 Fishery symbol

The fishery symbol for the fishery is ‘R’.

116 Fishery area

The fishery area consists of the area of the following tidal waters—

- (a) waters east of longitude 142°31'49" east, and north of latitude 14° south;
- (b) the waters in the Gulf of Carpentaria—
 - (i) between the 25n mile line and the shore; and
 - (ii) south of latitude 10°48' south;
- (c) waterways that join the waters mentioned in paragraph (b).

Division 2 Authorisation

117 What fish may be taken

Red champagne lobster and tropical rocklobster may be taken under the licence.

118 Way fish may be taken

- (1) Fish may be taken only by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements; or
 - (c) using spears or spear guns.
- (2) Underwater breathing apparatus may also be used when taking fish.

119 Who may take fish

- (1) A commercial fisher or assistant fisher may take fish under the licence.
- (2) However, only 1 person may take fish from each boat authorised to be used under the licence at the same time.

120 Fish may be taken only with unused entitlements

Fish may be taken in a hand-harvest ITQ year only if the fish are taken under R-ITQ units with unused entitlements for the hand-harvest ITQ year.

Part 13 Beachworm fishery

Division 1 Fishery, fishery symbol and fishery area

121 Beachworm fishery

The beachworm fishery is the activity of fishing for beachworms in the fishery area, as provided under this part.

122 Fishery symbol

The fishery symbol for the fishery is 'W1'.

123 Fishery area

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

124 Where fish may be taken

Beachworms may be taken only in the area, within the fishery area, stated on the licence.

125 What fish may be taken

Beachworms may be taken under the licence.

126 Way fish may be taken

Beachworms may be taken only by hand.

127 Who may take fish

- (1) A commercial fisher and assistant fishers may take beachworms under the licence.
- (2) However, only 1 person may take beachworms under the licence at a time.

Part 14 Bloodworm fishery

Division 1 Fishery, fishery symbol and fishery area

128 Bloodworm fishery

The bloodworm fishery is the activity of fishing for bloodworms in the fishery area, as provided under this part.

129 Fishery symbol

The fishery symbol for the fishery is 'W2'.

130 Fishery area

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

131 What fish may be taken

Bloodworms may be taken under the licence.

132 Way fish may be taken

- (1) Bloodworms may be taken only by hand or by using hand-held forks.
- (2) Bloodworms may be taken by digging up an area only if, immediately after the worms are taken, the person taking the worms puts any seagrass disturbed or removed by the digging in an upright position in the same location from which the seagrass was disturbed or removed.

133 Who may take fish

- (1) A commercial fisher and assistant fishers may take bloodworms under the licence.
- (2) However, only 1 person may take bloodworms under the licence at a time.

Part 15 Marine yabby fishery

Division 1 Fishery, fishery symbol and fishery area

134 Marine yabby fishery

The marine yabby fishery is the activity of fishing for marine yabbies in the fishery area, as provided under this part.

135 Fishery symbol

The fishery symbol for the fishery is ‘Y’.

136 Fishery area

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

Division 2 Authorisation

137 Where fish may be taken

Marine yabbies may be taken only in the area, within the fishery area, stated on the licence.

138 What fish may be taken

Marine yabbies may be taken under the licence.

139 Way fish may be taken

Marine yabbies may be taken only by using—

- (a) hand pumps; or
- (b) if stated on the licence, mechanical pumps.

140 Who may take fish

- (1) A commercial fisher and assistant fishers may take marine yabbies under the licence.
- (2) However, only 1 person may take marine yabbies under the licence at a time.

170 Omission of sch 8, pt 1 (Commercial crayfish and rocklobster fishery)

Schedule 8, part 1—

omit.

[s 171]

171 Amendment of sch 8, pt 3 (Commercial trawl fishery (fin fish))

(1) Schedule 8, section 23—

omit, insert—

23 Prescribed whiting may be taken only with unused entitlements

Prescribed whiting may be taken in a T4-ITQ year only if the whiting is taken under T4-ITQ units with unused entitlements for the T4-ITQ year.

(2) Schedule 8, part 3, division 3—

omit.

172 Replacement of sch 9 (Defined port areas)

Schedule 9—

omit, insert—

Schedule 9 Fish and management regions for particular quota units

sections 91A, 106C, 106J and 106R

Part 1

Line units

Line unit

CT line unit

RTE line unit

OS line unit

Prescribed coral reef fin fish

regulated coral trout

redthroat emperor

other regulated coral reef fin fish

Part 2 ENL-ITQ units

ENL-ITQ unit	Prescribed ENL-ITQ fish	Prescribed management region	ENL Fishery symbol
BM1-ITQ unit	barramundi	east coast inshore management region 1	'N2'
BM2-ITQ unit	barramundi	east coast inshore management region 2	'N2'
BM3-ITQ unit	barramundi	east coast inshore management region 3	'N2'
BM4-ITQ unit	barramundi	east coast inshore management region 4	'N2'
BM5-ITQ unit	barramundi	east coast inshore management region 5	'L1' 'N2'
GM1-ITQ unit	grey mackerel	east coast inshore management region 1	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L2', 'L3' 'N1', 'N2', 'N4', 'N10', 'N11'
GM2-ITQ unit	grey mackerel	east coast inshore management region 2	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L2', 'L3' 'N1', 'N2', 'N4', 'N10', 'N11'

[s 172]

ENL-ITQ unit	Prescribed ENL-ITQ fish	Prescribed management region	ENL Fishery symbol
GM3-ITQ unit	grey mackerel	east coast inshore management region 3	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L2', 'L3' 'N1', 'N2', 'N4', 'N10', 'N11'
GM4-ITQ unit	grey mackerel	east coast inshore management region 4	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L2', 'L3' 'N1', 'N2', 'N4', 'N10', 'N11'
GM5-ITQ unit	grey mackerel	east coast inshore management region 5	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L1' 'N1', 'N2', 'N4', 'N10', 'N11'
KT1-ITQ unit	king threadfin	east coast inshore management region 1	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L2', 'L3' 'N1', 'N2', 'N4', 'N10', 'N11'

ENL-ITQ unit	Prescribed ENL-ITQ fish	Prescribed management region	ENL Fishery symbol
KT2-ITQ unit	king threadfin	east coast inshore management region 2	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L2’, ‘L3’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’
KT3-ITQ unit	king threadfin	east coast inshore management region 3	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L2’, ‘L3’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’
KT4-ITQ unit	king threadfin	east coast inshore management region 4	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L2’, ‘L3’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’
KT5-ITQ unit	king threadfin	east coast inshore management region 5	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L1’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’

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ENL-ITQ unit	Prescribed ENL-ITQ fish	Prescribed management region	ENL Fishery symbol
SCM5-ITQ unit	school mackerel	east coast inshore management region 5	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L1’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’
WT5-ITQ unit	whiting	east coast inshore management region 5	‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ ‘L1’ ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘N11’

Part 3 C1-ITQ units

C1-ITQ unit	Prescribed crab	Prescribed crab management region
BC1-ITQ unit	blue swimmer crab	blue swimmer crab management region
EC1-ITQ unit	mud crab	mud crab east coast management region
GC1-ITQ unit	mud crab	mud crab Gulf of Carpentaria management region

Part 4 Hand-harvest ITQ units

Hand-harvest ITQ unit	Prescribed hand-harvest ITQ fish
B1B-ITQ unit	black teatfish
B1W-ITQ unit	white teatfish
B1O-ITQ unit	other sea cucumber
DS-ITQ unit	specialty coral
DO-ITQ unit	other coral
G-ITQ unit	shell grit
J1-ITQ unit	trochus
R-ITQ unit	red champagne lobster and tropical rocklobster

173 Amendment of sch 10 (Effort unit conversion factor for boats)

Schedule 10, entry for 70 or more—

omit, insert—

70	62
71	62
72	63
73	64
74	64
75	65
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77	66
78	67

Fisheries Legislation Amendment Regulation 2020
Chapter 4 Amendments commencing on 1 September 2021
Part 1 Amendment of Fisheries (Commercial Fisheries) Regulation 2019

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174 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definitions *authorised boat*, *BRD*, *defined port area*, *effort units*, *landing period*, *landing place*, *line unit holder*, *M1 and M2 area*, *nominee*, *prescribed coral reef fin fish*, *prescribed person*, *prior notice*, *prior notice area*, *prior notice deadline*, *prior notice particulars*, *quota authority certificate*, *SM unit holder*, *steaming day*, *T4-ITQ unit holder*, *TED*, *transhipment notice*, *transport vessel*, *unloaded fish*

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notice, unloading area, unloading particular, unnotifiable landing notice, unused entitlement and used—

omit.

(2) Schedule 11—

insert—

approved logbook, for chapter 5, see section 122.

approved logbook (commercial fishing), for chapter 5, see section 122.

approved logbook (TEP animal interaction), for chapter 5, see section 122.

authorised boat—

- (a) for chapter 2, part 4, see section 24; or
- (b) for a primary commercial fishing licence, means each of the following—
 - (i) the primary boat identified in the licence;
 - (ii) each tender boat authorised under the Act to be used under the licence.

blue swimmer crab management region see schedule 7, section 12E.

BRD, for schedule 2, see schedule 2, section 96(1).

C1-ITQ year see section 106I.

catch disposal record, for chapter 6, part 2, see section 163(1).

defined port area means the area of a port mentioned in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2.

domestic commercial vessel (class 1 or 2) means a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the

domestic commercial vessel national law stating the vessel is a class 1 or 2 vessel.

earlier pre-trip notice, for chapter 6, part 1, see section 139(1)(a).

east coast inshore management region 1 see schedule 4, section 155.

east coast inshore management region 2 see schedule 4, section 156.

east coast inshore management region 3 see schedule 4, section 157.

east coast inshore management region 4 see schedule 4, section 158.

east coast inshore management region 5 see schedule 4, section 159.

ENL-ITQ licence, in relation to an ENL-ITQ unit, see section 106C(3).

ENL-ITQ year see section 106B.

hand-harvest ITQ licence, in relation to a hand-harvest ITQ unit, see section 106R(2).

hand-harvest ITQ year see section 106P.

hand-harvest only commercial fishery means any of the following commercial fisheries—

- (a) aquarium fish fishery;
- (b) sea cucumber fishery (east coast);
- (c) coral fishery;
- (d) eel fishery;
- (e) shell fishery;
- (f) shell grit fishery;
- (g) star sand fishery;
- (h) trochus fishery (east coast);

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- (i) juvenile eel fishery;
- (j) oyster fishery;
- (k) beachworm fishery;
- (l) bloodworm fishery;
- (m) marine yabby fishery.

limited pre-trip notice, for chapter 6, part 1, see section 139(2).

mud crab east coast management region see schedule 7, section 12D.

mud crab Gulf of Carpentaria management region see schedule 7, section 12C.

other coral means—

- (a) coral of the class Anthozoa or Hyrdozoa that is not specialty coral; or
- (b) live rock.

other sea cucumber means sea cucumber other than black teatfish and white teatfish.

prescribed coral reef fin fish, in relation to a line unit, see section 91A.

prescribed crab, in relation to a C1-ITQ unit, see section 106J(1).

prescribed crab management region, in relation to a C1-ITQ unit, see section 106J(2).

prescribed ENL-ITQ fish, in relation to an ENL-ITQ unit, see section 106C(1).

prescribed ENL management region, in relation to an ENL-ITQ unit, see section 106C(2).

prescribed hand-harvest ITQ fish, in relation to a hand-harvest ITQ unit, see section 106R(1).

pre-trip notice—

- (a) for chapter 6, part 1, division 2, see section 138(2); or
- (b) for chapter 6, part 1, division 3, see section 145(2).

pre-trip particulars—

- (a) for chapter 6, part 1, division 2, see section 138(3); or
- (b) for chapter 6, part 1, division 3, see section 145(3).

proposed landing place, for a fishing operation, for chapter 6, part 1, see section 136.

purpose of a BRD, for schedule 2, see schedule 2, section 96(2).

purpose of a TED, for schedule 2, see schedule 2, section 114(2).

quota authority certificate see section 109(3).

recreational fishing operation, for chapter 6, part 1, see section 136.

specialty coral means—

- (a) hard coral other than hard coral of the family Acroporidae or Pocilloporidae; or
- (b) sea anemones.

steaming day, for effort units for a trawl region, see section 69(1)(b).

TED, for schedule 2, see schedule 2, section 114(1).

TEP animal, for chapter 5, see section 122.

transport vessel—

- (a) generally, means a domestic commercial vessel (class 1 or 2); and

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- (b) for fish taken under a D or R licence, includes a primary boat being used under another D or R licence held by the same person.

trawl licence means a primary commercial fishing licence for the east coast trawl fishery.

trawl region means a trawl region for effort units described in schedule 2, part 4, division 1.

unused entitlement—

- (a) for effort units, see section 70(6); or
- (b) for C1-ITQ units, see section 106M(2); or
- (c) for C2-ITQ units, see section 100(2); or
- (d) for hand-harvest ITQ units, see section 106U(2); or
- (e) for line units, see section 94(2); or
- (f) for ENL-ITQ units, see section 106F(2); or
- (g) for SM units, see section 87(2); or
- (h) for T4-ITQ units, see section 105(2).

used—

- (a) for an entitlement under effort units, see section 70(1); or
- (b) for an entitlement under a C1-ITQ unit, see section 106M(1); or
- (c) for an entitlement under a C2-ITQ unit, see section 100(1); or
- (d) for an entitlement under a hand-harvest ITQ unit, see section 106U(1); or
- (e) for an entitlement under a line unit, see section 94(1); or
- (f) for an entitlement under an ENL-ITQ unit, see section 106F(1); or

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- (2) Section 25(2), definition *relevant landing place*, as inserted by this regulation, ‘schedule 6, part 5’—

omit, insert—

chapter 6, part 2, division 2

177 Omission of ch 2, pt 12, div 1 (Southern offshore trawl region and southern inshore trawl region)

Chapter 2, part 12, division 1—

omit.

178 Amendment of s 92 (Possessing or using trawl nets to take fish under T1 licences in regulated period)

- (1) Section 92, heading, ‘T1 licences’—

omit, insert—

primary commercial fishing licences for the east coast trawl fishery

- (2) Section 92(2)(a), ‘T1 licence’—

omit, insert—

primary commercial fishing licence for the east coast trawl fishery

- (3) Section 92(3), note, ‘T1 licences’—

omit, insert—

primary commercial fishing licences for the east coast trawl fishery

179 Amendment of s 94 (Regulated waters to which division applies and their regulated periods)

- (1) Section 94, table, entries for central trawl region and northern trawl region—

omit.

- (2) Section 94, table, entry for Moreton Bay outside M1 and M2 area, ‘M1 and M2 area’—

omit, insert—

Moreton Bay trawl region

180 Amendment of ch 3, pt 3, div 3, hdg (Fish taken or possessed in regulated waters)

Chapter 3, part 3, division 3, heading, ‘regulated’—

omit, insert—

particular

181 Insertion of new s 110A

After section 110—

insert—

110A Saucer scallops in particular waters in particular period

Saucer scallops are regulated fish in the southern offshore trawl region A, the southern offshore region B and the southern inshore trawl region during the following periods—

- (a) from midday on 1 May to midday on 20 November;
- (b) if 80,000 or more effort units for the southern inshore trawl region are used in the period from midday on 20 November to 24 April, the period—
 - (i) starting at midday on the day that is 5 days after the chief executive publishes a notice on the department’s website that 80,000 or more effort units for the southern inshore trawl region have

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been used in the period from midday
on 20 November to 24 April; and

(ii) ending at midday on 1 May.

182 Amendment of sch 1 (Regulated waters)

- (1) Schedule 1, part 2, entry for southern regional waters, column 2, ‘Moreton Bay (trawling)’—

omit, insert—

the Moreton Bay trawl region

- (2) Schedule 1, part 2, entries for southern offshore trawl region, southern inshore trawl region, central trawl region and northern trawl region—

omit.

- (3) Schedule 1, part 2, entry for Moreton Bay outside M1 and M2 area—

omit, insert—

Moreton Bay outside Moreton Bay trawl region	waters of Moreton Bay outside the Moreton Bay trawl region	chapter 2, part 12, division 8
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183 Amendment of sch 2 (Regulated fish declarations)

- (1) Schedule 2, part 2, entry for barramundi, fifth row, as inserted by this regulation—

omit, insert—

F	a form other than—	1	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
	(a) whole; or (b) gilled and gutted	2	a person possessing the fish on a commercial fishing boat in waters west of longitude 142°31'49" east other than in the following circumstances— (a) the person is a commercial fisher acting under a licence on which is written the fishery symbol 'N3'; (b) any swim bladders of the fish possessed by the person— (i) are separated and stored by individual species; and (ii) are packed in a way that allows the swim bladders to be inspected; and (iii) are unloaded with the fish; and (iv) are not returned to sea on a boat after they are unloaded

(2) Schedule 2, part 2, entry for dusky flathead, after second row—

insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
---	--	---

(3) Schedule 2, part 2, entry for grey mackerel, after third row—

insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
---	--	---

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- (4) Schedule 2, part 2, entry for king threadfin, fourth row, as inserted by this regulation—

omit, insert—

F	a form other than— (a) whole; or (b) gilled and gutted	1	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
		2	a person possessing the fish on a commercial fishing boat in waters west of longitude 142°31'49" east other than in the following circumstances— (a) the person is a commercial fisher acting under a licence on which is written the fishery symbol 'N3', 'N11', 'N12' or 'N13'; (b) any swim bladders of the fish possessed by the person— (i) are separated and stored by individual species; and (ii) are packed in a way that allows the swim bladders to be inspected; and (iii) are unloaded with the fish; and (iv) are not returned to sea on a boat after they are unloaded

- (5) Schedule 2, part 2, entry for manta ray, column 4, from 'other than'—

omit.

- (6) Schedule 2, part 2, entry for saucer scallop, column 4, 'schedule 2, part 7, division 2'—

omit, insert—

schedule 2, part 3, division 3, subdivision 2

- (7) Schedule 2, part 2, entry for school mackerel, after second row—

insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
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(8) Schedule 2, part 2, entry for sea mullet, after second row—
insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
---	--	---

(9) Schedule 2, part 2, entry for spotted mackerel—
omit, insert—

spotted mackerel	N	maximum—50	if the prescribed commercial catch for the fish is not more than 140t—a person using a commercial fishing net to take the fish for trade or commerce or possessing the fish taken in that way
			a person taking or possessing the fish for trade or commerce if the prescribed commercial catch for the fish is more than 140t
	N	maximum—5	a recreational fisher taking or possessing the fish
	S	minimum—60cm	a person taking or possessing the fish
	F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east

(10) Schedule 2, part 2, entry for tailor, after third row—
insert—

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F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
---	--	---

- (11) Schedule 2, part 2, entry for white shark, column 4, from ‘other than’—

omit.

- (12) Schedule 2, part 2, after entry for whitetip reef shark—

insert—

whiting other than prescribed whiting within the meaning of the <i>Fisheries (Commercial Fisheries) Regulation 2019</i> , schedule 8, section 20	F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
--	---	--	---

- (13) Schedule 2, part 2, entry for yellowfin bream, after first row—

insert—

F	a form other than— (a) whole; or (b) gilled and gutted	a person possessing the fish on a commercial fishing boat in waters east of longitude 142°31'49" east
---	--	---

184 Amendment of sch 5 (Dictionary)

Schedule 5, definitions *diameter*, *effort units*, *M1* and *M2 area*, *monofilament* and *Moreton Bay (trawling)*—

omit.

Part 3 **Amendment of Fisheries (General) Regulation 2019**

185 Regulation amended

This part amends the *Fisheries (General) Regulation 2019*.

Note—

See also the amendments in schedule 3.

186 Insertion of new ss 15A–15D

After section 15—

insert—

15A References relating to fishing operations

- (1) A fishing operation *starts* and *ends* as follows—
 - (a) a fishing operation involving using a boat to take fish other than by using a seine net—
 - (i) starts when the boat leaves a landing place to carry out fishing; and
 - (ii) ends when the boat stops being used for fishing and lands;
 - (b) a fishing operation involving using a boat to take fish using a seine net—
 - (i) starts when the boat enters a beach or foreshore to carry out fishing; and
 - (ii) ends when the boat stops being used for fishing and leaves the beach or foreshore;
 - (c) a fishing operation not involving using a boat to take fish—
 - (i) starts when the commercial fisher in control of the fishing operation, or an

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- assistant fisher under direction of the commercial fisher, arrives at the place from which fishing is to be carried out; and
- (ii) ends when the commercial fisher or assistant fisher stops fishing and leaves the place.
- (2) A *day* of a fishing operation—
- (a) is each 24 hour period between when the fishing operation starts and when the fishing operation ends; and
- (b) if the fishing operation ends before a 24-hour period mentioned in paragraph (a) ends, includes the remaining part of that 24-hour period.
- (3) An *outside fishing operation day*, for a primary commercial fishing licence—
- (a) is each 24 hour period after the first midnight after a fishing operation under the licence ends; and
- (b) if another fishing operation under the licence starts before a 24-hour period mentioned in paragraph (a) ends, does not include the part of that 24-hour period after the other fishing operation starts.

15B Meaning of *commercial fisher in control of a fishing operation*

The *commercial fisher in control*, of a fishing operation conducted in a commercial fishery under a primary commercial fishing licence, is the commercial fisher whom the holder of the licence has allowed, under the *Fisheries (Commercial Fisheries) Regulation 2019*, section 32, to act under the licence to take fish, or use a primary

boat to take fish, in the fishery.

15C References to *lands* a boat and a *landing place* for a boat

- (1) A boat *lands* when it is brought to a landing place for a boat.
- (2) A *landing place* for a boat is—
 - (a) a place used for landing a boat, including, for example, a marina berth, wharf or mooring; or
 - (b) another place within 0.5n miles of a part of the State where landing of a boat is practicable.

15D References to *lands* a fish and a *landing place* for fish taken without a boat

- (1) A fish taken without using a boat *lands* when the fish is brought to a landing place for fish taken without using a boat.
- (2) A *landing place* for fish taken without using a boat is a place where the fish can be brought to shore.

187 Amendment of s 66 (Criteria for suspending effort units)

- (1) Section 66(1), ‘T1 effort units or T2 effort units’—

omit, insert—

effort units for a trawl region

- (2) Section 66(2), example—

omit, insert—

Example for subsection (2)—

A holds effort units for a trawl region and a primary commercial fishing licence associated with the effort

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units. A is convicted of a serious fisheries offence. It is A's first conviction. An appropriate suspension may be suspension of a number of the effort units that would entitle A to use the primary boat under the licence for 3 months to 1 year.

188 Amendment of s 82 (Definitions for part)

Section 82, definition *landing place*—
omit.

189 Amendment of s 85 (Periods during which equipment must be working properly)

Section 85(2)—
omit, insert—

- (2) If the relevant boat is a boat other than a tender boat, the period the relevant boat is used under the authority—
 - (a) starts when the fishing operation in which the boat is used starts; and
 - (b) ends when the fishing operation in which the boat is used ends.

190 Amendment of s 100 (Definitions for chapter)

Section 100, definition *relevant authority*—
omit, insert—

relevant authority means—

- (a) a charter fishing licence; or
- (b) an authority, other than a primary commercial fishing licence or commercial fisher licence, that authorises the holder of the authority to—

- (i) take or possess fish for trade or commerce; or
- (ii) use a boat to take or possess fish for trade or commerce.

Note—

See the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 for conditions about keeping logbooks applying to primary commercial fishing licences and commercial fisher licences.

191 Replacement of ch 5, pt 4 (Wholesale sale of fisheries resources)

Chapter 5, part 4—

omit, insert—

Part 4 Wholesale sale of fisheries resources

Division 1 Preliminary

109 Application of part

This part applies if—

- (a) fisheries resources are sold by a person (the *seller*) to another person (the *buyer*); and
- (b) the buyer—
 - (i) is a person engaged in the business of selling fisheries resources by wholesale or retail; and
 - (ii) intends to resell any of the fisheries resources for trade or commerce.

110 Definitions for part

In this part—

buyer see section 109(a).

quantity particulars, for a species of fish, means—

- (a) for sea cucumber—
 - (i) the number of containers containing the sea cucumber; and
 - (ii) the weight of the sea cucumber; or
- (b) for mud crab—
 - (i) the number of the mud crab; and
 - (ii) the weight of the mud crab; or
- (c) for red champagne lobster or tropical rocklobster—
 - (i) the number of whole lobster; and
 - (ii) the number of lobster tails; and
 - (iii) the weight of the lobster; or
- (d) for fin fish that are dead—the weight of the fish in any of the following forms—
 - (i) whole;
 - (ii) gilled and gutted;
 - (iii) filleted;
 - (iv) trunked;
 - (v) another form; or
- (e) for fin fish that are alive—
 - (i) the number of the fish; and
 - (ii) the weight of the fish; or

- (f) for fish of another species—the weight of the fish.

sale docket see section 111(1).

sale particulars, for the sale of fisheries resources, means the following particulars—

- (a) the name of the buyer;
- (b) the buyer’s accreditation number under the seafood food safety scheme or, if the buyer is not accredited under the scheme, the address of the buyer;
- (c) the name of the seller;
- (d) if the sale is the first time the fisheries resources are sold and a commercial fisher took the fish—
 - (i) the licence number of the commercial fisher licence held by the commercial fisher; and
 - (ii) the licence number of the primary commercial fishing licence under which the fish were taken;
- (e) if the sale is the first time the fisheries resources are sold and the seller cultivated the fisheries resources, or is acting for a person who cultivated the fisheries resources, under a development approval—the number of the approval;
- (f) if neither paragraph (d) nor (e) applies in relation to the sale—the address of the seller;
- (g) if the seller is an entity that is incorporated under the *Associations Incorporation Act 1981* and engages in stocking fish—the number of the entity’s certificate of incorporation;

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- (h) the date of the sale;
- (i) if the date of the sale is different to the date the fish leave the seller's physical possession—the date the fish leave the seller's physical possession;
- (j) the quantity particulars for each individual species of fish sold;
- (k) the form in which the fisheries resources are sold.

Examples of forms of fish for paragraph (k)—

live, whole, or in fillets

seafood food safety scheme means the seafood scheme under the *Food Production (Safety) Regulation 2014*, chapter 7.

seller see section 109(a).

Division 2 Requirements

111 Docket for sale to be given

- (1) The seller must give the buyer, and the buyer must obtain from the seller, a docket for the sale (a ***sale docket***) signed by the seller that contains the sale particulars for the sale of the fisheries resources.
- (2) The seller and buyer comply with subsection (1) if—
 - (a) the buyer prepares a sale docket; and
 - (b) the seller—
 - (i) checks the sale docket; and
 - (ii) if the seller is satisfied the sale docket is accurate and contains all of the sale particulars—signs the sale docket.

- (3) Also, the seller and buyer comply with subsection (1) if—
 - (a) the seller is the commercial fisher who took the fish; and
 - (b) the seller gives the buyer a copy of the catch disposal record made by the seller under the *Fisheries (Commercial Fisheries) Regulation 2019*, section 163(1) for the fish.
- (4) If subsection (3) applies, the copy of the catch disposal record is taken to be a sale docket for the sale.

112 Seller to keep docket

The seller must keep a copy of the sale docket for the sale of the fisheries resources for 5 years after the day the seller stops possessing the resources.

113 Seller to give copy of record or docket with consignment

If the seller consigns fisheries resources to the buyer, the seller must ensure the consignment is accompanied by a copy of the sale docket for the sale of the resources.

114 Buyer to keep docket

- (1) The buyer must keep the sale docket for the sale of the fisheries resources available for immediate inspection while the buyer possesses the fisheries resources, or part of the fisheries resources, to which the docket relates.
- (2) The buyer must keep the sale docket or a copy of the sale docket for the sale of the fisheries resources for 5 years after the day the buyer stops possessing the resources.

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192 Amendment of s 130 (Prescribed matters for evidentiary certificates—Act, s 184)

Section 130, after ‘chapter 5’—

insert—

or the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5

193 Insertion of new ch 7, pt 2, div 3

Chapter 7, part 2, as inserted by this regulation—

insert—

**Division 3 Amendments commencing
on 1 September 2021**

**160 Fees for fishery symbols and quota authorities
for financial year starting 1 July 2021**

- (1) The fees stated in new schedule 6, part 2 apply to fishery symbols and quota authorities from 1 January 2022.
- (2) For the financial year starting on 1 July 2021 (the *21-22 financial year*)—
 - (a) the fees for a fishery symbol or quota authority for the period from 1 July 2021 to 31 December 2021 are the proportion of the fees stated in former schedule 6, part 2 attributable to the first 6 months of the financial year; and
 - (b) the fees for a fishery symbol or quota authority for the period from 1 January 2022 to 30 June 2022 are the proportion of the fees stated in new schedule 6, part 2 attributable to the last 6 months of the financial year.

- (3) However, the fee payable for a new quota authority for the 21-22 financial year—
 - (a) is the proportion of the annual fee stated in new schedule 6, part 2 for the authority attributable to the last 6 months of the financial year; and
 - (b) is payable on or before 1 January 2022.
- (4) Subsection (5) applies if—
 - (a) before the commencement, the holder of an existing authority paid a fee stated in former schedule 6, part 2 for the authority for the 21-22 financial year (the *paid amount*); and
 - (b) the paid amount is different to the fee payable for the authority for the 21-22 financial year under subsection (2) (the *payable amount*).
- (5) The chief executive must—
 - (a) if the paid amount is higher than the payable amount—refund the difference between the paid amount and payable amount to the holder; or
 - (b) if the paid amount is lower than the payable amount—give the holder a written notice stating the payable amount and the date, no earlier than 1 January 2022, by which the difference between the paid amount and payable amount is due.
- (6) This section does not limit section 142 or 143.
- (7) In this section—

existing authority means an authority other than a new quota authority.

former schedule 6, part 2 means schedule 6, part 2 as in force immediately before the

commencement.

new quota authority means—

- (a) an effort unit for the Moreton Bay trawl region; or
- (b) an ENL-ITQ unit; or
- (c) a C1-ITQ unit.

new schedule 6, part 2 means schedule 6, part 2 as in force on the commencement.

161 Continued application of ch 5, pt 2 to particular licences

- (1) This section applies if the relevant period under chapter 5, part 2 for the holder of a commercial fisher licence or primary commercial fishing licence started, but did not end, before the commencement.
- (2) Chapter 5, part 2 as in force immediately before the commencement continues to apply in relation to the holder for the relevant period.

162 Continued application of ch 5, pt 3 to particular licences

- (1) This section applies if the relevant period under chapter 5, part 3 for the holder of a commercial fisher licence or primary commercial fishing licence started, but did not end, before the commencement.
- (2) Chapter 5, part 3 as in force immediately before the commencement continues to apply in relation to the holder for the relevant period.

163 References to T1 effort units and T2 effort units

In a document, if the context permits—

- (a) a reference to T1 effort units is taken to be a reference to effort units for a trawl region; and
- (b) a reference to T2 effort units is taken to be a reference to effort units for the southern offshore trawl region B.

194 Amendment of sch 4 (Matters for particular fisheries offences under the Act)

Schedule 4, part 1, entry for mud crab—

omit, insert—

mud crab	35	28 (or 14 if only meat)
----------	----	-------------------------

195 Amendment of sch 6 (Other fees)

- (1) Schedule 6, part 2—

omit, insert—

Part 2 Fees for fishery symbols or quota authorities

Fishery symbol or quota authority	\$
East coast trawl fishery	
M1	nil
M2	395.60
T1	nil

[s 195]

Fishery symbol or quota authority	\$
T2	nil
T5	395.60
T6	395.60
T7	395.60
T8	395.60
T9	395.60
effort unit for a trawl region	0.4095
Commercial line fisheries	
L1	395.60
L2	395.60
L3	395.60
L4	1,159.30
L8	1,159.30
Commercial net fisheries	
K1	791.20
K2	791.20
K3	791.20
K4	791.20
K5	791.20
K6	791.20
K7	791.20
K8	791.20
N1	395.60
N2	791.20
N3	1,500.55
N4	3,000.90
N10	1,159.30
N11	204.55
N12	23,837.80

[s 195]

Fishery symbol or quota authority	\$
N13	13,243.25
ENL-ITQ unit	0.10
Commercial crab fisheries	
C1	395.60
C2	nil
C3	395.60
C2-ITQ unit	1.0230
BC1-ITQ unit	3.48
EC1-ITQ unit	2.43
GC1-ITQ unit	3.88
Hand-harvest fisheries	
A1	395.60
A2	129.60
E	129.60
F	129.60
G	129.60
H	129.60
JE	129.60
O	68.1994/area
P	395.60
W1	129.60
W2	129.60
Y	129.60
B1B-ITQ unit	0.136398
B1W-ITQ unit	0.136398
B1O-ITQ unit	0.136398
DO-ITQ unit	0.068199
DS-ITQ unit	0.068199
J1-ITQ unit	0.136398

[s 196]

Fishery symbol or quota authority	\$
R-ITQ unit	0.4095
Other commercial fisheries	
SM	nil
SM unit	0.2045
S	791.20
T4	395.60
T4-ITQ unit	0.03820
RQ	nil
CT line unit	0.4095
OS line unit	0.2045
RTE line unit	0.2045

- (2) Schedule 6, part 3, item 4, after ‘for’—

insert—

a filleting permit or

196 Amendment of sch 10 (References relating to fishing apparatus)

- (1) Schedule 10, part 2—

insert—

18A Meaning of *diameter* of monofilament of a net

The *diameter*, of monofilament of a net, is the average diameter of the monofilament of 10 meshes of the net, each of which is at least 30cm from the other 9.

- (2) Schedule 10, part 2—

insert—

21A Meaning of *monofilament* of a net

The *monofilament*, of a net, is a single continuous filament or strand of synthetic fibre, joined,

knitted or woven into meshes.

197 Amendment of sch 11 (Dictionary)

(1) Schedule 11, definitions *land* and *landing place*—

omit.

(2) Schedule 11—

insert—

central trawl region see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 139.

commercial fisher in control, of a fishing operation, see section 15B.

day, of a fishing operation, see section 15A(2).

diameter, of monofilament of a net, see schedule 10, part 2, section 18A.

ends, for a fishing operation, see section 15A(1).

lands—

(a) for a boat, see section 15C(1); or

(b) for a fish taken without using a boat, see section 15D(1).

landing place—

(a) for a boat, see section 15C(2); or

(b) for fish taken without using a boat, see section 15D(2).

monofilament, of a net, see schedule 10, part 2, section 21A.

Moreton Bay trawl region see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 143.

northern trawl region see the *Fisheries*

[s 197]

(Commercial Fisheries) Regulation 2019, schedule 2, section 138.

outside fishing operation day, for a primary commercial fishing licence, see section 15A(3).

southern inshore trawl region see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 140.

southern offshore trawl region A see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 141.

southern offshore trawl region B see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 142.

starts, for a fishing operation, see section 15A(1).

trawl region means—

- (a) the northern trawl region; or
- (b) the central trawl region; or
- (c) the southern inshore trawl region; or
- (d) the southern offshore trawl region A; or
- (e) the southern offshore trawl region B; or
- (f) the Moreton Bay trawl region.

- (3) Schedule 11, definition *entitlement*, paragraph (a), ‘T1 effort units or T2’—

omit.

- (4) Schedule 11, definition *entitlement*—

insert—

- (f) under an ENL-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106E; or

- (g) under a C1-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106L; or
- (h) under a hand-harvest ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106T.

Part 4 **Minor and consequential amendments**

198 **Legislation amended**

Schedule 3 amends the legislation it mentions.

Schedule 1 Minor and consequential amendments commencing on notification

section 82

Fisheries (Commercial Fisheries) Regulation 2019

1 Sections 98–101—

Sections 98 to 101 are amended as follows—

- (a) by omitting each reference to ‘ITQ units’ and inserting ‘C2-ITQ units’;
- (b) by omitting each reference to ‘an ITQ’ and inserting ‘a C2-ITQ’;
- (c) by omitting each reference to ‘the ITQ’ and inserting ‘the C2-ITQ’;
- (d) by omitting each reference to ‘ITQ’ not otherwise amended in paragraphs (a) to (c) and inserting ‘C2-ITQ’.

2 Schedule 2, section 169(2)(b)—

omit, insert—

- (b) is at least—
 - (i) 3,380mm wide; and
 - (ii) 1,320mm long; and

3 Schedule 4, part 2, division 3, heading—

omit, insert—

Division 3 Condition

- 11** **Schedule 4, part 8, division 3, heading—**
 omit, insert—
 Division 3 **Condition**
- 12** **Schedule 4, section 138, ‘conditions’—**
 omit, insert—
 a condition
- 13** **Schedule 4, part 9, division 3, heading—**
 omit, insert—
 Division 3 **Condition**
- 14** **Schedule 4, section 150, ‘conditions’—**
 omit, insert—
 a condition
- 15** **Schedule 6, part 4, heading—**
 omit, insert—
 Part 4 **Condition**
- 16** **Schedule 6, section 9, ‘conditions’—**
 omit, insert—
 a condition
- 17** **Schedule 7, section 17(2), after ‘a crab under’—**
 insert—
 the

18 Schedule 7, part 2, division 4, heading—*omit, insert—***Division 3 Condition****19 Schedule 7, section 22, ‘conditions’—***omit, insert—*

a condition

20 Schedule 7, section 30(2), before ‘fishery symbol’—*insert—*

the

21 Schedule 11—*omit* the following definitions—

- *Brisbane River mouth area—north*
- *Brisbane River mouth area—south*
- *Brisbane River—Victoria Bridge to Juno Point area*
- *Llewellyn Bay area*
- *Logan River area*
- *Sinclair Bay area.*

Fisheries Declaration 2019**1 References to particular licences**

Each of the provisions in column 1 is amended by omitting the words in column 2 and inserting the words in column 3—

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 15(a)	a licence on which is written the fishery symbol 'A1' or 'A2'	an A1 or A2 licence
section 16(1)(a)	licence on which is written the fishery symbol 'C2'	C2 licence
section 19(1)	licence on which is written the fishery symbol 'JE'	JE licence

2 Section 150(4)(b), 'at least'—

omit, insert—

no less than

Fisheries (General) Regulation 2019

1 Section 73(h)(ii), 'beam'—

omit, insert—

breadth

Schedule 2 Minor and consequential amendments commencing on 1 January 2021

section 124

Fisheries (Commercial Fisheries) Regulation 2019

- 1 Sections 7 and 15(1)(b), ‘a licence’—**
omit, insert—
a primary commercial fishing licence

- 2 Sections 14(1), 18(1)(a), 19(1)(a) and 22(1), ‘commercial
fishing boat licence’—**
omit, insert—
primary commercial fishing licence

- 3 Section 57(2)(b), ‘commercial fishing boat licences’—**
omit, insert—
primary commercial fishing licences

- 4 Sections 69(1) and (2), ‘the boat identified’—**
omit, insert—
the primary boat identified

- 5 Schedule 4, section 28(2)(b), ‘commercial fishing boat
licence’—**
omit, insert—

primary commercial fishing licence

6 Schedule 7, sections 17(1) and 30(1), ‘a licence’—

omit, insert—

a primary commercial fishing licence

7 Schedule 11, definition *assistant fisher*, ‘section 33’—

omit, insert—

section 44

Fisheries Declaration 2019

1 Section 90(1)(b), ‘possess or use a boat that is identified under’—

omit, insert—

use the primary boat identified in

2 Section 91(2)(b), ‘a boat that is identified under’—

omit, insert—

the primary boat identified in

3 Section 93(2)(a) and (b) and (3), ‘a boat’—

omit, insert—

the primary boat

4 Schedule 2, part 2, entries for cuttlefish, octopus, squid and threadfin bream, ‘a boat’—

omit, insert—

the primary boat

Fisheries (General) Regulation 2019

- 1 **Section 47(2)(a)(i), ‘commercial fishing boat licence’—**
omit, insert—
primary commercial fishing licence
- 2 **Section 73(h)(i), before ‘boat identified’—**
insert—
primary
- 3 **Section 100, definition *relevant authority*, paragraph (b)—**
omit, insert—
(b) a primary commercial fishing licence; or
- 4 **Schedule 11, definition *assistant fisher*—**
omit, insert—
assistant fisher see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 44.

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

- 1 **Schedule 11, definition *primary commercial fishing boat licence*, ‘a commercial fishing boat licence’—**
omit, insert—

a primary commercial fishing licence

Marine Parks (Great Sandy) Zoning Plan 2017

1 Section 76(5), definition *dory*, ‘a commercial’—

omit, insert—

a primary commercial

**2 Section 76(5), definition *primary commercial fishing boat*,
from ‘commercial fishing boat licence’—**

omit, insert—

primary commercial fishing licence.

3 Section 76(5)—

insert—

primary commercial fishing licence means a primary commercial fishing licence issued under the *Fisheries Act 1994*.

**4 Section 76(5), definition *relevant primary boat*,
‘commercial fishing boat licence’—**

omit, insert—

primary commercial fishing licence

Rural and Regional Adjustment Regulation 2011

- 1** Schedule 33, section 4(2), definition *commercial fishing boat licence*, ‘a commercial fishing boat licence’—

omit, insert—

a primary commercial fishing licence

- 2** Schedule 33, section 5(2), definition *commercial harvest fishery licence*, after ‘1994’—

insert—

, including a commercial harvest fishery licence taken to be a primary commercial fishing licence under the *Fisheries (General) Regulation 2019*, section 155.

Schedule 3 Minor and consequential amendments commencing on 1 September 2021

section 198

Fisheries (Commercial Fisheries) Regulation 2019

1 Section 3(3), note, paragraphs 2 to 5—

renumber as paragraphs 3 to 6.

2 Section 3(3), note—

insert—

2 section 15A of that regulation for the interpretation
of references relating to fishing operations; and

3 Section 94(1)(a) and (2), ‘(in whole weight) of the’—

omit, insert—

of (whole weight)

4 Section 95(1), ‘for the line units’—

omit.

5 Section 100(1)(a), after ‘amount of’—

insert—

(whole weight)

-
- 6 Section 100(3)—**
omit.
- 7 Section 105(1)(a), after ‘amount of’—**
insert—
(whole weight)
- 8 Section 105(2), after ‘(whole weight)’—**
insert—
prescribed
- 9 Section 105(3)—**
omit.
- 10 Schedule 8, section 22(4)(c), ‘part 6’—**
omit, insert—
part 2, division 11
- 11 Schedule 11—**
omit the following definitions—
- *central area*
 - *Comboyuro Point to Caloundra Head area*
 - *Fisherman Island area*
 - *Great Sandy Strait area*
 - *Moreton Bay (trawling)*
 - *northern area*
 - *T2 area*
 - *trap pocket entrance.*

- 12** **Schedule 11, definition *Cleveland Bay area*, ‘section 15’—**
 omit, insert—
 section 145
- 13** **Schedule 11, definition *deep water net area*, ‘section 17’—**
 omit, insert—
 section 146
- 14** **Schedule 11, definition *escape hole*, ‘section 166(2)(b)’—**
 omit, insert—
 section 115(2)(b)
- 15** **Schedule 11, definition *Facing Island area*, ‘section 18’—**
 omit, insert—
 section 147
- 16** **Schedule 11, definition *fishery provision*, ‘1 to 8’—**
 omit, insert—
 2 to 8
- 17** **Schedule 11, definition *Fitzroy River mouth area*, ‘section 20’—**
 omit, insert—
 section 148
- 18** **Schedule 11, definition *Hervey Bay area*, ‘section 22’—**
 omit, insert—
 section 149

-
- 19 **Schedule 11, definition *Keppel Bay area*, ‘section 23’—**
omit, insert—
section 150
- 20 **Schedule 11, definition *Laguna Bay area*, ‘section 24’—**
omit, insert—
section 151
- 21 **Schedule 11, definition *principal bug*, ‘section 4(a)(iii)’—**
omit, insert—
section 4(a)(ii)
- 22 **Schedule 11, definition *recognised BRD*, ‘section 146’—**
omit, insert—
section 97
- 23 **Schedule 11, definition *recognised TED*, ‘section 166(1)(a)’—**
omit, insert—
section 115(1)(a)
- 24 **Schedule 11, definition *Repulse Bay area*, ‘section 30’—**
omit, insert—
section 152
- 25 **Schedule 11, definition *T1 area*, ‘section 32’—**
omit, insert—
section 153

- 26** **Schedule 11, definition *T5 area*, ‘section 34’—**
 omit, insert—
 section 154
- 27** **Schedule 11, definition *T6 area*, ‘section 35’—**
 omit, insert—
 section 155
- 28** **Schedule 11, definition *T7 area*, ‘section 36’—**
 omit, insert—
 section 156
- 29** **Schedule 11, definition *T8 area*, ‘section 37’—**
 omit, insert—
 section 157
- 30** **Schedule 11, definition *T9 area*, ‘section 38’—**
 omit, insert—
 section 158

Fisheries (General) Regulation 2019

- 1** **Schedule 11, definitions *fishery provision, relevant quantity particulars, sale docket and whole weight—***
 omit.
- 2** **Schedule 11—**
 insert—

fishery provision, about a commercial fishery, means a provision of the *Fisheries (Commercial Fisheries) Regulation 2019*, schedules 2 to 8 about the fishery.

quantity particulars, for a species of fish, for chapter 5, part 4, see section 110.

sale docket, for chapter 5, part 4, see section 111(1).

sale particulars, for the sale of fisheries resources, for chapter 5, part 4, see section 110.

seafood food safety scheme, for chapter 5, part 4, see section 110.

whole weight, for an amount of fish, see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 11.

Marine Parks (Moreton Bay) Zoning Plan 2019

1 Schedule 5, definition *aquarium fish fishery*, ‘schedule 1’—

omit, insert—

schedule 7A

2 Schedule 5, definition *beachworm fishery*, ‘schedule 1, part 12’—

omit, insert—

schedule 7A, part 13

3 Schedule 5, definitions *harvest fishery* and *relevant accredited harvest fishery*, ‘schedule 1’—

omit, insert—

schedule 7A

ENDNOTES

- 1 Made by the Governor in Council on 29 September 2020.
- 2 Notified on the Queensland legislation website on 30 September 2020.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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