



Fisheries Act 1994

Fisheries Regulation 2008

Reprinted as in force on 13 June 2008

Reprint No. 1A

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Queensland

Fisheries Regulation 2008

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Fisheries Regulation 2008

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

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This regulation may be cited as the *Fisheries Regulation 2008*.

2 Commencement

This regulation commences on 1 April 2008.

Part 2 Interpretation

Division 1 Relationship with management plans

3 Regulation to be read with particular management plans

This regulation must be read together with—

- (a) for taking, possessing or using regulated coral reef fin fish—the Coral Reef Plan; or

[s 4]

- (b) for taking particular fish in, or possessing or using particular fish taken in, the east coast trawl fishery area—the East Coast Trawl Plan; or
- (c) for taking, possessing or using freshwater fish—the Freshwater Plan; or
- (d) for taking, possessing or using gulf fin fish—the Gulf Plan; or
- (e) for taking, possessing or using spanner crabs—the Spanner Crab Plan.

Note—

Defined words and other provisions aiding interpretation in this regulation are adopted by each management plan, subject to a contrary intention appearing in a management plan.

Division 2 Definitions

4 Dictionary

The dictionary in schedule 11 defines particular words used in this regulation.

Division 3 Scientific names for fish

5 Definition for div 3

In this division—

species includes another taxonomic grouping.

6 Scientific names for species of fish

- (1) The scientific name for a species of fish mentioned in schedule 5, column 1 is the scientific name stated opposite the species of fish in schedule 5, column 2.

- (2) The scientific name for a species of fish mentioned in schedule 6, column 1 is the scientific name stated opposite the species of fish in schedule 6, column 2.
- (3) Without limiting subsection (1) or (2), the scientific name for a species of fish mentioned in this regulation or a management plan follows the scientific name for the species of the fish stated in a document mentioned in schedule 7 (a *prescribed reference document*).

7 Alternative scientific names in prescribed reference documents

- (1) Subsection (2) applies if, for a species of fish mentioned in this regulation or a management plan, there are alternative scientific names mentioned in a prescribed reference document under schedule 7, part 1 and a prescribed reference document under schedule 7, part 2.
- (2) The scientific name for the species follows the scientific name mentioned in the prescribed reference document under schedule 7, part 1.
- (3) Subsection (4) applies if, for a species of fish mentioned in this regulation or a management plan, there are alternative scientific names mentioned in more than 1 prescribed reference document under schedule 7, part 1.
- (4) The scientific name for the species follows the scientific name mentioned in the prescribed reference document with the lowest item number under schedule 7, part 1.
- (5) This section does not limit section 6.
- (6) In this section—
alternative, to a scientific name, includes a variation of the name.

[s 8]

8 Inconsistency between prescribed reference and scheduled names

- (1) This section applies if—
 - (a) in a document, other than a prescribed reference document, a species of fish is referred to by the scientific name for the species stated in a prescribed reference document (the *prescribed reference name*); and
 - (b) the prescribed reference name is not consistent with the scientific name for the species stated in schedule 5 or 6 (the *scheduled name*).
- (2) The reference to the prescribed reference name may, if the context permits, be taken to be a reference to the scheduled name.

Division 4 Matters relating to fisheries declarations

9 References to regulated waters by name or description

A reference to particular regulated waters by name or description is a reference to the regulated waters with that name or description under schedule 1.

10 Regulated period for prohibited or restricted activities in regulated waters

- (1) This section applies if a regulated waters declaration states a particular period (a *regulated period*) in which an activity is prohibited or restricted in particular regulated waters.
- (2) The activity is prohibited or restricted in the waters under the declaration only in the regulated period.

11 Activity prohibited or restricted at all times if no regulated period stated

- (1) This section applies if—
- (a) an activity is prohibited or restricted in particular regulated waters under a regulated waters declaration; and
 - (b) neither this regulation nor a management plan provides for a particular regulated period in which the activity is prohibited or restricted in the waters.
- (2) To remove any doubt, it is declared that the activity is prohibited or restricted in the waters at all times.

12 References to taking a particular quantity of fish

For a fisheries declaration, a person takes a particular quantity of fish only if, at any given time, the person possesses that quantity of fish that the person has taken.

Division 5 Matters relating to authorities and commercial fisheries

13 References to an authority includes its conditions

A reference to an authority includes a reference to its conditions.

14 References to activities carried out under an authority

A person carries out an activity under an authority only if—

- (a) the authority, or a provision of this regulation or a management plan about that type of authority, authorises the person to carry out the activity; and
- (b) the person carries out the activity in accordance with that authorisation.

[s 15]

Note—

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

15 Who is a *commercial fisher*

- (1) Generally, a commercial fisher is anyone who holds a commercial fisher licence.
- (2) However, in a fishery provision about a commercial fishery in chapters 8 to 10, a reference to a commercial fisher is a reference to a commercial fisher acting under the commercial fishing boat licence on which is written a fishery symbol for the fishery.

16 References to *the licence* in a fishery provision

In a fishery provision about a commercial fishery, a reference to the licence is a reference to a licence on which is written a fishery symbol for the fishery.

Division 6 Working out boundaries of areas

17 References to latitudes and longitudes

- (1) Subject to subsections (2) and (3), the latitudes and longitudes used to describe the boundary of an area are worked out using GDA 94.
- (2) The latitudes and longitudes used to describe the boundary of an area shown on a fish habitat area plan mentioned in schedule 3, part 1 are worked out using AGD 66.
- (3) The latitudes and longitudes used to describe the boundary of an area shown on a fish habitat area plan mentioned in schedule 3, part 2 are worked out using AGD 84.
- (4) In this section—

AGD 66 means the Australian Geodetic Datum 1966, commonly called ‘AGD 66’, notified in the Commonwealth Government Gazette No. 84 on 6 October 1966, at page 4984.

AGD 84 means the Australian Geodetic Datum 1984, commonly called ‘AGD 84’, defined in the technical report by Allman, JS and Veenstra, C titled ‘Geodetic Model of Australia 1982’, Technical Report 33, published in 1984 by the Commonwealth Department of Resources and Energy, Division of National Mapping.

Editor’s note—

The report may be inspected, during office hours on business days, at the southern regional office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered. On the notification day that office was at the Landcentre, corner of Vulture and Main Streets, Woolloongabba.

GDA 94 means the Geocentric Datum of Australia 1994, commonly called ‘GDA 94’, notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

18 References to boundaries, lines, shores and other points

Unless otherwise provided, the following apply—

- (a) a boundary or line along a shore follows high water mark;
- (b) a boundary or line along a shore intersected by a waterway crosses the waterway by the shortest line between its banks;
- (c) other boundaries and lines run from point to point in a straight line;
- (d) a reference to a shore is a reference to the shore at high water mark;
- (e) a reference to a point or to the tip of an island or other geographical feature, is a reference to the point or tip on the shore at high water mark.

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19 References to waterways

Unless otherwise provided, a reference to a waterway is a reference to all of the following—

- (a) the waterway upstream of the shortest line between its banks at their junction, at low water, with the body of water into which the waterway finally flows;
- (b) the foreshores of the waterway.

20 References to banks of waterways

Unless otherwise provided, a reference to a bank of a waterway is a reference to the bank at its junction, at high water, with the body of water into which it finally flows.

Division 7 Other general provisions aiding interpretation

21 References to aids to navigation

A reference to a beacon, buoy, lead, light or marine mark is a reference to an aid to navigation under the *Transport Operations (Marine Safety) Act 1994*, section 104.

22 References to distances between nets

A reference to a distance between nets is a reference to—

- (a) for nets in a waterway—the distance between the nets measured along the centre line of the waterway; and
- (b) for nets on a foreshore—the distance between the nets measured along the shore.

23 References to drops and number of meshes

- (1) A reference to a net's drop is a reference to the distance between the top and the bottom of the net when its meshes are taut.
- (2) A reference to a number of meshes in a net's drop is a reference to the number of rows of mesh between the top and bottom of the net.

24 References to periods of days or months

- (1) This section applies if a provision of this regulation or a management plan states a period that—
 - (a) starts on a day or in a month (the *first mentioned day or month*); and
 - (b) ends on a day or in a month (the *second mentioned day or month*).
- (2) The period is taken to start at the beginning of the first mentioned day or month and end at the end of the second mentioned day or month.

Example—

A stated period from 1 November to 1 February starts immediately after midnight at the beginning of 1 November and ends immediately before midnight at the end of 1 February.

25 References to times

- (1) This section applies if a provision states a period that starts at a time (the *first mentioned time*) and ends at another time (the *second mentioned time*).
- (2) The period is taken to start at the first mentioned time and end at the second mentioned time whether the second mentioned time is on the same, or a different, day, week, month or year.

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Examples—

- A stated period from midday on 1 November to midday on 1 February is a period of 3 months starting at midday on 1 November and ending at midday on 1 February.
- A stated period from 4p.m. to 4a.m. is a period of 12 hours starting at 4p.m. on a particular day and ending at 4a.m. on the next day.
- A stated period from 3p.m. to 5a.m. from 1 July to 31 October consists of each period of time within the stated days starting at 3p.m. on a particular day and ending at 5a.m. on the next day. The first period of time starts at 3p.m. on 1 July and the last period of time ends at 5a.m. on 31 October.

Chapter 2 Regulated waters declarations

Part 1 Preliminary

26 Operation of ch 2

- (1) This chapter provides for particular regulated waters declarations under sections 37(5) and 42 of the Act.

Note—

The East Coast Trawl Plan also provides for particular regulated waters declarations.

- (2) Particular waters are—
- (a) declared to be regulated waters under part 2; and
 - (b) regulated in the way stated under parts 3 to 12.
- (3) Part 13 provides generally for exceptions to regulated waters declarations under this chapter or a management plan.

Part 2 Declaration of regulated waters

27 Particular waters declared as regulated waters

- (1) Each of the waters described in schedule 1, column 2—
 - (a) is declared to be regulated waters, subject to section 28; and
 - (b) has the name set out opposite it in column 1 of the schedule.
- (2) The waters described in schedule 1, part 1 are named by reference to particular fish, the taking or possession of which is regulated in the waters.
- (3) The waters described in schedule 1, part 2 are—
 - (a) named by reference to their location; and
 - (b) listed in approximate order of their location going from south to north.

Notes—

- 1 To help users of this regulation, indicative plans of particular regulated waters are available for inspection on the department's website.
- 2 The indicative plans are not applied, adopted or incorporated by this regulation or any management plan.

28 Particular regulated waters shown on fisheries regulated waters plans

- (1) Subject to section 29, if a plan number for a fisheries regulated waters plan is stated in schedule 1, column 2, the waters shown on the plan as regulated waters are declared to be regulated waters.

Note—

Each fisheries regulated waters plan is identified by the prefix 'FRW' followed by the plan number. For example, 'FRW-303'.

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- (2) Fisheries regulated waters plans are held by the chief executive and copies of the plans may be inspected, free of charge, during office hours on business days at the department's head office.

Editor's note—

On the notification day, the department's head office was at 80 Ann Street, Brisbane and copies of the plans were available for inspection on the department's website.

29 Boundaries of regulated waters on fisheries regulated waters plans

- (1) If a fisheries regulated waters plan shows that particular waters (*excluded waters*) are excluded from the regulated waters shown on the plan, the excluded waters are not regulated waters.
- (2) Subject to subsection (3), a line in relation to a boundary of regulated waters on a fisheries regulated waters plan shows what forms the boundary of the regulated waters.
- (3) If a regulated waters plan shows a boundary of regulated waters by reference to a geographical feature or fixed structure—
 - (a) the boundary of the regulated waters is decided by reference to the feature or structure; and
 - (b) to the extent the boundary is decided by reference to the feature or structure, a line in relation to the boundary shown on the plan is only indicative of the current position of the boundary.

Example—

Regulated waters are shown on a fisheries regulated waters plan by reference to a shore line. Rough weather alters the location of parts of the shore line. The boundary of the regulated waters is decided by reference to the shore line as altered, despite any inconsistency with the location of the shore line as shown on the plan.

- (4) If a boundary shown on a fisheries regulated waters plan has a gap in it, the boundary continues in a straight line across the

gap to the nearest point of the boundary on the other side of the gap.

Part 3 Regulation of activities in regulated waters

30 Regulated persons

Each of parts 4 to 12 provide for the persons (each a *regulated person*) to whom particular regulated waters declarations under the relevant part apply.

31 Activities prohibited or otherwise regulated

Particular provisions (each a *regulating provision*) under parts 4 to 12 provide for the activities that are prohibited or restricted in particular regulated waters under the regulating provision.

Note—

For each entry for regulated waters described in schedule 1, column 2, the regulating provisions under which activities in the regulated waters are prohibited or otherwise regulated, are stated opposite the entry in schedule 1, column 3.

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Part 4 Declarations about taking any fish

Division 1 Regulated persons

32 Regulated persons for pt 4

Any person is a regulated person.

Division 2 Taking any fish in regulated waters

33 Regulated waters for div 2

This division applies to the following regulated waters—

- Coombabah Lake and Coombabah Creek
- Swan Bay
- Wolf Rock (grey nurse shark protection area)
- Tinana Creek Barrage (downstream)
- Mary River Barrage (downstream)
- Burnett River Barrage (downstream)
- Kolan River Barrage (downstream)
- Keppel Bay (fishing)
- Fitzroy River Barrage (downstream)
- Hook Island (fishing)
- Yanks Jetty at Orpheus Island
- Mission Bay
- Centenary Lakes, Cairns
- Barron River (fishing)
- Bizant River, Princess Charlotte Bay

- South Mitchell River
- Torres Strait near Hammond Island.

34 Prohibited activities

A regulated person must not in the regulated waters—

- (a) take any fish; or
- (b) possess a fish taken in contravention of paragraph (a).

Division 3 Taking any fish in particular shark protection areas

Subdivision 1 Regulated waters

35 Regulated waters for div 3

This division applies to the following regulated waters—

- Cherub's Cave (grey nurse shark protection area)
- Flat Rock (grey nurse shark protection area)
- Henderson Rock (grey nurse shark protection area).

Subdivision 2 Prohibited activities

36 Taking fish generally prohibited

A regulated person must not in the regulated waters—

- (a) take any fish; or
- (b) possess a fish taken in contravention of paragraph (a).

Subdivision 3 Exceptions for division 3

37 Application of sdiv 3

This subdivision applies despite section 36.

38 Taking fish by hand or scoop net

A person may take a fish in the regulated waters if the person takes the fish—

- (a) under a licence on which is written the fishery symbol 'A1' or 'A2'; and
- (b) by hand or using a scoop net or seine net; and
- (c) from 6a.m. to 6p.m. on a particular day.

39 Taking spanner crab

(1) A person may take a spanner crab in the regulated waters if the person takes the crab—

- (a) under a licence on which is written the fishery symbol 'C2'; and
- (b) from 6a.m. to 6p.m. on a particular day.

(2) A recreational fisher may take a spanner crab in the regulated waters if the fisher—

- (a) does not use fishing apparatus, other than a prescribed dilly, for taking the crab; and
- (b) uses no more than 4 prescribed dillies to take the crab.

(3) In this section—

prescribed dilly means a dilly that has—

- (a) an area within its frame of no more than 1m²; and
- (b) a net drop below its frame of no more than 10cm; and

-
- (c) a net made up of square or rectangular meshes with a mesh size of at least 25mm; and
 - (d) the following attached to it—
 - (i) a tag on which is written the full name and address of the owner of the dilly;
 - (ii) a light coloured float that is at least 15cm in all its dimensions and on which the owner's name is also written.

40 Surface trolling in Flat Rock (grey nurse shark protection area—western zone)

A person may take a fish by surface trolling in the Flat Rock (grey nurse shark protection area—western zone) if the person takes the fish under an SM (Flat Rock) fishery licence on which is written the fishery symbol 'L1', 'L6', 'L7' or 'SM'.

Part 5 Declarations about taking or possessing particular fish

Division 1 Regulated persons

41 Regulated persons for pt 5

Any person is a regulated person.

Division 2 Australian bass

42 Prohibited activities and regulated period

- (1) A regulated person must not in the Australian bass regulated waters—

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- (a) take Australian bass in the regulated period; or
 - (b) possess Australian bass taken in contravention of paragraph (a).
- (2) For subsection (1)(a), the regulated period is from 1 June to 31 August.

Division 3 Barramundi

43 Regulated waters for div 3

This division applies to the following regulated waters—

- waters other than the Gulf of Carpentaria waters
- Gulf of Carpentaria waters.

44 Prohibited activities and regulated periods

- (1) A regulated person must not in the regulated waters—
- (a) take barramundi in a regulated period for the regulated waters; or
 - (b) possess barramundi taken in contravention of paragraph (a).
- (2) For subsection (1)(a)—
- (a) the regulated period for the waters other than the Gulf of Carpentaria waters is from midday on 1 November to midday on 1 February; and
 - (b) the regulated periods for the Gulf of Carpentaria waters are the following—
 - (i) from midday on 6 October 2008 to midday on 2 February 2009;
 - (ii) from midday on 25 September 2009 to midday on 22 January 2010;

- (iii) from midday on 30 September 2010 to midday on 26 January 2011;
- (iv) from midday on 4 October 2011 to midday on 30 January 2012;
- (v) from midday on 7 October 2012 to midday on 3 February 2013;
- (vi) from midday on 26 September 2013 to midday on 23 January 2014;
- (vii) from midday on 1 October 2014 to midday on 27 January 2015;
- (viii) from midday on 4 October 2015 to midday on 1 February 2016;
- (ix) from midday on 8 October 2016 to midday on 4 February 2017;
- (x) from midday on 28 September 2017 to midday on 24 January 2018.

45 Exception for div 3

- (1) This section applies despite section 44.
- (2) A recreational fisher may—
 - (a) take no more than 1 barramundi in a prescribed barramundi waterway within the regulated waters; or
 - (b) possess a barramundi taken under paragraph (a).
- (3) However, subsection (2) applies only if the fisher does not possess the barramundi while taking fish in the regulated waters, other than a prescribed barramundi waterway.

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Division 4 Regulated coral reef fin fish

Subdivision 1 Regulated waters and prohibited activities etc.

46 Regulated waters for div 4

This division applies to the Coral reef fin fish regulated waters.

47 Prohibited activities and regulated periods

- (1) A regulated person must not in the regulated waters—
 - (a) take a regulated coral reef fin fish in a regulated period;
or
 - (b) possess a regulated coral reef fin fish in a regulated period, whether or not the fish have been taken in the waters.
- (2) For subsection (1), each of the following periods is a regulated period—
 - (a) from 22 October 2008 to 30 October 2008;
 - (b) from 21 November 2008 to 29 November 2008;
 - (c) from 21 December 2008 to 29 December 2008.

Subdivision 2 Exceptions for division 4

48 Application of sdiv 2

This subdivision applies despite section 47.

49 Recreational fishing

A regulated person may, in the regulated waters, possess, on a boat, a regulated coral reef fin fish if—

- (a) the fish has not been taken in the waters in contravention of section 47(1)(a); and
- (b) either of the following apply—
 - (i) the person is in possession of the fish for the purpose of consumption on the boat and the boat is not a commercial fishing boat and does not have a fishing line, spear or spear gun on board;
 - (ii) the boat is being used for a charter fishing trip that has been conducted for an uninterrupted period of at least 24 hours.

50 Commercial fishing

A regulated person may, in the regulated waters, possess, on a boat, a regulated coral reef fin fish if—

- (a) the fish has not been taken in the waters in contravention of section 47(1)(a); and
 - (b) the fish—
 - (i) has been taken under the Coral Reef Plan, chapter 3, part 3, division 2, subdivision 4; and
- Editor's note—*
- Coral Reef Plan, chapter 3, part 3, division 2, subdivision 4 (Line units)
- (ii) is on an authorised boat in an unloading area; and
 - (c) the boat is in the unloading area to unload the fish.
- (3) In this section—

authorised boat see the Coral Reef Plan, section 111.

unloading area see the Coral Reef Plan, section 111.

Division 5 Freshwater fish generally

51 Regulated waters for div 5

This division applies to the following regulated waters—

- Dumaresq River at Bonshaw Weir
- Barwon River at Mungindi Weir
- Macintyre River at Goondiwindi Weir
- Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs
- Severn River at Queen Mine Waterhole
- Pike Creek at Glenlyon Dam
- Quart Pot Creek at Storm King Dam
- Balonne River at Surat Weir
- Balonne River at Beardmore Dam and Jack Taylor Weir
- Condamine River at Chinchilla, Loudon, Lemon Tree, Yarralong, Cecil Plains and Reilly's Weirs
- Sandy Creek at Leslie Dam
- Dogwood Creek at Miles Weir
- Reynolds Creek at Moogerah Dam
- Nerang River at Hinze Dam
- Burnett Creek at Maroon Dam
- Albert River at Luscombe Weir
- Brisbane River at Old Mt Crosby Weir
- Brisbane River at Mt Crosby Weir
- Brisbane River at Wivenhoe Dam
- Stuart River at Gordonbrook Dam
- Tinana Creek Barrage (upstream)

- Mary River Barrage (upstream)
- Nogo River at Fairbairn Dam
- Nogo River at Wuruma Dam
- Burnett River at Burnett Barrage and Claude Wharton and Ned Churchward weirs
- Thomson River at Fairmount Weir
- Kolan River Barrage (upstream)
- Three Moon Creek at Cania Dam
- Boyne River (Boyne River Basin) at Awoonga Dam
- Dawson River at Glebe Weir
- Dawson River at Gylanda Weir
- Dawson River at Orange Creek Weir
- Dawson River at Theodore Weir
- Dawson River at Moura Weir
- Dawson River at Neville Hewitt Weir
- Six Mile Creek at Lake MacDonald
- Boyne River (Auburn River Basin) at Boondoomba Dam
- Fitzroy River at Wattlebank Control Weir
- Fitzroy River Barrage (upstream)
- Fitzroy River at Eden Bann Weir
- Pioneer River at the Marian, Mirani and Dumbleton Weirs
- Burdekin River at Clare Weir.

52 Prohibited activities

A regulated person must not in the regulated waters—

- (a) take a freshwater fish; or

[s 53]

- (b) possess a freshwater fish taken in contravention of paragraph (a).

Division 6 Murray cod in Barwon, Dumaresq and Macintyre rivers

53 Regulated waters for div 6

This division applies to the following regulated waters—

- Barwon River
- Dumaresq River
- Macintyre River.

54 Prohibited activities and regulated period

- (1) A regulated person must not in the regulated waters—
- (a) take a Murray cod in the regulated period; or
- (b) possess a Murray cod taken in contravention of paragraph (a).
- (2) For subsection (1)(a), the regulated period is from 1 September to 30 November.
- (3) This section applies despite division 5.

Division 7 Gastropods or bivalve molluscs

55 Regulated waters for div 7

This division applies to the following regulated waters—

- Wynnum (gastropod area)
- Nudgee Beach
- Deception Bay.

56 Prohibited activities

A regulated person must not in the regulated waters—

- (a) take a gastropod or bivalve mollusc; or
- (b) possess a gastropod or bivalve mollusc taken in contravention of paragraph (a).

Division 8 Spanner crabs

57 Prohibited activities and regulated period

- (1) A regulated person must not in the Spanner crab regulated waters—
 - (a) take a spanner crab in the regulated period; or
 - (b) possess a spanner crab taken in contravention of paragraph (a).
- (2) For subsection (1)(a), the regulated period is from midnight on 20 November to midnight on 20 December.

Division 9 Saucer scallops

58 Prohibited activities and regulated periods

- (1) A regulated person must not in the Saucer scallop regulated waters—
 - (a) take a saucer scallop in a regulated taking period; or
 - (b) possess a saucer scallop taken in contravention of paragraph (a); or
 - (c) possess a saucer scallop in a regulated possession period.
- (2) For subsection (1)(a), a regulated taking period is either of the the following—

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- (a) from midday on 20 September to midday on 1 November;
 - (b) from midday on 20 December to midday on 1 January.
- (3) For subsection (1)(b), a regulated possession period is either of the following—
- (a) from 6p.m. on 20 September to midday on 1 November;
 - (b) from 6p.m. on 20 December to midday on 1 January.

Division 10 Other particular fish

59 Prohibited activities—black jewfish

A regulated 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).

60 Prohibited activities—bêche-de-mer

A regulated person must not in the Bêche-de-mer regulated waters—

- (a) take a bêche-de-mer;
- (b) possess a bêche-de-mer taken in contravention of paragraph (a).

61 Prohibited activities—fish other than fin fish

A regulated person must not in the Fitzroy Island–High Island regulated waters—

- (a) take any fish other than a fin fish; or
- (b) possess a fish taken in contravention of paragraph (a).

[s 66]

Division 2 Possessing or using fishing lines

66 Prohibited activities

A regulated person must not in the Obi Obi Creek regulated waters—

- (a) possess a fishing line; or
- (b) use a fishing line to take a fish; or
- (c) possess a fish taken in contravention of paragraph (b).

Division 3 Possessing or using nets

67 Regulated waters for div 3

This division applies to the following regulated waters—

- Burnett River (netting)
- Water Park Creek.

68 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a net; or
- (b) use a net to take a fish; or
- (c) possess a fish taken in contravention of paragraph (b).

Division 4 Using shell dredges

69 Regulated waters for div 4

This division applies to the following regulated waters—

- waterways, lakes and lagoons within the limits of the State

- Moreton Bay (whole)
- Hervey Bay and Great Sandy Strait (shell dredging)
- Hinchinbrook Channel (fishing apparatus area 1).

70 Prohibited activities

A regulated person must not in the regulated waters—

- (a) use a shell dredge to take a fish; or
- (b) possess a fish taken in contravention of paragraph (a).

Part 7 Declarations applying to recreational fishers

Division 1 Regulated persons

71 Regulated persons for pt 7

A recreational fisher is a regulated person.

Division 2 Taking or possessing particular fish

Subdivision 1 Barracuda, slender barracuda and spanish mackerel

72 Prohibited activities

A regulated person must not in the Platypus Bay regulated waters—

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- (a) take a barracuda, slender barracuda or spanish mackerel;
or
- (b) possess a fish taken in contravention of paragraph (a).

Subdivision 2 Fin fish

73 Prohibited activities and regulated period—Fraser Island (Indian Head–Waddy Point)

- (1) A regulated person must not in the Fraser Island (Indian Head–Waddy Point) regulated waters—
 - (a) take a fin fish in the regulated period; or
 - (b) possess a fin fish taken in contravention of paragraph (a).
- (2) For subsection (1)(a), the regulated period is from midday on 1 August to midday on 30 September.

74 Prohibited activities—Pine River Bay

A regulated person must not in the Pine River Bay regulated waters—

- (a) take a fin fish; or
- (b) possess a fin fish taken in contravention of paragraph (a).

Subdivision 3 Tropical spiny rock lobsters

75 Prohibited activities and regulated period—Northern rock lobster regulated waters

- (1) A regulated person must not in the Northern rock lobster regulated waters—

- (a) take tropical spiny rock lobster in the regulated period;
or
 - (b) possess a tropical spiny rock lobster taken in
contravention of paragraph (a).
- (2) Without limiting subsection (3), a regulated person must not
in the waters—
- (a) take more than 3 tropical spiny rock lobsters outside the
regulated period; or
 - (b) possess a tropical spiny rock lobster taken in
contravention of paragraph (a).
- (3) If, outside the regulated period, there is more than 1 regulated
person on a boat in the waters, the person in control of the
boat must ensure there are no more than 6 tropical spiny rock
lobsters on the boat.
- (4) For this section the regulated period is from midnight on 1
October to midnight on 31 January.

**76 Prohibited activities—Southern rock lobster regulated
waters**

- (1) Without limiting subsection (2), a regulated person must not
in the Southern rock lobster regulated waters—
- (a) take more than 5 tropical spiny rock lobsters; or
 - (b) possess a tropical spiny rock lobster taken in
contravention of paragraph (a).
- (2) If there is more than 1 regulated person on a boat in the
waters, each regulated person must ensure there are no more
than 10 tropical spiny rock lobsters on the boat.

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Division 3 Possessing or using particular fishing apparatus

Subdivision 1 Possessing or using any nets

77 Regulated waters for sdiv 1

This subdivision applies to the following regulated waters—

- Rodds Harbour (recreational netting)
- Hervey Bay (recreational netting).

78 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a net; or
- (b) use a net to take a fish; or
- (c) possess a fish taken in contravention of paragraph (b).

Subdivision 2 Possessing or using particular nets

79 Prohibited activities

A regulated person must not in the Skyringville Creek regulated waters—

- (a) possess a net, other than a scoop net; or
- (b) use a net, other than a scoop net, to take a fish; or
- (c) possess a fish taken in contravention of paragraph (b).

Subdivision 3 Possessing or using spears or spear guns

80 Regulated waters for sdiv 3

This subdivision applies to the following regulated waters—

- Tallebudgera Creek (spearing)
- Southern Moreton Bay (including The Broadwater)
- Pumicestone Strait (spearing)
- Moreton Island (artificial reef area)
- Jetties in, or south of, the Noosa River
- Mooloolah River (spearing)
- Maroochy River (spearing)
- Noosa River (spearing)
- North Sandy Strait (artificial reef area)
- Hervey Bay (artificial reef area off Woodgate)
- Bargara Beach
- Great Keppel Island
- North Keppel Island
- Seaforth Island
- Brampton Island–Pelican Island–Carlisle Island
- Lindeman Island
- Long Island
- Molle Island
- West Molle Island
- Hook Island (spearing)
- Hayman Island
- Main wharf at Port Denison, Bowen

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- Cape Edgecumbe
- Jetties at Dungeness and Lucinda Point
- Dunk Island
- Richards Island
- Cooktown wharf and nearby pontoons.

81 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a spear or spear gun; or
- (b) use a spear or spear gun to take fish; or
- (c) possess fish taken in contravention of paragraph (b).

Part 8 Declarations about taking or possessing fish for trade or commerce

Division 1 Regulated persons

82 Regulated persons for pt 8

Any person is a regulated person.

Division 2 Taking or possessing any fish for trade or commerce

83 Prohibited activities—Pumicestone Strait

A regulated person must not in the Pumicestone Strait (commercial fishing) regulated waters—

- (a) take any fish for trade or commerce; or
- (b) possess a fish taken in contravention of paragraph (a).

84 Prohibited activities and regulated period—Fraser Island (Indian Head–Waddy Point)

(1) A regulated person must not in the Fraser Island (Indian Head–Waddy Point) regulated waters—

- (a) take any fish for trade or commerce in the regulated period; or
- (b) possess a fish taken in contravention of paragraph (a).

(2) For subsection (1)(a), the regulated period is from midday 1 August to midday on 30 September.

Division 3 Taking or possessing particular fish for trade or commerce

85 Prohibited activities—Platypus Bay

A regulated person must not in the Platypus Bay regulated waters—

- (a) take any of the following fish for trade or commerce—
 - (i) barracuda;
 - (ii) black king-fish;
 - (iii) catfish of the family Ariidae;

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- (iv) narrow-barred or spanish mackerel;
 - (v) queenfish;
 - (vi) slender barracuda;
 - (vii) yellowtail king-fish; or
- (b) possess a fish taken in contravention of paragraph (a).

Part 9 Declarations about possessing or using any nets for taking fish for trade or commerce

Division 1 Regulated persons

86 Regulated persons for pt 9

Any person is a regulated person.

Division 2 Possessing or using nets—no regulated period

87 Regulated waters for div 2

This division applies to the following regulated waters—

- Currumbin Creek
- Currumbin Beach
- Tallebudgera Creek (netting)
- The Broadwater (southern part) and Nerang River
- Gold Coast Seaway
- The Broadwater (western part)

-
- Coombabah Creek, Oyster Lake and Saltwater Creek
 - Coomera River
 - Albert River
 - Manly Boat Harbour
 - Wynnum and Manly
 - Brisbane River (netting)
 - Brisbane Airport floodway channel to the Pine River
 - Sandgate Pier
 - South Pine River and North Pine River
 - Bribie Island's eastern shore and the sand spit at Kings Beach
 - Currimundi Lake and Currimundi Creek near Caloundra
 - Mooloolah River (netting)
 - South Maroochy River and the North Maroochy River
 - Maroochy River and ocean foreshores (netting)
 - Noosa River and Noosa's main beach
 - Weyba Creek
 - Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba
 - Rainbow Beach
 - Wide Bay Bar
 - Snapper Creek near Tin Can Bay
 - Hervey Bay (commercial netting)
 - Theodolite Creek
 - Coonar Creek
 - Round Hill Creek
 - Eurimbula Creek

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- Rodds Harbour (commercial netting)
- Calliope River (upstream from Farmers Island)
- Cawarral Creek
- Causeway Lake, Shoal Bay
- Constant Creek (upstream)
- Rocky Dam Creek
- Pioneer River (upstream)
- Seaforth Creek
- Victor Creek
- Merinda Creek
- Reliance Creek, west of Eimio
- Proserpine River
- Pioneer Bay
- Bowen Harbour and Magazine Island
- Plantation Creek and Seaforth Creek
- Haughton River and the Short Cut
- Groper Creek, Yellow Gin Creek and the Burdekin River
- Burdekin River
- Barramundi Creek
- Townsville Harbour and Cleveland Bay
- Rollingstone Creek
- Louisa Creek
- Herbert River
- Meunga Creek
- Mission River, Embley River and Hey River
- Murray River

- Johnstone River
- Russell River, Mulgrave River and Mutchero Inlet
- Trinity Inlet
- Trinity Bay
- Bloomfield River
- Annan River
- Endeavour River
- Mitchell River
- Pine River Bay
- Watson River
- Kirke River
- Chapman River
- Chapman River to Moonkan Creek
- Moonkan Creek
- Staaten River
- Gilbert River
- Bronco's Creek
- Norman River (downstream)
- Norman River (upstream)
- Bynoe River and Little Bynoe River
- Flinders River and Armstrong Creek
- Nicholson River
- Gin Arm Creek
- Elizabeth River (Mornington Island)
- Sandalwood Place River (Mornington Island).

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88 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a net for taking fish for trade or commerce; or
- (b) use a net for taking a fish for trade or commerce; or
- (c) possess a fish taken in contravention of paragraph (b).

89 Exception for Trinity Bay regulated waters

- (1) This section applies despite section 88.
- (2) A prescribed person may possess and use a net to take a fish in the Trinity Bay regulated waters, if the person takes the fish—
 - (a) under a licence on which is written the fishery symbol ‘N1’, ‘N2’, ‘N6’ or ‘N7’; and
 - (b) between 6p.m. on Sunday and 6p.m. on Friday.
- (3) In this section—

prescribed person means—

- (a) any of the following persons while the person holds the commercial fisher licence with the licence number stated opposite the person’s name—
 - (i) Brent Robert Batch—21515;
 - (ii) Bruce Robert Batch—30443;
 - (iii) Wayne Chadwick—39073;
 - (iv) Errol Francis Copley—39904;
 - (v) George Holman—QMM02946G;
 - (vi) Leonard Henry Parsons—29855;
 - (vii) Richard Murray Tanswell—31756;
 - (viii) Joseph Tati—36514; or
- (b) an assistant fisher who is under direction of a person to whom paragraph (a) applies.

Division 3 Possessing or using nets—regulated periods

90 Regulated waters and regulated periods for div 3

In the table below—

- (a) column 1 states the regulated waters to which this division applies; and
- (b) the regulated period for the regulated waters stated in column 1 is stated in column 2 opposite the entry for the regulated waters.

column 1	column 2
Regulated waters	Regulated periods
Tallebudgera Creek to Burleigh (netting)	from 1 September to 30 April
The Broadwater (central part)	The following regulated periods— <ul style="list-style-type: none"> (a) from 1 August to 31 August; (b) from 1 September to 30 November, at the following times— <ul style="list-style-type: none"> • Monday to Thursday—from 6a.m. to 6p.m.; • from 6a.m. Friday to 6p.m. Sunday; (c) from 1 December to the end of February
Dunwich	from 1 August to 30 April
North Stradbroke Island (northern beaches)	from 20 September to 1 April
Moreton Bay (including The Broadwater)	from 6p.m. on Friday to 6p.m. on Sunday
Caloundra (Kings Beach to Shelly Beach)	from 1 January to the end of February and from 1 August to 31 December
Noosa River (ocean foreshore)	from 1 May to 31 August

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column 1	column 2
Regulated waters	Regulated periods
Waterways south of Double Island Point	from 6p.m. on Friday to 6p.m. on Sunday
Fraser Island (Tooolora Creek to Ngkala Rocks)	from midday 1 April to midday on 1 September
Fraser Island (Hook Point to northern tip)	from midday 1 September to midday on 1 April
Great Sandy Strait	from 1 February to 30 November—from 2p.m. Friday to 2p.m. Sunday; and from 1 December to 31 January—from 6p.m. Friday to 6p.m. Sunday
Point Vernon to Cape Manifold	from 6p.m. on Friday to 6p.m. on Sunday
Wild Cattle Creek	from 1 September to 30 April
Boyne River and part of South Trees Inlet	from 1 September to 30 April
Tannum Sands	from 1 September to 30 April
The Narrows near Curtis Island	from 6p.m. on Friday to 6p.m. on Sunday
Fitzroy River and waters near its mouth	from 6p.m. on Friday to 6p.m. on Sunday
St. Lawrence Creek to Endeavour River	from 6p.m. on Friday to 6p.m. on Sunday
Hinchinbrook Channel (all nets)	from 6p.m. on Friday to 6p.m. on Sunday
lakes and lagoons south of the northern bank of Endeavour River and east of longitude 142°31'49" east	from 6p.m. on Friday to 6p.m. on Sunday

91 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a net for taking fish for trade or commerce in the relevant regulated period for the waters; or

-
- (b) use a net for taking a fish for trade or commerce in the relevant regulated period for the waters; or
 - (c) possess a fish taken in contravention of paragraph (b).

Part 10 Declarations about possessing or using particular nets for taking fish for trade or commerce

Division 1 Regulated persons

92 Regulated persons for pt 10

Any person is a regulated person.

Division 2 Using any commercial fishing nets

93 Prohibited activities—spanish mackerel regulated waters

A regulated person must not in the Spanish mackerel regulated waters—

- (a) use commercial fishing nets to take spanish mackerel for trade or commerce; or
- (b) possess a spanish mackerel taken in contravention of paragraph (a).

94 Prohibited activities—Fraser Island (tailor) regulated waters

A regulated person must not in the Fraser Island (tailor) regulated waters—

- (a) use commercial fishing nets to take tailor for trade or commerce; or
- (b) possess tailor taken in contravention of paragraph (a).

Division 3 Possessing or using particular commercial fishing nets

95 Regulated waters for div 3

This division applies to the regulated waters stated in column 1 of the table below section 96.

96 Prohibited activities

A regulated person must not in the regulated waters stated in column 1 of the table below—

- (a) possess a commercial fishing net of a type stated opposite the regulated waters in column 2 of the table; or
- (b) use a net referred to in paragraph (a) to take a fish for trade or commerce; or
- (c) possess a fish taken in contravention of paragraph (b).

column 1	column 2
Regulated waters	Prohibited commercial fishing nets
rivers and creeks east of longitude 142°09' east	a set mesh net or a net that is neither fixed nor hauled of a type mentioned in section 480, 486, 514 or 517 (each an <i>offshore provision</i>)
South of North Stradbroke Island	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Moreton Bay (whole)	a net of a type mentioned in section 533(1)

column 1	column 2
Regulated waters	Prohibited commercial fishing nets
Moreton Bay (area 1)	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Cassim and King Islands (Moreton Bay)	a tunnel net of a type mentioned in section 488
Moreton Island to Double Island Point	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Great Sandy Strait and Hervey Bay (netting)	a net of a type mentioned in section 533(1)
Hervey Bay (scallop ranching area)	a trawl net
South of Burnett River	a net of a type mentioned in section 533(1)
South of Baffle Creek	a mesh or seine net of a type mentioned in section 477 or 513
Hervey Bay (netting area 1)	a mesh or seine net of a type mentioned in section 477 or 513
Hervey Bay (netting area 2)	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Fraser Island (rivers and creeks)	a set mesh net of a type mentioned in section 482 or 499
Burnett River–Baffle Creek	a set mesh net of a type mentioned in section 484 or 520
North of Burnett River	a net of a type mentioned in section 533(2)
Baffle Creek–Cape Flattery	a set mesh net of a type mentioned in section 498
North of Baffle Creek	a mesh or seine net (other than a ring net or a net which is neither fixed nor hauled) of a type mentioned in section 478 or 543

column 1	column 2
Regulated waters	Prohibited commercial fishing nets
Keppel Bay (netting)	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Shoalwater Bay	a set mesh net
Pioneer River (downstream)	a commercial fishing net other than— (a) a mesh or seine net mentioned in section 481 or 533(3); or (b) a mesh or seine net mentioned in section 478 or 543 that is not being used as a ring net or as a net that is neither fixed nor hauled
O’Connell River	a commercial fishing net other than— (a) a mesh or seine net of a type mentioned in section 481 or 533(3); or (b) a mesh or seine net mentioned in section 478 or 543 that is not being used as a ring net or as a net that is neither fixed nor hauled
Queens Bay	a net of a type mentioned in an offshore provision that is a set mesh net or a net that is neither fixed nor hauled
Hinchinbrook Channel (fishing apparatus area 1)	a net of a type mentioned in section 533(2)
Hinchinbrook Channel (fishing apparatus area 2)	any commercial fishing net
Daintree River (area 1)	any commercial fishing net

column 1	column 2
Regulated waters	Prohibited commercial fishing nets
Daintree River (area 2)	a commercial fishing net other than a seine net that— (a) is no longer than 400m; and (b) has a mesh size of at least 50mm but no more than 100mm; and (c) is made of no more than 210/12 ply
North of Cape Flattery	a set mesh net of a type mentioned in section 503

Division 4 Possessing or using particular set mesh nets to take any fish

97 Regulated waters for div 4

This division applies to the following regulated waters—

- Bundaberg–Gladstone–Rockhampton (regional waterways)
- Mackay (regional waterways)
- Burdekin–Townsville–Ingham (regional waterways)
- Innisfail (regional waterways)
- Cairns and Port Douglas (regional waterways)
- Middle Head to Norton Point
- Calliope River (near mouth)
- South Trees Inlet
- Waters off Curtis Island
- Cattle Point to Cardigan Point
- Island Bluff to Charon Point

- Little Cape Creek to Shag Creek
- Constant Creek (near mouth)
- South Bluff to Coconut Point
- Nobbies Inlet
- Burdekin River Anabranch area
- Sheep Station Creek to Barratta Creek
- Gentle Annie Creek
- Victoria Creek
- Macushla Point to Forkey's Creek (Hinchinbrook Island)
- Hinchinbrook Channel (set mesh nets)
- Thompson Point to Flying Fish Point
- Barron River area (netting)
- Port Douglas
- Mossman River area
- Endeavour River area.

98 Prohibited activities and regulated period

- (1) A regulated person must not in the regulated waters—
 - (a) possess a foreshore net or an offshore net in the regulated period; or
 - (b) use a foreshore net or an offshore net to take a fish for trade or commerce in the regulated period; or
 - (c) possess a fish taken in contravention of paragraph (b).
- (2) For subsection (1), the regulated period is from midday 1 November to midday 1 February.
- (3) In this section—

foreshore net means a set mesh net that may, under this regulation or a management plan, be used on a foreshore to take fish.

offshore net means a set mesh net that—

- (a) may, under this regulation or a management plan, be used in offshore waters to take fish; and
- (b) has a monofilament diameter of more than 1.06mm.

Division 5 Possessing or using set mesh nets to take particular fish

99 Regulated waters for div 5

This division applies to the following regulated waters—

- Port Musgrave and Wenlock River
- Wellesley Islands Protected Wildlife Area.

100 Prohibited activities

A regulated person must not in the regulated waters—

- (a) possess a set mesh net for taking fin fish, other than regulated coral reef fin fish, for trade or commerce; or
- (b) use a set mesh net to take a fin fish, other than a regulated coral reef fin fish, for trade or commerce; or
- (c) possess a fish taken in contravention of paragraph (b).

101 Exceptions for Wellesley Islands Protected Wildlife Area regulated waters

- (1) This section applies despite section 100.
- (2) A person may use or possess a set mesh net to take a fin fish, other than a regulated coral reef fin fish, from the offshore

waters in the Wellesley Islands Protected Wildlife Area regulated waters if—

- (a) the net is made from a continuous filament or strand of synthetic fibre that is joined, knitted or woven into meshes; and
 - (b) the net is no longer than 400m and has a mesh size of at least 162.5mm but no more than 245mm; and
 - (c) the line thickness of the net is no more than 1.04mm; and
 - (d) the net's drop is no more than 50 meshes; and
 - (e) the water in which the net is being used is not shallower than the net's drop; and
 - (f) the person is within 100m of the net while the person is using it; and
 - (g) the total length of all nets on the boat being used to take the fish is no more than 400m.
- (3) A person may use or possess a set mesh net to take fin fish, other than regulated coral reef fin fish, from the foreshore within the regulated waters if—
- (a) the net is no longer than 100m and has a mesh size of at least 162.5mm but no more than 245mm; and
 - (b) the net's drop is no more than 33 meshes; and
 - (c) no more than one-third of the net's length extends past the low-water mark; and
 - (d) the total length of all nets on the boat being used to take the fish is no more than 600m.

Part 11 **Declarations about using particular nets in dugong protected regulated waters (zone A)**

Division 1 **Regulated persons**

102 **Regulated persons for pt 11**

Any person is a regulated person.

Division 2 **Hervey Bay–Tin Can Bay (greater dugong protection area) regulated waters**

103 **Prohibited activities—Hervey Bay–Tin Can Bay (greater dugong protection area) regulated waters**

- (1) A regulated person must not use a set mesh net in the Hervey Bay–Tin Can Bay (greater dugong protection area) regulated waters.
- (2) Despite subsection (1), a person may use a set mesh net in offshore waters within the regulated waters if the net—
 - (a) is made of monofilament no more than 0.65mm in diameter; and
 - (b) is no longer than 600m; and
 - (c) has a mesh size of at least 88mm and is no more than 33 meshes deep; and
 - (d) is used by at least 2 persons, each of whom is within 100m of the net; and

- (e) is fixed in a way that prevents it from drifting and ensures it is taut when it is being used.
- (3) This section is subject to sections 104 and 105.

104 Prohibited activities—Hervey Bay—Tin Can Bay (dugong protection area 1) waters

- (1) This section applies to the following waters (the *Hervey Bay—Tin Can Bay (dugong protection area 1) waters*)—
- (a) the waters within the following boundary—
- from latitude 25°10'24" south where it intersects the mainland shore near Burrum River to latitude 25°10'24" south, longitude 152°39'06" east
 - to latitude 25°13'24" south, longitude 152°40'12" east
 - along latitude 25°13'24" east to where it intersects the mainland shore
 - along the mainland shore to latitude 25°10'24" south;
- (b) the waterways adjoining the waters mentioned in paragraph (a).
- (2) A regulated person must not use a set mesh net in the Hervey Bay—Tin Can Bay (dugong protection area 1) waters.

105 Prohibited activities and regulated period—Hervey Bay—Tin Can Bay (dugong protection area 2) waters

- (1) This section applies to the following waters (the *Hervey Bay—Tin Can Bay (dugong protection area 2) waters*)—
- (a) the waters within the following boundary—
- from the southern bank of Theodolite Creek east to longitude 152°40' east
 - to the southern bank of O'Regan Creek

- along the mainland shore to the southern bank of Theodolite Creek;
 - (b) the waterways adjoining the waters mentioned in paragraph (a).
- (2) A regulated person must not, in the Hervey Bay–Tin Can Bay (dugong protection area 2) waters use a set mesh net in the regulated period.
- (3) For subsection (2), the regulated period is from 3p.m. to 5a.m. from 1 July to 31 October.

106 Prohibited activities—Hervey Bay–Tin Can Bay (dugong protection area 3) waters

- (1) This section applies to a river or creek between the north bank of Kauri Creek and latitude 25°01'01" south where it intersects the mainland shore (the *Hervey Bay–Tin Can Bay (dugong protection area 3) waters*).
- (2) A regulated person must not use a set mesh net in the Hervey Bay–Tin Can Bay (dugong protection area 3) waters.
- (3) Despite subsection (2), the person may use up to 3 set mesh nets in the waters if—
- (a) each net is no longer than 50m; and
 - (b) each net has a mesh size of at least 150mm but no more than 215mm; and
 - (c) each net has a drop of no more than 50 meshes; and
 - (d) the nets are no more than 800m apart; and
 - (e) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets; and
 - (f) the nets are not set downstream of the banks of a river or creek within the waters.
- (4) This section is subject to section 107.

107 Prohibited activities—Hervey Bay–Tin Can Bay (dugong protection area 4) waters

- (1) This section applies to the following waters of the Mary River (the *Hervey Bay–Tin Can Bay (dugong protection area 4) waters*)—
 - (a) the waters upstream of a line from the western tip of Brothers Islands running northwest across the river;
 - (b) the waters upstream of a line from the western tip of Brothers Islands running southeast across the river.
- (2) A regulated person must not use a set mesh net in the Hervey Bay–Tin Can Bay (dugong protection area 4) waters.
- (3) Despite subsection (2), the person may use up to 3 set mesh nets in the waters if each net is no longer than 120m.

108 Prohibited activities—Hervey Bay–Tin Can Bay (dugong protection area 5) waters

- (1) This section applies to the following waters (the *Hervey Bay–Tin Can Bay (dugong protection area 5) waters*)—
 - (a) the waters of the Mary River less than 3km upstream of a line between the banks of the river;
 - (b) the waters of the Burrum River less than 3km upstream of a line between the banks of the river.
- (2) A regulated person must not use a set mesh net in the Hervey Bay–Tin Can Bay (dugong protection area 5) regulated waters.

Division 3 Port Clinton (greater dugong protection area) regulated waters

109 Prohibited activities

- (1) A regulated person must not use a mesh net in the Port Clinton (greater dugong protection area) regulated waters unless—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; or
- (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

Note—

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

- (2) Also, a regulated person must not in the waters—
 - (a) use a set mesh net on a foreshore; or
 - (b) use a set mesh net in offshore waters; or
 - (c) use a mesh net that is neither fixed nor hauled.
- (3) Despite subsection (2), a regulated person may use up to 3 set mesh nets in the Port Clinton (dugong protection area 1) waters if—
 - (a) each net is no longer than 50m; and
 - (b) each net has a mesh size of at least 150mm but no more than 215mm; and
 - (c) each net has a drop of no more than 50 meshes; and
 - (d) the nets are no more than 800m apart; and
 - (e) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets.

- (4) In this section—

Port Clinton (dugong protection area 1) waters means the waters of that name shown on fisheries regulated waters plan FRW-901.

Note—

Section 28(2) provides for the availability of fisheries regulated waters plans.

Division 4 Shoalwater Bay (dugong protection area) regulated waters

110 Prohibited activities

A regulated person must not use or possess a net, other than a cast net, in the Shoalwater Bay (dugong protection area) regulated waters.

Division 5 Upstart Bay (greater dugong protection area) regulated waters and included areas

110A Prohibited activities—using mesh nets generally

A regulated person must not use a mesh net in the Upstart Bay (greater dugong protection area) regulated waters unless—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; or
- (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

Note—

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

111 Prohibited activities—using set mesh net on foreshore

- (1) A regulated person must not in the Upstart Bay (greater dugong protection area) regulated waters use a set mesh net on a foreshore.
- (2) Despite subsection (1), a regulated person may use up to 3 set mesh nets on a foreshore in the waters from midday 1 February to midday 1 November, if—
 - (a) each net is no longer than 200m; and

-
- (b) each net has a mesh size of at least 100mm but no more than 215mm; and
- (c) the distance between the first and last net is no more than 1km; and
- (d) the nets are no more than 800m apart; and
- (e) any person using the nets is between the first and the last net and no more than 800m from any of the nets; and
- (f) the nets are not joined; and
- (g) the nets are set more than 200m from a jetty or wharf.
- (3) Subsection (4) applies to the waters within the following boundary—
- from latitude 19°43'37" south where it intersects the mainland shore
 - east along latitude 19°43'37" south to 200m seaward from high water mark
 - south parallel to the mainland shore 200m seaward from high water mark to where it intersects latitude 19°48' south
 - west along latitude 19°48' south to the mainland shore at high water mark
 - along the mainland shore to 19°43'37" south.
- (4) Despite subsection (1), a regulated person may use a set mesh net on a foreshore in the waters.

112 Prohibited activities—using set mesh net offshore or net neither fixed nor hauled

A regulated person must not in the Upstart Bay (greater dugong protection area) regulated waters—

- (a) use a set mesh net in offshore waters; or
- (b) use a mesh net that is neither fixed nor hauled.

113 Prohibited activities—using set mesh nets in rivers or creeks

- (1) A regulated person must not in the Upstart Bay (greater dugong protection area) regulated waters use a set mesh net in a river or creek.
- (2) Despite subsection (1), a regulated person may use up to 3 set mesh nets in a river or creek in the waters if—
 - (a) the nets are not set downstream of a line between the banks of the river or creek; and
 - (b) each net is no longer than 50m; and
 - (c) each net has a mesh size of at least 150mm but no more than 215mm; and
 - (d) each net has a drop of no more than 50 meshes; and
 - (e) the nets are no more than 800m apart; and
 - (f) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets.

Division 6 Hinchinbrook Island (dugong protection area) regulated waters

114 Prohibited activities

- (1) A regulated person must not use a mesh net in the Hinchinbrook Island (dugong protection area) regulated waters unless—
 - (a) the net has a mesh size of at least 50mm but no more than 115mm; or
 - (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

Note—

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

- (2) Also, a regulated person must not in the waters—
- (a) use a set mesh net in a river or creek; or
 - (b) use a set mesh net on a foreshore; or
 - (c) use a set mesh net in offshore waters; or
 - (d) use a mesh net that is neither fixed nor hauled.

Division 7 Other particular regulated waters

115 Regulated waters for div 7

This division applies to the following regulated waters—

- Ince Bay (dugong protection area)
- Stewart Peninsula–Newry Islands–Ball Bay (dugong protection area)
- Cleveland Bay–Magnetic Island (dugong protection area).

116 Prohibited activities

- (1) A regulated person must not use a mesh net in the regulated waters unless—
- (a) the net has a mesh size of at least 50mm but no more than 115m; or
 - (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

Note—

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

- (2) Also, a regulated person must not in the waters—

- (a) use a set mesh net on a foreshore; or
 - (b) use a set mesh net in offshore waters; or
 - (c) use a mesh net that is neither fixed nor hauled.
- (3) Despite subsection (2), the person may use up to 3 set mesh nets in a river or creek in the waters if—
- (a) the nets are not set downstream of a line between the banks of the river or creek; and
 - (b) each net is no longer than 50m; and
 - (c) each net has a mesh size of at least 150mm but no more than 215mm; and
 - (d) each net has a drop of no more than 50 meshes; and
 - (e) the nets are no more than 800m apart; and
 - (f) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets.

Part 12 **Declarations about using particular nets in dugong protected regulated waters (zone B)**

Division 1 **Regulated persons**

117 **Regulated persons for pt 12**

Any person is a regulated person.

Division 2 Regulated waters

118 Regulated waters for pt 12

This part applies to the following regulated waters—

- Port of Gladstone–Rodds Bay (dugong protection area)
- Clairview Bluff–Carmilla Creek (dugong protection area)
- Llewellyn Bay (dugong protection area)
- Ball Bay–Sand Bay (dugong protection area)
- Repulse Bay (dugong protection area)
- Edgecumbe Bay–Bowen (dugong protection area)
- Bowling Green Bay (dugong protection area)
- Lucinda to Allingham–Halifax Bay (dugong protection area).

Division 3 Prohibited activities

119 Using mesh nets in offshore waters

- (1) Subject to subsections (2) to (4), a regulated person must not use a set mesh net or a net that is neither fixed nor hauled in offshore waters in the regulated waters.
- (2) A regulated person may use a set mesh net or a net that is neither fixed nor hauled in offshore waters in the waters if—
 - (a) the net is no longer than 600m; and
 - (b) the net has a mesh size of at least 150mm but no more than 245mm; and
 - (c) the person using the net is within 100m of it.

- (3) If a regulated person is using a net in off shore waters within 2km of the high water mark in the waters, the person must ensure—
 - (a) the meshes of the net do not touch the seabed; and
 - (b) the net has attached to it enough floats to ensure the net is able to take fish from the surface of the water.
- (4) A regulated person may join 2 nets and use them as 1 net in off shore waters in the regulated waters if—
 - (a) the nets are used in waters deeper than 20m; and
 - (b) the combined length of the nets is no more than 1200m.

120 Using set mesh nets on a foreshore

- (1) A regulated person must not use a set mesh net on a foreshore in the regulated waters.
- (2) Despite subsection (1), a regulated person may use up to 3 set mesh nets on a foreshore in the waters from midday 1 February to midday 1 November, if—
 - (a) each net is no longer than 200m; and
 - (b) each net has a mesh size of at least 100mm but no more than 215mm; and
 - (c) the distance between the first and last net is no more than 1km; and
 - (d) the nets are no more than 800m apart; and
 - (e) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets; and
 - (f) the nets are not joined; and
 - (g) the nets are set more than 200m from a jetty or wharf.

121 Using set mesh nets on a headland

- (1) A regulated person must not use a set mesh net on a headland in the regulated waters.
- (2) Despite subsection (1), a regulated person may use up to 3 set mesh nets on a headland in the waters from midday 1 February to midday 1 November, if—
 - (a) each net is no longer than 50m; and
 - (b) each net has a mesh size of at least 100mm but no more than 215mm; and
 - (c) the distance between the first and last net is no more than 1km; and
 - (d) the nets are no more than 800m apart; and
 - (e) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets; and
 - (f) the nets are not joined; and
 - (g) the nets are set more than 200m from a jetty or wharf; and
 - (h) one end of each net is anchored above the low water mark.

122 Using set mesh nets in rivers or creeks

- (1) A regulated person must not use a set mesh net in a river or creek in the regulated waters.
- (2) Despite subsection (1), a regulated person may use up to 3 set mesh nets in a river or creek in the waters from midday 1 February to midday 1 November, if—
 - (a) each net is no longer than 120m; and
 - (b) each net has a mesh size of at least 150mm but no more than 215mm; and

- (c) each net has a drop of no more than 50 meshes; and
- (d) the combined lengths of the nets is no more than 360m; and
- (e) the nets are no more than 800m apart; and
- (f) the distance between the first and last net is no more than 1n mile; and
- (g) any person using the nets is—
 - (i) between the first and the last net; and
 - (ii) no more than 800m from any of the nets.

123 Using a mesh, ring or seine net

- (1) Subject to subsections (2) to (4), a regulated person must not use a mesh, ring or seine net in the regulated waters.
- (2) A regulated person may use a mesh, ring or seine net in the waters if only 1 end of the net is fixed only while the net is being shot.
- (3) A regulated person may use a ring net in a river or creek in the waters if the net—
 - (a) has a mesh size of at least 50mm but no more than 115mm; and
 - (b) is no longer than 400m.
- (4) A regulated person may use a mesh net that is neither fixed nor hauled in waters within the regulated waters, other than foreshore waters.

Part 13 General exceptions

124 Application of pt 13

This part applies despite parts 3 to 12.

125 Person may carry out prohibited activity under permit

A person may carry out an activity in regulated waters that is prohibited under this chapter or a management plan if the person carries out the activity under a permit.

126 Possessing stowed and secured fishing apparatus

- (1) This section applies if possessing fishing apparatus is prohibited in regulated waters under a provision of this chapter or a management plan, unless the provision provides otherwise.
- (2) A person may possess fishing apparatus, other than an otter trawl net, in the waters if the apparatus is stored inboard a boat.
- (3) A person may possess an otter trawl net in the waters if the net is stowed and secured on a boat.
- (4) For subsection (3), an otter trawl net is stowed and secured on a boat if—
 - (a) during the daytime—
 - (i) the net and any other fishing apparatus normally used with it 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—

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- (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 or ground chains or ropes for an otter trawl net

127 Fishing apparatus testing

- (1) Subsection (2) applies if, under a provision of this chapter or a management plan, possessing or using a trawl net is prohibited in regulated waters.
- (2) A person may possess or use a trawl net on a boat in the waters if—
 - (a) the use or possession 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) The notice 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, where the testing is to happen; and
 - (ii) when the testing is to start and end.

Chapter 3 Regulated fish declarations

Part 1 Preliminary

128 Operation of ch 3 and sch 2

- (1) This chapter and schedule 2 provide for regulated fish declarations under sections 37(2) and 42 of the Act.
- (2) Particular fish are declared to be regulated fish under part 2 and are regulated in the way stated under part 3 and schedule 2.
- (3) Particular fish are also declared to be regulated fish under part 4 and are regulated in the way stated under that part.
- (4) Part 5 regulates the number of fish that may be taken, and the form in which the fish may be possessed, by a recreational fisher on an extended licensed charter fishing trip.
- (5) Part 6 provides for ways of measuring the size, volume or weight of particular fish to decide if the fish are regulated fish.
- (6) Part 7 provides generally for exceptions to regulated fish declarations.

129 Relationship with regulated waters declarations

- (1) This section applies if an activity—
 - (a) is not prohibited under a regulated fish declaration; and
 - (b) would, if it were carried out in regulated waters, contravene a regulated waters declaration.
- (2) To remove any doubt, it is declared that the carrying out of the activity is still a contravention of the regulated waters declaration.

Part 2 Regulated fish

130 Declaration of particular fish as regulated fish

- (1) Fish stated in schedule 2, part 2, column 1 and part 3, column 1 are declared to be regulated fish.
- (2) Subsection (1) is subject to sections 131 to 138 and parts 5 and 7.

131 Fish regulated by form

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1—
 - (a) the symbol ‘F’ is stated in schedule 2, part 2, column 2; and
 - (b) a form (the *regulated form*) of the fish is stated opposite the symbol in schedule 2, part 2, column 3.

Examples of forms of a fish—

a fish that is cut, filleted or processed in a particular way

- (2) Only the identified fish in the regulated form are declared to be regulated fish.

132 Fish regulated by gender or reproductive capacity

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1—
 - (a) the symbol ‘G’ is stated in schedule 2, part 2, column 2; and
 - (b) a gender (the *regulated gender*) or a description of the reproductive capacity of the fish (the *regulated reproductive capacity*) is stated opposite the symbol in schedule 2, part 2, column 3.

Example of a description of the reproductive capacity of a fish—

an egg bearing slipper lobster

-
- (2) Only the identified fish of the regulated gender or regulated reproductive capacity are declared to be regulated fish.

133 Fish regulated by number separately

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1—
- (a) the symbol ‘N’ is stated in schedule 2, part 2, column 2; and
 - (b) a number (the *regulated number*) is stated opposite the symbol in schedule 2, part 2, column 3.
- (2) Only the identified fish in excess of the regulated number are declared to be regulated fish.

134 Fish regulated by number separately and in combination

- (1) This section applies if—
- (a) an entry in schedule 2, part 3, column 1 identifies particular fish separately and in combination; and
 - (b) a number (also the *regulated number*) is stated for the entry in schedule 2, part 3, column 3.
- (2) The particular fish in excess of the regulated number are declared to be regulated fish.
- (3) Also, any fish of the combination in excess of the regulated number are declared to be regulated fish.

135 Fish regulated by size

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1, the symbol ‘S’ is stated in schedule 2, part 2, column 2.
- (2) If a minimum size (the *regulated minimum size*) is stated opposite the symbol in schedule 2, part 2, column 3, only the identified fish that are smaller than the regulated minimum size are declared to be regulated fish.

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- (3) If a maximum size (the *regulated maximum size*) is stated opposite the symbol in schedule 2, part 2, column 3, only the identified fish that are larger than the regulated maximum size are declared to be regulated fish.
- (4) For subsections (2) and (3), the size of a fish may be stated by reference to the size of a part of the fish, including, for example, if the fish is a crab, the size of its carapace.

136 Fish regulated by volume

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1—
 - (a) the symbol ‘V’ is stated in schedule 2, part 2, column 2; and
 - (b) a volume (the *regulated volume*) is stated opposite the symbol in schedule 2, part 2, column 3.
- (2) Only the identified fish in excess of the regulated volume are declared to be regulated fish.

137 Fish regulated by weight

- (1) This section applies if, for an entry for fish identified in schedule 2, part 2, column 1—
 - (a) the symbol ‘W’ is stated in schedule 2, part 2, column 2; and
 - (b) a weight (the *regulated weight*) is stated opposite the symbol in schedule 2, part 2, column 3.
- (2) Only the identified fish in excess of the regulated weight are declared to be regulated fish.

138 Declaration subject to condition

Despite sections 131 to 137, if the declaration of fish as regulated fish is subject to a condition, however expressed, stated in schedule 2, part 2, column 3 or part 3, column 3, the

fish is declared to be regulated fish only if the condition is satisfied.

Example—

Under schedule 2, part 2 dead regulated coral reef fin fish is declared to be regulated fish only on the condition, stated in column 3 of the schedule, that the pectoral fin has not been removed from the fish.

139 Fish declared to be regulated fish in more than 1 way

Fish may be declared to be regulated fish in more than 1 way under this part.

Example—

Under schedule 2, part 2 black jewfish taken by recreational fishers in the Gulf of Carpentaria waters are regulated by number and size.

Part 3 Regulation of activities involving regulated fish

140 Meaning of *activity involving regulated fish*

An *activity involving regulated fish* means—

- (a) taking, buying, selling, possessing or using the regulated fish; or
- (b) taking, buying, selling, possessing or using the regulated fish in a particular way.

141 Particular activities involving regulated fish are prohibited activities

- (1) Subject to subsection (2), for an entry for regulated fish identified in schedule 2, part 2, column 1 or part 3, column 1, an activity involving the regulated fish stated opposite the

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entry in schedule 2, part 2, column 4 or part 3, column 4 is a prohibited activity.

- (2) If the activity is subject to a condition, however expressed, the activity is a prohibited activity involving regulated fish only if the condition is satisfied.

Examples—

- 1 Under schedule 2, part 2 a person is prohibited from taking jungle perch only if the relevant stated condition, namely that the person is in possession of a spotted flagtail, is satisfied.
 - 2 Under schedule 2, part 2 a recreational fisher is prohibited from possessing a fillet of particular regulated coral reef fin fish only if the relevant stated conditions, namely that the fillet is not at least 40cm long and not all of the skin of the fillet is attached to it, are satisfied.
- (3) For subsection (2), a prohibited activity involving regulated fish may be stated to apply only in a particular area.

Example—

Under schedule 2, part 2 taking more than 30 tailor is stated to be a prohibited activity for a recreational fisher if the fish are taken within 400m of the shore of Fraser Island and particular other conditions apply.

142 Regulated person not to carry out prohibited activity involving regulated fish

- (1) Subject to section 143, for an entry for regulated fish identified in schedule 2, part 2, column 1 or part 3, column 1, a person (a *regulated person*) stated opposite the entry in schedule 2, part 2, column 4 or part 3, column 4 must not carry out a prohibited activity involving the fish stated opposite the entry in schedule 2, part 2, column 4 or part 3, column 4.
- (2) In this section—
person includes a member of a class of persons.

143 Regulated fish declarations may apply differently

- (1) For an entry for regulated fish identified in schedule 2, part 2, column 1 or part 3, column 1, regulated fish declarations may apply differently to a person or different persons by reference to different matters.

Example—

Under schedule 2, part 2 a person is prohibited from taking a broad-barred or grey mackerel less than 50cm. Also, a recreational fisher is prohibited from taking more than 10 of the fish subject to an exception for taking more of the fish under section 152 (Extended number for other particular fin fish).

- (2) In this section—

person includes a member of a class of persons.

Part 4 Declaration and regulation of particular regulated fish

Division 1 Declaration and regulation of total number of regulated coral reef fin fish

144 Total number of regulated coral reef fin fish

- (1) Any regulated coral reef fin fish in excess of 20 are declared to be regulated fish.
- (2) A recreational fisher must not take more than 20 regulated coral reef fin fish.

Note—

There is an exception to this regulated fish declaration under section 150 (Extended number for regulated coral reef fin fish).

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145 When other regulated fish declarations apply despite s 144

- (1) This section applies if a recreational fisher takes regulated coral reef fin fish of only 1 species regulated by number under a regulated fish declaration in schedule 2.
- (2) This section also applies if—
 - (a) a recreational fisher takes regulated coral reef fin fish of more than 1 species regulated by number under 1 or more regulated fish declarations in schedule 2; and
 - (b) the total of the regulated numbers of the species is no more than 20.
- (3) The regulated fish declarations mentioned in subsection (1) and (2) apply despite section 144.

Example—

A recreational fisher takes a combined total of 7 regulated coral trout of different species as allowed under a regulated fish declaration in schedule 2, part 3. Section 144 does not operate to allow the fisher to take more than 7 of the fish.

146 When s 144 applies despite other regulated fish declarations

- (1) This section applies if—
 - (a) a recreational fisher takes regulated coral reef fin fish of more than 1 species regulated by number under regulated fish declarations in schedule 2; and
 - (b) the total of the regulated numbers of the species would, apart from subsection (2), be more than 20.
- (2) Section 144 applies despite the regulated fish declarations mentioned in subsection (1).

Example—

A recreational fisher takes 10 hussar (pink hussar) and a combined total of 7 regulated coral trout as allowed under regulated fish declarations in schedule 2. The fisher would otherwise be able to take an additional 8 sweetlip emperor (red throat emperor) under schedule 2 but section 144

operates to prevent the fisher from taking more than 3 sweetlip emperor (red throat emperor).

147 Fillets counted as whole fish

For this division and section 150, a person possessing 2 whole or partial fillets of a regulated coral reef fin fish is taken to possess 1 whole regulated coral reef fin fish.

Note—

See also section 184(7) of the Act which provides that if it is relevant to establish a person took fish, evidence that the person possessed the fish at any time is evidence that the person took the fish.

Division 2 Other particular declarations

148 Particular fish taken from regulated waters

- (1) This section applies if—
 - (a) a regulated person under chapter 2, parts 4 to 12, takes or possesses fish in regulated waters; and
 - (b) the taking or possession of the fish in the regulated waters contravenes a regulated waters declaration under chapter 2, parts 4 to 12; and
 - (c) the fish are outside the regulated waters.
- (2) The fish are declared to be regulated fish.
- (3) A person must not possess the fish.
- (4) If there is an inconsistency between subsection (3) and another regulated fish declaration, subsection (3) prevails to the extent of the inconsistency.

Part 5 **Special provisions for extended licensed charter fishing trips**

Division 1 **Application**

149 **Application of pt 5**

This part applies despite part 4, division 1 and schedule 2.

Division 2 **Regulated coral reef fin fish**

150 **Extended number for regulated coral reef fin fish**

- (1) Subsections (3) to (5) prescribe the number (the *extended number*) of regulated coral reef fin fish that may be—
 - (a) taken, during an extended licensed charter fishing trip, by a recreational fisher who is on a boat and taking part in the trip; and
 - (b) possessed by the fisher.
- (2) However, subsections (3) to (5) apply only if the trip is conducted for a continuous period of at least 72 hours.
- (3) Subject to subsections (4) and (5), the extended number of regulated coral reef fin fish of a particular species or a group of species is twice the regulated number of the fish for the species or group.
- (4) If the trip is conducted for a continuous period of more than 72 hours and less than 168 hours, the extended number of regulated coral reef fin fish of all species or groups of species is a total of 40 fish.
- (5) If the trip is conducted for a continuous period of more than 168 hours, the extended number of regulated coral reef fin fish of all species or groups of species is a total of 60 fish.

Note—

See also section 147.

151 Form of regulated coral reef fin fish for extended licensed charter fishing trip

- (1) This section applies if a recreational fisher takes regulated coral reef fin fish under section 150.
- (2) The fisher may possess a fillet of the fish on the boat during the charter fishing trip but only if—
 - (a) all the skin on the fillet remains attached to the fillet; and
 - (b) the fillets of each species of fish taken are packaged separately; and
 - (c) each package is labelled with the common name of the species of fish in the package.

Division 3 Fin fish other than regulated coral reef fin fish

152 Extended number for other particular fin fish

- (1) This section applies to a recreational fisher who is, or has been, on a boat and taking part in an extended licensed charter fishing trip.
- (2) The fisher may—
 - (a) during the charter fishing trip, take up to twice the regulated number of a species of fish mentioned in schedule 6, part 5; and
 - (b) possess the fish taken under paragraph (a).

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153 Form of other particular fin fish for extended licensed charter fishing trip

- (1) This section applies if a recreational fisher takes a fin fish, other than a regulated coral reef fin fish, on a boat, during an extended licensed charter fishing trip.
- (2) The fisher may possess the fish on the boat but only if the fisher ensures a square area of skin with sides of at least 3cm is left on the fish.

Part 6 Measurement of fish

Division 1 Size

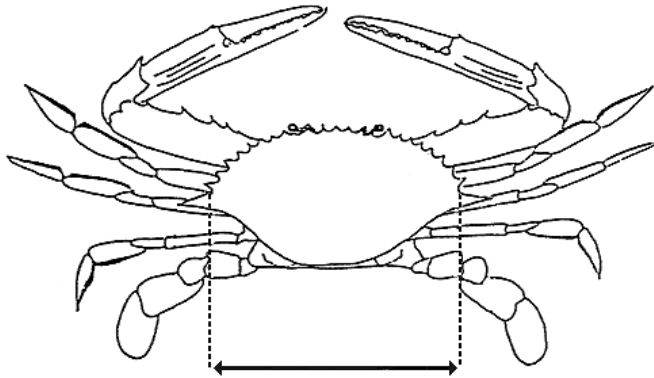
154 Balmain bug

The size of a Balmain bug must be decided by measuring the widest part of its carapace.

155 Blue swimmer crab

- (1) The size of a blue swimmer crab must be decided by measuring the distance between—
 - (a) the notch immediately forward of the base of the large lateral spine of the crab on one side of the crab; and
 - (b) the notch immediately forward of the base of the large lateral spine of the crab on the other side of the crab.

- (2) The following figure is an example of the operation of subsection (1) in diagrammatic form—



The distance between the 2 vertical dotted lines is the distance to be measured to decide the size of a blue swimmer crab.

156 Bug

The size of a bug must be decided by measuring the widest part of its carapace.

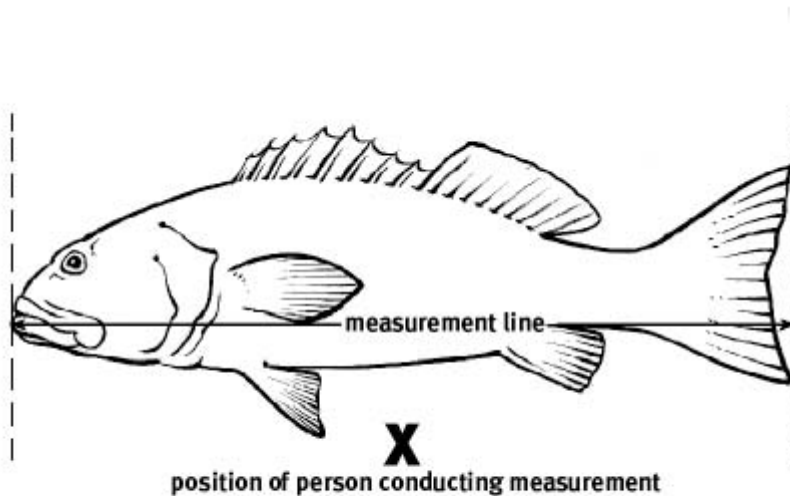
157 Fin fish

- (1) The size of a fin fish is decided by measuring, with the fish in the required position—
- (a) for bar-tailed flathead, mud flathead or sand flathead—the distance along a straight horizontal line along the centre of the fish's underside from the fish's mouth to the end of its tail; or
 - (b) for a fin fish, other than a fish mentioned in paragraph (a)—the distance along a straight horizontal line (the *measurement line*) along the fish's side from its mouth to—
 - (i) the point on the measurement line where the fish's tail ends; or

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- (ii) if part of the tail extends further than the point on the measurement line where the fish's tail ends—the point on the measurement line corresponding in length with the end of the longest part of the fish's tail.
- (2) For subsection (1), the size of the fish must be measured without manipulating the fish, other than to the extent reasonably necessary to allow the fish to be measured as required under the subsection.
- (3) In this section—
required position means—
 - (a) for a fish mentioned in subsection (1)(a)—lying on its underside; or
 - (b) for a fish mentioned in subsection (1)(b)—lying on its side with the dorsal fin facing outward and its mouth closed.

- (4) The following figure is an example of the operation of subsections (1)(b) and (3), definition *required position*, in diagrammatic form—



158 Mud crab

The size of a mud crab must be decided by measuring—

- (a) if its carapace is not damaged—the widest part of its carapace; or
- (b) if its carapace is damaged—the underside of its body on 1 side, from the notch at the junction of the claw with the body to the notch at the junction of the last leg with the body.

159 Painted crayfish

The size of a painted crayfish must be decided by measuring, in a straight line—

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- (a) if its carapace is not damaged or missing—from the anterior mid-dorsal margin to the posterior mid-dorsal margin of the cephalothorax; or
- (b) if its carapace is damaged or separated from its body—along the dorsal surface from the anterior margin of the first abdominal somite to the posterior margin of the sixth abdominal somite, when the tail is laid flat on a horizontal surface.

160 Pearl oyster

The size of a pearl oyster must be decided by measuring from the edge of its butt or hinge to the opposite edge of its shell, whether or not the shell is broken or chipped.

161 Red spot crab (three spot) crab

The size of a red spot crab (three spot crab) must be decided by measuring the widest part of its carapace.

162 Saucer scallop

The size of a saucer scallop must be decided by measuring the widest part of its shell, whether or not the shell is broken or chipped.

163 Spanner crab

- (1) The size of a spanner crab must be decided by measuring the shortest distance between—
 - (a) the tip of the spike at the middle of the front edge of its carapace; and
 - (b) the mid point of the rear edge of its carapace.
- (2) If the carapace is damaged or separated from the crab's body the size of the crab must be decided by measuring its sternite

at the widest part of the front of its breastplate, located directly in front of the bases of the main claws.

164 Trochus

The size of a trochus must be decided by measuring the widest part of the base of its shell.

Division 2 Total volume

165 How total volume must be measured

- (1) This section provides for how a total volume of fish must be measured.
- (2) The volume of fish that are in a container (*contained fish*) must be measured by reference to the volume of the container when it is empty.

Editor's notes—

- 1 An empty container with internal dimensions of 571mm x 381mm x 305mm, commonly called a 'lug basket', has a capacity of approximately 66L.
 - 2 An empty container with internal dimensions of 605mm x 280mm x 90mm, commonly called a 'prawn carton', has a capacity of approximately 0.0153m³.
- (3) For subsection (2), a fish is not a contained fish if any part of it protrudes above the top of the container.
 - (4) The volume of any of the fish that are not contained fish (*uncontained fish*) must be measured by—
 - (a) placing them in a container or containers so that no part of any of the fish protrudes above the top of the container or containers; and
 - (b) measuring the volume of each container when it is empty; and
 - (c) referring to the volume of the container or containers.

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- (5) The total volume of fish is worked out by adding together the volume of all of the contained and uncontained fish.

Division 3 Weight

166 Green snails

- (1) This section provides for how the weight of a green snail must be decided.
- (2) The weight of a green snail is its empty shell weight.

Division 4 Quantity

167 Threshold percentage of saucer scallops

- (1) This section provides for working out the threshold percentage of undersized scallops that are included in a quantity of saucer scallops that have been taken or possessed by a person.
- (2) The threshold percentage must be worked out by—
 - (a) counting all of the undersized scallops and expressing the number of undersized scallops as a percentage of the total number of saucer scallops taken or possessed; or
 - (b) statistical sampling and testing as follows—
 - (i) collecting information (the *sample data*) about the total number of saucer scallops taken or possessed by taking a random sample of the scallops and counting the number of undersized saucer scallops;
 - (ii) using the sample data and a statistical method to estimate, based on a probability of 95%, the percentage of the total number of undersized scallops taken or possessed.

-
- (3) For subsection (2)(b), a saucer scallop that is not whole, including, for example, a saucer scallop that is cut, dismembered, shelled or shucked, must not be counted or included in a sample.
- (4) In this section—
undersized scallops means saucer scallops that are less than the regulated minimum size provided for saucer scallops under a regulated fish declaration.

Part 7 General exceptions

168 Application of pt 7

This part applies despite parts 2 and 3, part 4, division 1, part 5 and schedule 2.

169 Person may carry out prohibited activity under permit

A person may carry out an activity that is a prohibited activity involving regulated fish under part 3 and schedule 2 if the person carries out the activity under a permit.

170 Person possessing fish in regulated form for immediate consumption

A person may possess a fish in a regulated form if the person possesses the fish in that form for immediate consumption.

171 Recreational fisher possessing fin fish for bait

- (1) This section applies if a fin fish is regulated by form or number.

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- (2) A recreational fisher may possess 1 fin fish that the fisher has processed or is processing to use as bait for recreational fishing.
- (3) However, if the fish is spanish mackerel or a regulated coral reef fin fish, the fisher must ensure the pectoral fin of the fish has been removed.

172 Person possessing fish in regulated form on a transport boat

A person may possess fish in a regulated form on a boat if—

- (a) the boat is being used only for transporting people or vehicles; and
- (b) the person is a paying passenger on the boat.

173 Possession of regulated fish obtained from particular persons

A person may possess a regulated fish if—

- (a) the fish has been cultivated in a way that was authorised under the Planning Act; or
- (b) the fish has been sold by another person who was authorised to sell the fish to a person who was authorised to buy the fish.

174 Possession of fish for display in aquarium

A person may possess a regulated fish if the fish has been bred for display in an aquarium.

175 Possession of mollusc shells for collection

A person may possess a mollusc shell if each of the following apply—

- (a) the person did not take the shell for trade or commerce;

-
- (b) if the person took the mollusc in the shell, the person did not take the mollusc for trade or commerce;
 - (c) the shell is—
 - (i) cleaned and preserved; and
 - (ii) kept in a collection.

Chapter 4 Other fisheries declarations

Part 1 Regulated fishing apparatus declarations

Division 1 Preliminary

176 Operation of pt 1

- (1) This part provides for particular regulated fishing apparatus declarations under sections 37(3) and 42 of the Act.

Note—

The Freshwater Plan also provides for particular regulated fishing apparatus declarations.

- (2) The fishing apparatus mentioned in divisions 2 to 4 is—
 - (a) declared to be regulated fishing apparatus; and
 - (b) regulated in the way stated for the apparatus in divisions 2 to 4.
- (3) For subsection (2)(b), a regulated fishing apparatus declaration applies to a person to whom it is stated to apply in the way it is stated to apply.

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- (4) Division 5 provides generally for exceptions to regulated fishing apparatus declarations under this chapter or a management plan.

177 Relationship with regulated waters declarations

- (1) This section applies if an activity—
 - (a) is not prohibited under a regulated fishing apparatus declaration; and
 - (b) would, if it were carried out in regulated waters, contravene a regulated waters declaration.
- (2) To remove any doubt, it is declared that the carrying out of the activity is still a contravention of the regulated waters declaration.

Division 2 Declarations applying generally

178 Regulation of commercial fishing apparatus

- (1) A person must not buy, sell, possess or use commercial fishing apparatus unless—
 - (a) the person holds an authority that authorises the purchase, sale, possession or use of the apparatus; or
 - (b) under this regulation or a management plan, the person is authorised to buy, sell, possess or use the apparatus.
- (2) A person must not sell commercial fishing apparatus to a person who is not authorised to buy the apparatus under an authority, this regulation or a management plan.

179 Using nets—general

- (1) A person must not do any of the following things—
 - (a) join 2 or more nets;
 - (b) allow nets to overlap;

- (c) set nets less than 1m apart;
 - (d) place a thing or do something else between 2 nets to stop fish escaping.
- (2) However, subsection (1) does not apply if doing the thing is otherwise authorised under this regulation or a management plan.

180 Prohibition of possession or use of purse seine nets

A person must not do the following in Queensland waters—

- (a) possess a purse seine net;
- (b) use a purse seine net to take fish.

Division 3 Declarations for trade or commerce

181 Using nets in a commercial fishery

- (1) A person using a net in a fishery area of a commercial fishery must not, without a reasonable excuse, do anything that effectively reduces the mesh size of the net below the minimum size stated for the net in this regulation or a management plan.

*Examples of doing something that effectively reduces a net's mesh size—
covering a net or overlapping nets*

- (2) However, subsection (1) does not apply if doing something that effectively reduces a net's mesh size is otherwise authorised under this regulation or a management plan.

Division 4 Declarations for recreational fishers

Subdivision 1 Possessing particular fishing apparatus

182 Cast nets

A recreational fisher may possess a cast net only if the net—

- (a) is no longer than 3.7m; and
- (b) has a mesh size of no more than 28mm.

183 Scoop nets

A recreational fisher may possess a scoop net only if the net—

- (a) is no more than 2m in any dimension; and
- (b) has a mesh size of at least 25mm and a handle or shaft no longer than 2.5m.

184 Seine nets

A recreational fisher may possess a seine net only if—

- (a) the net—
 - (i) is no longer than 16m; and
 - (ii) has a mesh size of no more than 28mm; and
 - (iii) does not contain a pocket; and
 - (iv) is not fixed; and
- (b) the net's drop is no more than 3m.

185 Shell dredges

A recreational fisher must may possess a shell dredge only if the shell dredge has—

- (a) a mouth no wider than 0.6m; and
- (b) teeth, prongs or tines no longer than 75mm.

Subdivision 2 Regulation of particular fishing apparatus in tidal waters

186 Application of sdiv 2

This subdivision applies to a recreational fisher for taking fish in tidal waters or on tidal land.

Note—

See the Freshwater Plan for provisions about recreational fishers taking fish in waters other than tidal waters or on nontidal land.

187 Prohibition of use of particular traps

A recreational fisher must not use a canister trap, funnel trap or a round trap.

188 Using crab apparatus

- (1) A recreational fisher may use a crab pot, collapsible trap, dilly or inverted dilly (each of which is an item of *crab apparatus*) only if the fisher uses the crab apparatus for taking a crab in compliance with—
 - (a) subsections (2) to (4); and
 - (b) subsections (5) and (6), if applicable.
- (2) The recreational fisher must not use more than a total of 4 items of crab apparatus, including any combination of items of crab apparatus, to take crabs.
- (3) Also, the recreational fisher must ensure that—
 - (a) a tag, on which is written the surname and address of the owner of the crab apparatus, is attached to the apparatus; and

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- (b) the crab apparatus is attached to—
 - (i) a fixed structure or object; or
 - (ii) a float that complies with subsection (4).
- (4) For subsection (3)(b)(ii), the float must—
 - (a) be light coloured and clearly visible on the surface of the water; and
 - (b) be at least 15cm in all its dimensions; and
 - (c) have written on it the surname of the owner of the crab apparatus to which it is attached.
- (5) Also, if the recreational fisher is using a collapsible trap for taking spanner crabs, the collapsible trap must—
 - (a) be made of rigid material; and
 - (b) have at least 1 collapsible side.
- (6) If the recreational fisher is using an inverted dilly for taking spanner crabs—
 - (a) the frame of the inverted dilly must be—
 - (i) made of solid steel; and
 - (ii) no more than 1m in each of its dimensions; and
 - (iii) at least 6mm thick; and
 - (b) the net of the inverted dilly must be multifilament.

189 Using fishing lines and hooks

- (1) A recreational fisher must not use more than 3 fishing lines at a time.
- (2) Also, the fisher must not attach more than a total of 6 hooks or lures to the fishing lines the fisher is using.

Example—

A recreational fisher might use—

- (a) 1 fishing line with 6 hooks attached; or

-
- (b) 2 fishing lines each with 1 lure attached and another fishing line with 4 hooks attached.
 - (3) A recreational fisher must not use a set line.
 - (4) If a recreational fisher is taking fish in the Gulf of Carpentaria waters that are tidal waters, the fisher must not use a fishing line with a mechanically operated reel.

190 Using hand-held forks

A recreational fisher may use a hand-held fork only for taking worms.

191 Using hand pumps

A recreational fisher may use a hand pump only for taking yabbies.

192 Using shell dredges

- (1) A recreational fisher who is under 15 must not use a shell dredge.
- (2) A recreational fisher who is 15 or over may use a shell dredge only for taking a mollusc other than a green snail, oyster, pearl oyster, scallop or trochus.

193 Using seine nets

A recreational fisher who is under 15 may use a seine net only if the fisher is supervised by a person who is 15 or over.

Note—

For regulated fishing apparatus declarations regulating the possession of cast nets and scoop nets, see sections 182 and 183.

194 Using spears or spear guns

A recreational fisher may use a spear or a spear gun.

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Note—

See schedule 11, part 2, definition *recreational fishing apparatus*, paragraphs (o) and (p).

Division 5 General exception

195 Person may carry out prohibited activity under permit

- (1) This section applies despite divisions 2 to 4.
- (2) A person may carry out an activity that is prohibited under divisions 2 to 4 or a management plan if the person carries out the activity under a permit.

Part 2 Regulated fishing method declarations

Division 1 Preliminary

196 Operation of pt 2

- (1) This part provides for regulated fishing method declarations under sections 37(4) and 42 of the Act.
- (2) Each fishing method mentioned in division 2 is—
 - (a) declared to be a regulated fishing method; and
 - (b) regulated in the way stated in division 2.
- (3) For subsection (2)(b), a regulated fishing method declaration applies to a person to whom it is stated to apply in the way it is stated to apply.
- (4) Division 3 provides generally for exceptions to regulated fishing method declarations.

Division 2 Declarations applying generally

197 Taking fish using fishing apparatus

- (1) This section applies to a person using fishing apparatus for taking fish.
- (2) The person must not allow a part of the apparatus containing a fish to be out of the water other than to immediately remove the fish from the apparatus.
- (3) Subsection (4) applies if the person does not intend to keep a fish the person has taken, including, for example, because the person has taken the fish unlawfully or unintentionally.
- (4) The person must immediately release the fish into water deep enough to allow the fish to escape.
- (5) Subsections (2) and (4) do not apply if the person has a reasonable excuse.

198 Particular fishing methods prohibited

- (1) A person must not take fish in any of the following ways—
 - (a) by jaggging or foul-hooking;
 - (b) using underwater breathing apparatus, other than a snorkel;
 - (c) using a crab hook;
 - (d) using fishing apparatus across a waterway or navigation channel in a way that makes more than half of its width impassable to a boat or fish.

- (2) In this section—

crab hook means a hook, other than a baited hook, used for impaling or extracting crabs.

jaggging or ***foul-hooking*** means using a device consisting of a hook or a collection of hooks that is used, other than with a lure or bait, for taking fish.

Division 3 Declarations applying to recreational fishers

199 Taking regulated coral reef fin fish

A recreational fisher must not take a regulated coral reef fin fish other than by using—

- (a) a hand or mechanically operated fishing line; or
- (b) a fishing rod with a hand or mechanically operated reel;
or
- (c) a hand-held spear or spear gun.

Division 4 General exception

200 Person may carry out prohibited activity under permit

- (1) This section applies despite divisions 2 and 3.
- (2) A person may carry out an activity that is prohibited under division 2 or 3 if the person—
 - (a) carries out the activity under a permit; or
 - (b) is otherwise authorised to carry out the activity under this regulation or a management plan.

Chapter 5 Authorities

Part 1 Preliminary

201 Simplified outline of ch 5

In outline, this chapter provides for authorities and related matters as follows—

- (a) part 2 describes particular types of authorities that may be issued and sets out provisions applying generally to authorities and to more than 1 type of authority;
- (b) parts 3 to 5 provide generally for particular types of authorities, other than authorities relating to commercial fishing;
- (c) part 6 provides generally for authorities relating to commercial fishing;
- (d) parts 7 to 9 provide for particular authorities relating to commercial fishing.

Part 2 General provisions about authorities

Division 1 Types of authorities

Subdivision 1 Prescribed authorities

202 Purpose of sdiv 1

This subdivision prescribes particular authorities that the chief executive may issue under the Act.

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Notes—

- 1 Authority is defined in the schedule of the Act as follows—
'authority means—
 - (a) a licence, permit, resource allocation authority or other authority issued, and in force, under this Act; or
 - (b) a quota in force under this Act.'
- 2 Under section 49(1) of the Act authorities may also be prescribed under a management plan.

203 Types of authorities

The types of authorities the chief executive may issue, other than a quota, are the following—

- (a) resource allocation authorities;

Note—

Part 3 provides for matters relating to the issue of, and authorisation under, resource allocation authorities.

- (b) permits;
- (c) licences.

204 Types of permits

The types of permit the chief executive may issue are the following—

- (a) developmental fishing permits;
- (b) indigenous fishing permits;
- (c) permits (*general fisheries permits*) for activities—
 - (i) other than activities that may be carried out under another type of authority; and
 - (ii) that would otherwise be unlawful under this regulation or a management plan.

Note—

Part 4 provides for matters relating to the issue of, and authorisation under, particular permits.

205 Types of licences

The types of licence the chief executive may issue are the following—

- (a) a buyer licence;
- (b) a carrier boat licence;
- (c) a charter fishing licence;
- (d) a commercial fisher licence;
- (e) a commercial fishing boat licence;
- (f) a commercial harvest fishery licence.

Note—

Part 5 provides for matters relating to licences mentioned in paragraphs (a) to (c) and parts 6 to 9 provide for matters relating to the licences mentioned in paragraphs (d) to (f).

Subdivision 2 Other authorities

206 Types of quota authorities under regulation

Chapter 10 provides for the quota authority, SM units.

207 Types of quota authorities under management plans

The following types of quota authorities are provided for under the management plans as follows—

- (a) ITQ units—under the Spanner Crab Plan;
- (b) T1 effort units and T2 effort units—under the East Coast Trawl Plan;

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- (c) CT line units, OS line units and RTE line units—under the Coral Reef Plan.

Division 2 Authorisations under authorities

208 Authorisations subject to regulation, management plans and authorities

- (1) This section applies if an activity is authorised to be carried out under an authority under—
- (a) a provision in—
- (i) parts 3 to 9; or
- (ii) chapter 6, part 5; or
- (iii) chapters 7 to 11; or
- (b) a management plan; or
- (c) the authority itself.
- (2) The carrying out of the activity is subject to any relevant prohibitions or restrictions under this regulation, a management plan or the authority itself.

Examples of relevant restrictions—

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

209 Authority holder only requires 1 authority for an activity

- (1) This section applies to the holder of an authority if the authority authorises an activity for which another authority may be issued under this regulation or a management plan.
- (2) The holder of the authority does not require another authority for the activity.

Division 3 Register of authorities

210 Particulars to be contained in register—Act, s 73

- (1) For section 73(2) of the Act, the register must contain the following particulars about each authority issued by the chief executive—
 - (a) the type, category and number of the authority;
 - (b) the fishery symbols, if any, written on the authority;
 - (c) the authority holder's full name;
 - (d) the holder's postal address;
 - (e) other relevant particulars about each boat identified in the authority;
 - (f) third party interests in the authority, if any, notified to the chief executive;
 - (g) for all quota authorities of the same type held by the same person—
 - (i) the person's name; and
 - (ii) the number of authorities held by the person; and
 - (iii) if conditions have been imposed on any of the authorities—the conditions; and
 - (iv) if any of the authorities are suspended—the number of the authorities and the period of the suspension;
 - (h) for an 'M2' licence under the East Coast Trawl Plan—
 - (i) the boat mark for the boat identified in the licence; and
 - (ii) the boat's hull units, beam, depth and length worked out under that plan; and
 - (iii) the boat's main engine power in maximum continuous brake kW;

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- (i) if the authority holder is required under this regulation or a management plan to install VMS equipment on a boat identified in the authority—
 - (i) a description of the VMS equipment installed on the boat; and
 - (ii) the name and address of the person who installed the equipment.

211 Holder to notify chief executive of particular changes—Act, s 73

For section 73(3) of the Act, an authority holder must give the chief executive written particulars of any of the following changes in circumstances—

- (a) a change of the holder's name;
- (b) if the holder is an individual—a change of the holder's residential, business or postal address;
- (c) if the holder is a corporation—
 - (i) a change of the address of the holder's registered office; or
 - (ii) a change of the address of the holder's office, if any, in the State; or
 - (iii) a person becoming, or ceasing to be, an executive officer of the holder;
- (d) a change in a third party interest in the authority notified to the chief executive;
- (e) a change in details contained in the register about a boat identified in the authority.

Division 4 Other matters

212 Authorities that continue after holder's death—Act, s 70C

The following authorities are prescribed for section 70C(1) of the Act—

- (a) a buyer licence;
- (b) a charter fishing licence;
- (c) a commercial fishing boat licence;
- (d) a commercial harvest fishery licence;
- (e) an effort unit;
- (f) an ITQ unit;
- (g) a line unit;
- (h) a resource allocation authority;
- (i) an SM unit.

213 Authorities in which inspectors may have an interest

An inspector may hold or have an interest in an authority for—

- (a) conducting research or training about fisheries resources, fishing apparatus or commercial fishing boats; or
- (b) taking or possessing fish for stocking waters; or
- (c) releasing fish; or
- (d) taking fish from a stocked impoundment by using a fishing line or a set line under the Freshwater Plan.

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Part 3 Resource allocation authorities

Division 1 Preliminary

214 Meaning of *prescribed development purpose* for declared fish habitat area

A *prescribed development purpose* for a declared fish habitat area, means any of the following in, or directly affecting, the area—

- (a) restoring the fish habitat or natural processes;

Examples—

- reinstating tidal profiles for allowing restoration of marine plant communities
- restoring tidal flows and inundation patterns

- (b) managing fisheries resources or fish habitat;

Example—

constructing a boardwalk for public access within a declared fish habitat area for preventing uncontrolled disturbance of the habitat

- (c) researching, including monitoring, or educating;
- (d) ensuring public health or safety;
- (e) providing public infrastructure to facilitate fishing;

Examples of public infrastructure—

a boat ramp or jetty for public use

- (f) providing subterranean public infrastructure if the chief executive is satisfied the surface of the area can be restored, after the completion of the relevant works or activity, to its condition before the performance of the works or activity;
- (g) constructing a temporary structure;

- (h) maintaining a structure that was constructed before the area was declared to be a fish habitat area under the Act;
- (i) maintaining a structure, other than a structure mentioned in paragraph (h), that has been lawfully constructed;
- (j) for a part of the area that is a management B area—
 - (i) constructing a permanent structure on tidal land or within the area; or
 - (ii) depositing material for beach replenishment in the area.

Division 2 Issue of and authorisation under resource allocation authorities

215 Restriction on issue of particular resource allocation authorities

- (1) The chief executive may issue a resource allocation authority for a prescribed declared fish habitat area development only if the chief executive is satisfied the development is for a prescribed development purpose for the declared fish habitat area to which the development relates.
- (2) Also, before deciding whether to issue the authority, the chief executive must have regard to the following for the declared fish habitat area to which the development relates—
 - (a) the effect of the development on the maintenance of the community use of the area, in particular, in relation to fishing activities;
 - (b) for a part of the area that is a management A area—the effect of the development on the maintenance of the natural condition of fish habitats and natural processes in the area;
 - (c) for a part of the area that is a management B area—the effect of the development on the maintenance of the current fish habitat values and functions of the area.

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216 Authorisation under resource allocation authority

- (1) A resource allocation authority holder may do any of the following under the authority—
 - (a) for an authority relating to prescribed declared fish habitat area development or development mentioned in the Planning Act, schedule 8, part 2, table 1, item 3(d) or table 4, item 3(d) or (e)—interfere with the declared fish habitat area mentioned in the authority;
 - (b) for an authority relating to prescribed aquaculture development—interfere with the fish habitat in the Queensland waters or on the unallocated tidal land mentioned in the authority;
 - (c) for an authority relating to development mentioned in the Planning Act, schedule 8, part 2, table 4, item 4(a)—collect dead marine wood for trade or commerce from the unallocated State land mentioned in the authority;
- (2) However, the holder may do an act mentioned in subsection (1) only if—
 - (a) the holder does the act in relation to the development to which the authority relates; and
 - (b) the development is carried out in a way that is authorised under the Planning Act.

Part 4 Permits

Division 1 Restrictions on issue of particular permits

217 Prohibition on issue of permit for possessing or using purse seine net

The chief executive can not issue a permit allowing any of the following—

- (a) possessing a purse seine net;
- (b) using a purse seine net to take fish;
- (c) possessing fish taken in contravention of paragraph (b).

218 Restriction on issue of permit for taking or possessing maray or pilchard

- (1) The chief executive can not issue a permit allowing the taking or possession of maray or pilchards for trade or commerce.
- (2) However, subsection (1) does not apply if—
 - (a) the permit allows the taking or possession of maray or pilchards for only 1 of the following—
 - (i) to use as bait for fishing under a commercial fishing boat licence or commercial fisher licence held by the person applying for the permit;
 - (ii) to use as food for display fish;
 - (iii) for research; or
 - (b) the permit is a replacement permit issued under section 71 of the Act.

Division 2 Authorisations under particular permits

219 Developmental fishing permit

A person who holds a developmental fishing permit and anyone else identified in the permit may do any of the following under the permit—

- (a) assess the commercial viability of a fishing activity, fishing apparatus or boat for a fishery, other than a commercial fishery, identified in the permit;
- (b) buy, use or possess fishing apparatus to carry out the assessment;
- (c) take, possess and process fish taken for carrying out the assessment;
- (d) sell the fish to someone else who—
 - (i) is identified in the permit; or
 - (ii) holds another authority that authorises the other person to buy the fish; or
 - (iii) is, under this regulation or a management plan, authorised to buy the fish.

220 Indigenous fishing permit

An person who holds an indigenous fishing permit and anyone else identified in the permit may do any of the following under the permit—

- (a) assess the commercial viability of a fishing activity proposed to be carried out, or fishing apparatus or a boat proposed to be used, by an indigenous person or a community of indigenous persons in a commercial fishery identified in the permit;
- (b) buy, use or possess fishing apparatus to carry out the assessment;

- (c) take, possess and process fish taken for carrying out the assessment;
- (d) sell the fish to someone else who—
 - (i) is identified in the permit; or
 - (ii) holds another authority that authorises the other person to buy the fish; or
 - (iii) is authorised to buy the fish under this regulation or a management plan.

Part 5 Licences, other than licences for commercial fishing

Division 1 Buyer licence

221 Authorisation under a buyer licence

A person who holds a buyer licence may do any of the following under the licence—

- (a) buy fisheries resources taken under an authority that authorises the person selling the resources to sell them to the buyer;
- (b) sell fisheries resources;
- (c) process, other than in or on a boat or vehicle, fisheries resources for trade or commerce;
- (d) authorise someone else to do any thing the holder may do under paragraphs (a) to (c).

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222 Conditions of a buyer licence

- (1) It is a condition of a buyer licence that a person acting under the licence (the *buyer*) must sign the appropriate part of a catch disposal record for a relevant licence if—
 - (a) the buyer has bought spanish mackerel or regulated coral reef fin fish from the holder of, or a person acting under, the relevant licence; and
 - (b) the holder or person has asked the buyer to sign the appropriate part of the record; and
 - (c) the buyer is reasonably satisfied the record is accurate to the extent the record relates to the regulated coral reef fin fish or spanish mackerel bought by the buyer from the holder or person.
- (2) In this section—

catch disposal record, for a relevant licence, means the approved form for recording the sale of spanish mackerel or regulated coral reef fin fish under the licence.

relevant licence means—

- (a) an SM fishery licence; or
- (b) a licence on which is written the fishery symbol 'RQ'.

Division 2 Carrier boat licence

223 Authorisation under carrier boat licence

A person who holds a carrier boat licence may under the licence—

- (a) use the boat identified in the licence to carry fish taken for trade or commerce by—
 - (i) a commercial fisher or assistant fisher; or

- (ii) someone else who, under this regulation or a management plan, is authorised to take fish for trade or commerce under another authority; or
- (b) authorise someone else to use the boat in the way mentioned in paragraph (a).

Division 3 Charter fishing licence

224 Authorisation under charter fishing licence

A person who holds a charter fishing licence may under the licence—

- (a) conduct charter fishing trips in offshore waters; or
- (b) authorise someone else to conduct charter fishing trips in offshore waters.

225 Condition of charter fishing licence

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 pilchards during the trip unless—

- (a) the maray or pilchards are taken to use as bait for fishing during the trip; and
- (b) the taking complies with chapter 4, part 1, division 4.

Part 6 **General provisions about authorities for commercial fishing**

Division 1 **Authorities for sale of fisheries resources**

226 **Conditions of authority**

- (1) This section prescribes conditions for an authority that authorises a person to sell fisheries resources.
- (2) If the authority states the way in which fisheries resources may be sold, a person may sell fisheries resources under the authority only in the stated way.
- (3) Subsection (4) applies if—
 - (a) a fishery symbol is written on the authority; and
 - (b) a fishery provision about a commercial fishery identified by the fishery symbol states the way in which fisheries resources may be sold.
- (4) A person may sell fisheries resources under the authority only in the way stated in the fishery provision.
- (5) This section does not limit another provision of this regulation or a management plan applying to the sale of fisheries resources by the authority holder or another person acting under the authority.

Division 2 **Conditions about boat marks**

227 **Application of div 2**

This division applies to an authority that authorises the use of a boat (an *authorised boat*) if—

- (a) the authority states a sequence of letters or numbers for the boat; or
- (b) the chief executive has given the authority holder a written notice (a *boat mark notice*) stating a sequence of letters or numbers for the boat.

228 Reference to a *boat mark* for an authorised boat

A reference to a *boat mark* for an authorised boat used under an authority is a reference to—

- (a) if the authorised boat is a primary boat or another boat identified in the authority—the sequence of letters or numbers for the boat stated in the authority or boat mark notice issued for the boat; or
- (b) if the authorised boat is a tender boat or another boat not identified in the authority—the sequence of letters or numbers for the boat stated in the authority or boat mark notice, followed by—
 - (i) a dash; and
 - (ii) a number, chosen by the authority holder, that is not the same as the number for any other authorised boat of a type mentioned in this paragraph that is used under the authority.

229 Requirements for placing boat mark on authorised boat

- (1) It is a condition of the authority that the authority holder must ensure the boat mark for the authorised boat is placed on the boat in a way that complies with subsections (2) to (7).
- (2) The boat mark must be written in black on a yellow background.
- (3) If the boat has a length of less than 10m—
 - (a) each letter or number in the boat mark must have a height of at least 20cm; and

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- (b) each stroke or serif of the letter or number must have a width of at least 2cm but no more than 2.5cm.
- (4) If the boat has a length of 10m or more but less than 25m—
 - (a) each letter or number in the boat mark must have a height of at least 30cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 3.5cm but no more than 4cm.
- (5) If the boat has a length of 25m or more—
 - (a) each letter or number in the boat mark must have a height of at least 45cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 6cm but no more than 6.5cm.
- (6) The boat mark must be placed on—
 - (a) each side of the boat's hull; and
 - (b) the following place—
 - (i) if the boat has a deck or shelter at its front—the deck or shelter or an enclosed cabin or wheelhouse on the deck;
 - (ii) if the boat does not have a deck or shelter at its front—a flat surface on the boat.
- (7) The boat mark must not—
 - (a) be placed below the water line of the boat; or
 - (b) otherwise be obscured from view.

230 Authorised boat must not be used without boat mark

It is also a condition of the authority that a person in control of an authorised boat must not use the boat, or allow it to be used, to take fish for trade or commerce, unless a boat mark for the boat has been placed, and remains, on the boat in compliance with section 229.

231 Requirement to remove boat mark

- (1) It is a condition of the authority that the holder must remove the boat mark from an authorised boat if—
 - (a) the boat is replaced; or
 - (b) the authority expires; or
 - (c) the authority is surrendered or cancelled.
- (2) This section applies whether or not the boat mark has been placed on the boat, or allowed to remain on the boat, in a way that complies with section 229.
- (3) In this section—

holder, of an authority that has expired, or has been surrendered or cancelled, means the person who held the authority immediately before the expiry, surrender or cancellation.

Part 7 Commercial fisher licence

Division 1 Authorisation—general

232 Authorisation—commercial fisher

A person who holds a commercial fisher licence may do any of the following under the licence—

- (a) buy commercial fishing apparatus;
- (b) use or possess commercial fishing apparatus;
- (c) take fish for trade or commerce, but only while using a commercial fishing boat under a commercial fishing boat licence;
- (d) possess the fish;

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- (e) sell the fish to someone else who is authorised to buy the fish under this regulation, a management plan or another type of authority;
- (f) process the fish.

233 Authorisation—assistant fisher

- (1) Subject to subsections (2) to (4), a person who holds 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 232.

Note—

For the fishery under the East Coast Trawl Plan there are restrictions on what an assistant fisher may do. See section 33 (Assistant fishers) of that plan.

- (2) An assistant fisher may do a thing mentioned in section section 232(b) or (c) 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 232(d) to (f) 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 232(a), (d), (e) or (f) under a commercial fisher licence, other than on a boat, only if the assistant fisher complies with the commercial fisher's instructions.

Division 2 Authorisation—fishing priority

Subdivision 1 Preliminary

234 Definitions for div 2

In this division—

ocean beach fishery flag, for an ocean beach net area, means a flag that—

- (a) is orange; and
- (b) has an area of at least 1m²; and
- (c) has the following written on it—
 - (i) the boat mark for the boat being used to take fish in the ocean beach net area; and
 - (ii) the words ‘fishing priority’.

ocean beach net area means an area of an ocean beach fishery that is—

- (a) identified by 2 ocean beach fishery flags placed—
 - (i) no more than 1km apart; and
 - (ii) along, and as near as possible to, the water’s edge; and
- (b) within the boundary formed by the following lines—
 - (i) a straight line, at right angles to a straight line between the ocean beach fishery flags, extending from the point that is 500m seaward of 1 of the flags (the *first flag*) to the point that is 500m landward of the first flag;
 - (ii) another straight line, at right angles to the straight line between the flags, extending from the point that is 500m seaward of the other flag (the *second*

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flag) to the point that is 500m landward of the second flag;

(iii) a straight line joining the landward ends of the lines mentioned in subparagraphs (i) and (ii);

(iv) a straight line joining the seaward ends of the lines mentioned in subparagraphs (i) and (ii).

235 Meaning of *ready to fish*

A commercial fisher is *ready to fish* with a net in a fishery area of a commercial fishery if—

- (a) the fisher has, in the area—
 - (i) a commercial fishing boat that can be used to take fish in the area under a commercial fishing boat licence; and
 - (ii) at least the minimum number of assistant fishers required to take fish in the area; and
- (b) there is, on the boat, a net authorised to be used to take fish in the area of the fishery.

Subdivision 2 Fishing priorities

236 Fishing priority—ocean beach fisheries

- (1) This section applies—
 - (a) to each commercial fisher acting under a commercial fishing boat licence with the fishery symbols ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’ written on it; and
 - (b) for using a net in an ocean beach net area for which the licence is issued.
- (2) Each of the fishers is authorised under the commercial fishing boat licence to use a net in the ocean beach net area in the

order in which the fishers are ready to fish with the nets in the area.

237 Fishing priority—other commercial fisheries

- (1) This section applies—
 - (a) to each commercial fisher acting under a commercial fishing boat licence; and
 - (b) for using a net in a commercial fishery, other than an ocean beach fishery, for which the licence is issued.
- (2) Each of the fishers is authorised under the commercial fishing boat licence to use a net in the commercial fishery—
 - (a) in an area around the fisher's boat within a radius equal to the length of a net the fisher is authorised to use in the fishery; and
 - (b) in the order in which the fishers are ready to fish with the nets in the area.

238 Duration of fishing priority

An authorisation for a commercial fisher to use nets in an area of a commercial fishery under section 236 or 237 continues—

- (a) for no more than 6 hours from when the fisher is ready to fish with a net in the area; and
- (b) only while the fisher is ready to fish with a net in the area.

239 Joint fishers taken to be 1 fisher

If 2 or more commercial fishers mentioned in section 236 or 237 jointly use nets, they are taken to be 1 commercial fisher.

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Subdivision 3 Offences relating to fishing priorities

240 Interfering with ocean beach fishery flag

- (1) This section applies if a commercial fisher or an assistant fisher acting under a commercial fishing boat licence has placed an ocean beach fishery flag for identifying an ocean beach net area under section 234, definition *ocean beach net area*, paragraph (a).
- (2) A person, other than the commercial fisher or assistant fisher, must not remove, or otherwise interfere with, the ocean beach fishery flag.

Maximum penalty—20 penalty units.

241 Obstructing exercise of a fishing priority

A person must not obstruct a commercial fisher in exercising a fishing priority under this division, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Division 3 Conditions

242 General conditions of a commercial fisher licence

- (1) This section prescribes general conditions to which a commercial fisher licence is subject.

Note—

Chapter 10, part 3 (Conditions for SM units) also prescribes conditions for a commercial fisher licence if the holder is acting under SM units held by another person.

- (2) A commercial fisher must not act, or direct an assistant fisher to act, in the same commercial fishery under more than 1 commercial fishing boat licence at the same time.

- (3) Subsection (4) applies to a commercial fisher using a commercial fishing boat under a commercial fishing boat licence if the holder of the commercial fishing boat licence is required under this regulation or a management plan to comply with VMS equipment requirements for VMS equipment on the boat.
- (4) The commercial fisher must comply with the VMS equipment requirements.

Division 4 Other matters

243 Commercial fisher licence not transferable

A commercial fisher licence is not transferable.

Part 8 Commercial fishing boat licence

Division 1 Issue

244 Restriction on issue of commercial fishing boat licences

The chief executive may issue a commercial fishing boat licence that identifies a primary boat only if the boat is not already identified in a commercial fishing boat licence.

245 Requirement to decide number of tender boats for commercial fishing boat licences

- (1) This section applies if the chief executive decides to issue a commercial fishing boat licence.

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- (2) Before issuing the licence, the chief executive must decide the number (the *authorised number*) of tender boats that are, for section 246, authorised for use under each fishery symbol to be written on the licence.
- (3) Without limiting subsection (2), the chief executive may decide that—
 - (a) no tender boats are authorised; or
 - (b) an unlimited number of tender boats are authorised.
- (4) Despite subsections (2) and (3), if the fishery symbol ‘L2’ or ‘L3’ is to be written on a commercial fishing boat licence, the authorised number of tender boats can not be more than the following—
 - (a) under the fishery symbol ‘L2’—4;
 - (b) under the fishery symbol ‘L3’—1.
- (5) If the chief executive decides that no tender boats or a particular number of tender boats are to be authorised for use under a fishery symbol to be written on a licence, the licence must state the authorised number of tender boats, in brackets, immediately after the fishery symbol.
- (6) If the chief executive decides that an unlimited number of tender boats are to be authorised for use under a fishery symbol to be written on a licence, the licence can not have any brackets or numbers in brackets written immediately after the fishery symbol.

Division 2 Authorisation

246 Authorisation under a commercial fishing boat licence

- (1) A person who holds a commercial fishing boat licence may do any of the following under the licence—

- (a) allow the primary commercial fishing boat identified in the licence to be used to take fish for trade or commerce in a commercial fishery identified in the licence;
 - (b) for any single commercial fishery identified in the licence, allow to be used, at the same time, to take fish for trade or commerce, no more than the authorised number of tender boats under the fishery symbol for the fishery;
 - (c) allow a tender boat mentioned in paragraph (b) to be used as if it were the primary boat if—
 - (i) the primary boat is not also being used to take fish for trade or commerce; and
 - (ii) the licence is kept on the tender boat while it is being used as the primary boat;
 - (d) allow a boat mentioned in this subsection to be used to carry fish taken under this subsection if the fish have been lawfully taken in a commercial fishery;
 - (e) sell fish taken under this subsection to someone else who—
 - (i) holds another authority that authorises the other person to buy the fish; or
 - (ii) is, under this regulation or a management plan, authorised to buy the fish;
 - (f) process fish taken under this subsection;
 - (g) authorise someone else to do any thing the licence holder may do under paragraphs (a) to (f).
- (2) For subsection (1)(a) and (b), 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)(c), the primary boat is not being used to take fish for trade or commerce only because there is fishing apparatus or fish on the boat.

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- (4) While a tender boat is being used under subsection (1)(c), the provisions of this regulation and any relevant management plan apply to the boat as if it were a primary boat.
- (5) Despite subsection (4), the licence holder need not comply with a VMS equipment requirement for a tender boat being used as the primary boat under subsection (1)(c) if—
 - (a) the VMS equipment requirement for the primary boat is complied with; and
 - (b) during the whole period the tender boat is being used as the primary boat—
 - (i) no trawl net is on, or attached to, the tender boat; and
 - (ii) no fish taken using a trawl net are on the tender boat.

Division 3 Conditions

247 General conditions of a commercial fishing boat licence

- (1) This section prescribes general conditions to which a commercial fishing boat licence is subject.

Note—

If a fishery symbol for a commercial fishery is written on a commercial fishing boat licence, the licence is also subject to the applicable conditions stated in chapters 7 to 10 for licences on which the symbol is written.

- (2) Only a commercial fisher or an assistant fisher under direction of the commercial fisher may use the primary boat identified in the licence or a tender boat authorised for use under the licence.
- (3) The primary boat may be used in a commercial fishery, other than the 'N6' fishery, only if the fishery symbol for the fishery is written on the licence.

-
- (4) The primary boat and any of its tender boats may be used in the 'N6' fishery to take 'N6' fish without the 'N6' fishery symbol being written on the licence if the boat and the taking of the fish complies with the 'N6' fishery provisions.
- (5) However, if the primary boat or any of its tender boats is used under subsection (4), the 'N6' fish may be sold only if the 'N6' fishery symbol is written on the licence.
- (6) A tender boat may be used in a commercial fishery only if—
- (a) its length is no more than 7m; and
 - (b) its primary boat—
 - (i) may be used in the fishery; and
 - (ii) is not being used in another commercial fishery, other than the crab fishery.
- (7) In this section—

'N6' fish means fish that may, under the 'N6' fishery provisions, be taken in the 'N6' fishery.

'N6' fishery means any of the fisheries described in chapter 9, part 5 and the Gulf Plan, section 37.

'N6' fishery provisions means chapter 9, part 5 and the Gulf Plan, part 5, division 4.

Part 9 Commercial harvest fishery licence

248 Authorisation under a commercial harvest fishery licence

- (1) A person who holds a commercial harvest fishery licence may do any of the following under the licence—
- (a) buy, use or possess commercial fishing apparatus;

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- (b) take fish for trade or commerce in the commercial fisheries identified in the licence;

Note—

The commercial fishery for eels under the Freshwater Plan provides for authorisations and restrictions for commercial harvest fishery licences on which are written the fishery symbol 'E'. See part 8 of that plan.

- (c) use a boat to take the fish and to carry the fish;
 - (d) possess the fish;
 - (e) sell the fish to someone else who—
 - (i) holds another authority that authorises the other person to buy the fish; or
 - (ii) is, under this regulation or a management plan, authorised to buy the fish;
 - (f) process the fish;
 - (g) authorise the following persons to do any thing the licence holder may do under paragraphs (a) to (f)—
 - (i) a nominated person;
 - (ii) another person authorised to do the thing under a fishery provision.
- (2) For subsection (1)(b), a commercial fishery is identified in the licence only if the fishery symbol for the fishery is written on the licence.
- (3) In this section—
- nominated person*** means—
- (a) generally—a person who, under chapter 7, has been nominated by the licence holder; or
 - (b) if the licence is an eel licence under the Freshwater Plan—the holder's approved nominee under that plan.

Chapter 6 General provisions about fishery symbols

Part 1 Preliminary

249 Simplified outline of ch 6

In outline, this chapter provides for particular fishery symbols written on licences and related matters as follows—

- (a) part 2 identifies particular fishery symbols provided for under particular management plans;
- (b) part 3 provides for writing fishery symbols on licences and related matters;
- (c) part 4 provides for moving fishery symbols between licences;
- (d) part 5 provides for authorisations applying generally to licences on which fishery symbols are written;
- (e) part 6 provides for conditions applying generally to licences on which fishery symbols are written.

Part 2 Fishery symbols for particular commercial fisheries

250 Particular fishery symbols included in particular management plans

- (1) Subsections (2) to (6) state particular fishery symbols provided for under particular management plans.
- (2) The Coral Reef Plan provides for—
 - (a) the fishery symbol ‘RQ’; and

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- (b) taking regulated coral reef fin fish under licences on which are written—
 - (i) the fishery symbols ‘L1’, ‘L2’, ‘L3’ and ‘L6’; or
 - (ii) the fishery symbols ‘L7’ or ‘L8’.

Note—

Chapter 8, part 1 also provides for fishery symbol ‘L1’, chapter 8, part 2 provides for fishery symbols ‘L2’ and ‘L3’ and chapter 8, part 4 provides for fishery symbols ‘L6’ and ‘L7’.

- (3) The East Coast Trawl Plan provides for the fishery symbols ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’.
- (4) The Freshwater Plan provides for the fishery symbol ‘E’.
- (5) The Gulf Plan provides for—
 - (a) the fishery symbols ‘N3’ and ‘N9’; and
 - (b) the taking of gulf fin fish under licences on which the fishery symbols ‘N6’ and ‘N7’ are written.

Note—

Chapter 9, parts 5 and 6 also provide for fishery symbols ‘N6’ and ‘N7’ respectively.

- (6) The Spanner Crab Plan provides for the fishery symbols ‘C2’ and ‘C3’.

Part 3 Writing fishery symbols

Division 1 General provisions

251 Writing fishery symbols on commercial fishing boat or harvest fishery licence

- (1) The chief executive can not write a fishery symbol on an authority other than a commercial fishing boat licence or commercial harvest fishery licence.
- (2) Subject to the other provisions of this part or any relevant management plan, the chief executive may—
 - (a) write any fishery symbol for a commercial fishery on a commercial fishing boat licence; or
 - (b) write on a commercial harvest fishery licence—
 - (i) any fishery symbol for a commercial fishery under chapter 7; or
 - (ii) the fishery symbol 'E'.

Note—

The fishery symbol 'E' is the commercial fishery for eels under the Freshwater Plan. See part 8 of that plan.

252 Restriction on writing multiple fishery symbols

The chief executive can not write the same fishery symbol, other than the fishery symbol 'C3', more than once on a licence.

Division 2 Particular fishery symbols

253 Restrictions on writing fishery symbol ‘SM’

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

- (a) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
- (b) the licence is a replacement of a commercial fishing boat licence on which the symbol was written.

254 Restriction on writing fishery symbols on licences allowing the use of boats of particular lengths in commercial fisheries

The chief executive may write a fishery symbol on a licence allowing the use of a boat in a commercial fishery only if the boat is no longer than the length permitted under a fishery provision about the fishery.

Note—

See however section 720.

Part 4 Moving fishery symbols

255 Definitions for pt 4

In this part—

administrative conditions, of the first licence or second licence, means the conditions of the licence imposed by the chief executive under section 61 of the Act.

first licence see section 256(1)(a).

second licence see section 256(1)(b).

256 Application to move fishery symbol to another licence

- (1) This section applies if—
 - (a) a fishery symbol is written on a commercial fishing boat licence or commercial harvest fishery licence (either of which is the *first licence*); and
 - (b) the fishery symbol may, under this chapter or a management plan, be written on another licence (the *second licence*).
- (2) The holder of the first licence and the holder of the second licence may apply to the chief executive to move the fishery symbol and the authorised number of tender boats for use under the symbol from the first licence to the second licence.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by—
 - (i) the fee prescribed under schedule 9; and
 - (ii) the written approval of each person, other than the holder of the first licence, who has a registered interest in the first licence.
- (4) The application may be made even if the same person holds the first licence and second licence.
- (5) However, the application can not be made by a person who holds the licence because of a temporary transfer.

257 Deciding application

The chief executive may—

- (a) approve the application, with or without conditions; or
- (b) refuse the application.

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258 Amendments required if application approved

- (1) This section applies if the chief executive—
 - (a) approves the application without conditions; or
 - (b) approves the application with conditions and the applicants agree in writing to the conditions within 28 days after the approval.
- (2) The chief executive must amend the first licence and second licence by—
 - (a) removing from the first licence—
 - (i) the fishery symbol; and
 - (ii) the authorised tender boat number for the fishery symbol and the brackets containing the authorised tender boat number; and
 - (b) writing on the second licence—
 - (i) the fishery symbol; and
 - (ii) the authorised tender boat number for the fishery symbol, in the way required under section 245; and
 - (c) if the first licence or second licence contains administrative conditions—amending the conditions in a way the chief executive considers is consistent with the amendments under paragraphs (a) and (b).

- (3) In this section—

authorised tender boat number for a fishery symbol means the number of tender boats, other than an unlimited number, that is authorised for use under the fishery symbol under section 245.

259 Information notice about refusal of conditions

- (1) This section applies if the chief executive decides to—
 - (a) refuse the application; or

-
- (b) approve the application with conditions and the applicants have not agreed in writing to the conditions within 28 days after the approval; or
 - (c) amend the administrative conditions of the first licence or second licence and the applicants have not agreed in writing to the amendment within 28 days after the amendment.
- (2) The chief executive must give the applicants an information notice about the decision.

Part 5

General provisions about authorisations under licences with fishery symbols

260 Authorisation under licences on which fishery symbols are written

A person acting under a licence on which is written a fishery symbol may do a thing under the licence that is permitted to be done under the licence under—

- (a) this part or part 6; or
- (b) chapters 7 to 10; or
- (c) a management plan.

261 Fishery symbol does not authorise taking fish in particular Joint Authority fisheries

- (1) This section applies to a person who is—
- (a) in a Joint Authority fishery managed under Queensland law; and
 - (b) acting under a licence.

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- (2) Neither this chapter nor chapters 7 to 10 authorises the person to take fish to which the Joint Authority fishery applies under the licence unless—
- (a) the Joint Authority endorses the licence to extend its operation to activities over which the Joint Authority has powers under the Act; and
 - (b) taking the fish is an activity over which the Joint Authority has powers under the Act.

Part 6

Conditions applying generally to licences with fishery symbols

262 Application of pt 6

This part applies to a person (the *authorised person*) acting under a licence on which a fishery symbol is written.

263 Taking fish in a fishery area of a commercial fishery

- (1) It is a condition of the licence that the authorised person may take fish only in a fishery area of the commercial fishery (the *relevant fishery*) identified by the fishery symbol.
- (2) Subsection (1) is subject to—
- (a) sections 264 to 270; and
 - (b) the fishery provisions about the relevant fishery.

264 Taking fish in an area stated on a licence

- (1) This section applies if—

- (a) a fishery provision about the relevant fishery states that fish may only be taken in an area stated on the licence; and
 - (b) an area for taking fish is stated on the licence.
- (2) The authorised person may take fish only in the stated area.

265 Taking particular fish

If a fishery provision about the relevant fishery states that only particular fish may be taken in the fishery area the authorised person must not take fish other than the stated fish in the fishery area.

266 Using fishing apparatus

- (1) If a fishery provision about the relevant fishery states that only particular fishing apparatus may be used for taking fish in the fishery area, the authorised person must not take fish in the fishery area unless the person uses the stated fishing apparatus.
- (2) If a fishery provision about the relevant fishery states the way in which fishing apparatus must be used for taking fish in the fishery area, the authorised person must not take fish in the fishery area unless the person uses the apparatus in the stated way.
- (3) If a fishery provision about the relevant fishery states the number of items of fishing apparatus of a particular type that may be used for taking fish in the fishery area, the authorised person must not use more than the stated number of items of fishing apparatus of that type for taking fish in the fishery area.
- (4) If no fishery provision about the relevant fishery states the number of items of a particular type of fishing apparatus that may be used for taking fish in the fishery area, no more than 1 item of the type of fishing apparatus may be used at the same time for taking fish in the fishery area.

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- (5) Subsection (4) applies even if more than 1 person is acting under the licence.

267 Taking fish in a particular way

If a fishery provision about the relevant fishery states that fish may only be taken in the fishery area in a particular way, the authorised person may take fish in the fishery area only in the stated way.

268 Taking fish during a fishery period

- (1) This section applies if a fishery provision about the relevant fishery states a period (a *fishery period*) during which particular fish may be taken or particular fishing apparatus may be used in a fishery area.
- (2) The authorised person may take the fish or use the apparatus in the fishery area only if the person takes the fish or uses the apparatus in the fishery period.

269 Activities prohibited or restricted in particular areas within fishery areas

If a fishery provision about the relevant fishery prohibits or restricts an activity in a particular area within a fishery area the activity is prohibited or restricted in the particular area in the way stated in the fishery provision.

270 Conditions of licence may apply in more than 1 way

A condition under this part, chapters 7 to 10, or a management plan may apply to a licence in more than 1 way.

Example—

A fishery provision about a commercial fishery identified by a fishery symbol may provide for taking fish in a particular area within a fishery area using only a particular type of fishing apparatus or only in a particular way.

271 Conditions of licences on which more than 1 fishery symbol is written

- (1) If a commercial fishing boat licence or commercial harvest fishery licence has more than 1 fishery symbol written on it, a person acting under the licence must not take fish in more than 1 commercial fishery at the same time.
- (2) Despite subsection (1), if 1 of the fishery symbols is 'C1', the person may take crabs in the crab fishery and fish in 1 other commercial fishery at the same time.
- (3) Also, despite subsection (1), the person may take the following fish at the same time—
 - (a) spanish mackerel under fishery symbol 'SM';
 - (b) regulated coral reef fin fish under fishery symbol 'RQ';
 - (c) fin fish other than spanish mackerel or regulated coral reef fin fish, under fishery symbol 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8'.

Chapter 7 Commercial harvest fisheries

Part 1 Aquarium fish fishery ('A1', 'A2')

Division 1 Definition

272 What is the *aquarium fish fishery*

The *aquarium fish fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

[s 273]

- (a) taking the fish mentioned in section 275 in the fishery area mentioned in section 274;
- (b) selling the fish.

Division 2 Fishery symbols and area

273 Fishery symbols

The fishery symbols for the fishery are 'A1' and 'A2'.

274 Fishery area

- (1) The fishery area consists 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 mentioned and described in the *Marine Parks (Declaration) Regulation 2006*, schedule 1.

Whitsundays Plan of Management means the *Whitsundays Plan of Management 1998* prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.

Editor's note—

On the notification day the *Whitsundays Plan of Management 1998* could be accessed on the internet at <www.gbrmpa.gov.au>.

Division 3 Conditions about taking fish in fishery—general

275 What fish may be taken

(1) Fish other than the following fish may be taken under the licence—

- (a) barramundi;
- (b) bêche-de-mer;
- (c) shell grit;
- (d) star sand;
- (e) any species of coral, oyster, pearl oyster or trochus.

(2) In this section—

bêche-de-mer does not include fish of the following species—

- (a) *Bohadschia graeffei*;
- (b) *Calachrius crassus*;
- (c) *Cucmaria miniata*;
- (d) *Euapta godeffroyi*;
- (e) *Holothuria edulis*;

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- (f) *Holothuria hilla*;
- (g) *Opheodesoma* spp.;
- (h) *Pentacta anceps*;
- (i) *Pentacta lutea*;
- (j) *Pseudocolchirus violaceus*;
- (k) *Stichopus noctivagus*;
- (l) *Synapta maculata*.

276 Where fish may be taken

Fish may be taken from—

- (a) the waters mentioned in section 274(1)(f); and
- (b) the waters mentioned in section 274(1)(a) to (e), if the waters are stated on the licence.

277 Other conditions about taking fish

- (1) No more than 3 persons may take fish at the same time.
- (2) Only the boat identified in a licence and 1 other boat may be used to take fish in the same location.
- (3) Fish must not be taken for human consumption.
- (4) Fish may only be taken—
 - (a) by hand; or
 - (b) using underwater breathing apparatus or a herding device, including, for example, a rod; or
 - (c) using fishing lines or cast, scoop or seine nets under this division.

278 Use of fishing lines

A fishing line may be used for taking fish under the licence only if it has a single barbless hook.

279 Use of cast nets

A cast net may be used for taking fish under the licence only if the net—

- (a) is no longer than 3.7m; and
- (b) has a mesh size of no more than 28mm.

280 Use of scoop nets

A scoop net may be used for taking fish under the licence 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.

281 Use of seine nets

(1) A seine net may be used for taking fish under the licence 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 under the licence must be within 100m of it.

282 Selling fish

Fish may be sold under the licence only if the fish are to be used for—

- (a) display as aquarium fish; or
- (b) broodstock; or

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- (c) a purpose related to a purpose mentioned in paragraph (a) or (b).

Division 4 Additional authorisations and conditions for licences with fishery symbol 'A1'

283 Application of div 4

This division applies to a licence on which is written the fishery symbol 'A1'.

284 Nominees for taking or selling fish

- (1) The licence holder may nominate a total of no more than 3 persons (*nominees*) to do either or both of the following—
 - (a) take fish under the licence;
 - (b) sell fish under the licence.
- (2) The licence holder must give written notice to the chief executive of the nomination of each nominee under subsection (1).

285 Who may take fish

Subject to section 277(1), fish may be taken only by—

- (a) the licence holder; or
- (b) a nominee of the licence holder under section 284(1)(a);
or
- (c) another person in the presence of the licence holder or nominee.

286 Selling fish

Fish taken under the licence may be sold under the licence to anyone by—

- (a) the licence holder; or
- (b) a nominee of the licence holder under section 284(1)(b).

Division 5 Additional authorisations and conditions for licences with fishery symbol 'A2'

287 Application of div 5

This division applies to a licence on which is written the fishery symbol 'A2'.

288 Who may take fish

- (1) Subject to section 277(1), fish may be taken only by—
 - (a) the licence holder; or
 - (b) another person in the presence of the licence holder.
- (2) A person taking fish must not take or possess—
 - (a) more than 10 fish; or
 - (b) more than 2 fish of the same species.

289 Selling fish under the licence

Fish taken under the licence may be sold to anyone by the licence holder.

[s 290]

Part 2 **Bêche-de-mer fishery (east coast) ('B1')**

290 **What is the *bêche-de-mer* fishery**

The *bêche-de-mer* fishery is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking bêche-de-mer in the fishery area mentioned in section 292;
- (b) selling bêche-de-mer.

291 **Fishery symbol**

The fishery symbol for the fishery is 'B1'.

292 **Fishery area**

The fishery area consists of all tidal waters east of longitude 142°31'49" east between latitude 10°41' south and latitude 26° south.

293 **What fish may be taken**

Only bêche-de-mer may be taken under the licence.

294 **Nominees for taking or selling *bêche-de-mer***

- (1) The licence holder may nominate a total of no more than 3 persons (*nominees*) to do either or both of the following—
 - (a) take bêche-de-mer under the licence;
 - (b) sell bêche-de-mer taken under the licence.
- (2) The licence holder must give written notice to the chief executive of the nomination of each nominee.

295 Who may take bêche-de-mer

Subject to section 297(1), bêche-de-mer may be taken only by—

- (a) the licence holder; or
- (b) a nominee of the licence holder under section 294(1)(a); or
- (c) another person in the presence of the licence holder or nominee.

296 Permitted ways of taking bêche-de-mer

- (1) Bêche-de-mer may only be taken by hand.
- (2) However, underwater breathing apparatus may also be used when taking bêche-de-mer.

297 General conditions of taking bêche-de-mer

- (1) No more than 10 persons may take bêche-de-mer at the same time.
- (2) Only the boat identified in the licence and 4 other boats may be used to take bêche-de-mer in the same location.
- (3) A boat, other than the boat identified in the licence, must not be longer than 7m.

298 Annual quota

The annual quota of bêche-de-mer that may be taken under the licence is the quota stated on the licence.

299 Selling bêche-de-mer

Bêche-de-mer taken under the licence may only be sold—

- (a) by the licence holder or a nominee of the licence holder under section 294(1)(b); and

[s 300]

- (b) to another person who—
 - (i) holds an authority authorising the other person to buy the bêche-de-mer; or
 - (ii) is, under this regulation, authorised to buy the bêche-de-mer.

300 VMS equipment and other requirements apply

- (1) The licence holder or person in control of a boat identified in the licence must ensure VMS equipment is installed, maintained and used on the boat in compliance with the VMS equipment requirements.
- (2) If the VMS equipment malfunctions, the licence holder or person in control of the boat must, as well as complying with the VMS equipment requirements, also ensure that bêche-de-mer is not taken until the malfunction is rectified.

Part 3 Coral fishery ('D')

301 What is the *coral fishery*

The *coral fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking the fish mentioned in section 304 in the fishery area mentioned in section 303;
- (b) selling the fish.

302 Fishery symbol

The fishery symbol for the fishery is 'D'.

303 Fishery area

The fishery area consists of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

304 What fish may be taken

Only the following fish may be taken under the licence—

- (a) coral of the class Anthozoa or Hydrozoa, including its uncompact skeletons;
- (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.

305 Nominees for taking or selling coral

- (1) The licence holder may nominate a total of no more than 3 persons (*nominees*) to do either or both of the following—
 - (a) take coral under the licence;
 - (b) sell coral taken under the licence.
- (2) The licence holder must give written notice to the chief executive of the nomination of each nominee.

306 Who may take coral

- (1) Coral may be taken only by—
 - (a) the licence holder; or
 - (b) a nominee of the licence holder under section 305(1)(a).
- (2) However, only the licence holder or 1 nominee under section 305(1)(a) may take coral at a time.

[s 307]

307 Where coral may be taken

Coral may be taken only from the area, within the fishery area, stated in the licence.

308 Permitted ways of taking coral

- (1) Coral may only be taken by—
 - (a) hand; or
 - (b) using hand-held implements, other than mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking coral.

309 Annual quota

The annual quota of coral that may be taken under the licence is the quota stated on the licence.

310 Selling coral

Coral taken under the licence may be sold to anyone by—

- (a) the licence holder; or
- (b) a nominee of the licence holder under section 305(1)(b).

Part 4 Shell fishery ('F')

311 What is the *shell fishery*

The *shell fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking the molluscs to which section 314 applies in the fishery area mentioned in section 313;
- (b) selling the molluscs.

312 Fishery symbol

The fishery symbol for the fishery is 'F'.

313 Fishery area

The fishery area consists of all tidal waters and foreshores.

314 What fish may be taken

Molluscs, other than green snails, oysters, pearl oysters, trochus or scallops, may be taken under the licence.

315 Who may take molluscs

Molluscs may be taken only by—

- (a) the licence holder; or
- (b) another person in the presence of the licence holder.

316 Permitted ways of taking molluscs

- (1) Broken remnants of molluscs may only be taken—
 - (a) by hand; or
 - (b) using hand-held implements that are not mechanical implements; or
 - (c) if stated on the licence, using mechanical equipment.
- (2) Molluscs, other than broken remnants, may only be taken—
 - (a) by hand, without using digging or sieving implements; or
 - (b) if stated on the licence, using shell dredges.

[s 317]

317 Use of primary boats

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

318 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.

319 Selling molluscs

The licence holder may sell molluscs taken under the licence to anyone.

Part 5 Shell grit fishery ('G')

320 What is the *shell grit fishery*

The *shell grit fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking shell grit in the fishery area mentioned in section 322;
- (b) selling shell grit.

321 Fishery symbol

The fishery symbol for the fishery is 'G'.

322 Fishery area

The fishery area consists of all tidal waters and foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

323 What fish may be taken

Only shell grit may be taken under the licence.

324 Who may take shell grit

Shell grit may be taken only by the licence holder.

325 Where shell grit may be taken

Shell grit may be taken only in an area, within the fishery area, stated in the licence.

326 Permitted way of taking shell grit

A person may take shell grit only if the person replaces the total volume of shell grit taken with an equal volume of sand that has been lawfully obtained.

327 Selling shell grit

The licence holder may sell shell grit taken under the licence to anyone.

Part 6 Star sand fishery ('H')

328 What is the *star sand fishery*

The *star sand fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking star sand in the fishery area mentioned in section 330;
- (b) selling star sand.

[s 329]

329 Fishery symbol

The fishery symbol for the fishery is 'H'.

330 Fishery area

The fishery area consists of all tidal waters and foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

331 What fish may be taken

Only star sand composed of the calcareous skeletons of unicellular animals known as Foraminifera may be taken under the licence.

332 Who may take star sand

Star sand may be taken only by the licence holder.

333 Where star sand may be taken

Star sand may be taken only in an area, within the fishery area, stated in the licence.

334 Permitted ways of taking star sand

Star sand may be taken only by—

- (a) hand; or
- (b) using hand-held implements that are not mechanical implements.

335 Selling star sand

The licence holder may sell star sand taken under the licence to anyone.

Part 7 Trochus fishery (east coast) ('J1')

336 What is the *trochus fishery*

The *trochus fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking trochus in the fishery area mentioned in section 338;
- (b) selling trochus.

337 Fishery symbol

The fishery symbol for the fishery is 'J1'.

338 Fishery area

The fishery area consists of all tidal waters south of latitude 10°41' south, and east of longitude 142°31'49" east.

339 What fish may be taken

Only trochus may be taken under the licence.

340 Nominees for taking trochus

- (1) The licence holder may nominate persons (*nominees*) to take trochus under the licence.
- (2) The licence holder must give written notice to the chief executive of the nomination of each nominee.

341 Who may take trochus

Subject to section 343(3), trochus may be taken in the fishery area only by—

[s 342]

- (a) the licence holder; or
- (b) a nominee of the licence holder under section 340; or
- (c) another person in the presence of the licence holder or nominee.

342 Permitted ways of taking trochus

- (1) Trochus may be taken only by—
 - (a) hand; or
 - (b) using hand-held implements that are not mechanical implements.
- (2) A person may use underwater breathing apparatus when taking trochus.

343 General conditions of taking trochus

- (1) The boat identified in the licence and 4 other boats may be used to take trochus under the licence in the same location.
- (2) A boat, other than the boat identified in the licence, must not be longer than 7m.
- (3) No more than the number of persons stated in the licence may, at the same time, dive for or gather trochus under the licence.

344 Quantity of trochus that may be taken

The licence holder must not in a year take, or allow to be taken, more trochus than the quantity stated for the year on the licence.

345 Selling trochus

The licence holder may sell trochus taken under the licence only to another person who—

- (a) holds another licence that authorises the other person to buy the trochus; or
- (b) is, under this regulation, authorised to buy the trochus.

Part 8 Juvenile eel fishery ('JE')

346 What is the *juvenile eel fishery*

The *juvenile eel fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking the juvenile eels mentioned in section 349 in the fishery area mentioned in section 348;
- (b) selling the juvenile eels.

347 Fishery symbol

The fishery symbol for the fishery is 'JE'.

348 Fishery area

The fishery area consists of Queensland waters.

349 What fish may be taken

Only a juvenile eel of the genus *Anguilla* may be taken under the licence.

350 Who may take juvenile eels

- (1) Subject to section 353, juvenile eels may only be taken only by—
 - (a) the licence holder; or

[s 351]

- (b) a person nominated by the licence holder (a *nominee*);
or
 - (c) another person in the presence of the licence holder or nominee.
- (2) The licence holder must give the chief executive written notice of the nomination of each nominee.

351 Where juvenile eels may be taken

Juvenile eels may be taken only in the area, within the fishery area, stated on the licence.

352 Permitted ways of taking juvenile eels

Juvenile eels may only be taken in the way stated on the licence.

353 General conditions for taking juvenile eels

If the licence states the number of persons that may take juvenile eels, no more than the stated number of persons may take juvenile eels under the licence at the same time.

354 Selling juvenile eels

The licence holder may sell juvenile eels taken under the licence to anyone.

Part 9 Oyster fishery ('O')

355 What is the *oyster fishery*

The *oyster fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking oysters in the fishery area mentioned in section 357;
- (b) selling oysters.

356 Fishery symbol

The fishery symbol for the fishery is 'O'.

357 Fishery area

The fishery area consists of all foreshores between low water and high water.

358 What fish may be taken

Only the following oysters may be taken under the licence—

- (a) blacklip oysters;
- (b) milky oysters.

359 Who may take oysters

(1) Subject to section 362, oysters may be taken only by—

- (a) the licence holder; or
- (b) a person nominated by the licence holder (a *nominee*);
or
- (c) another person in the presence of the licence holder or nominee.

[s 360]

- (2) The licence holder must give the chief executive written notice of the nomination of each nominee.

360 Where oysters may be taken

Oysters may only be taken only in the area, within the fishery area, stated on the licence.

361 Permitted ways of taking oysters

Oysters may only be taken in the way stated on the licence.

362 General conditions for taking oysters

If the licence states the number of persons that may take oysters, no more than the stated number of persons may take oysters under the licence at the same time.

363 Selling oysters

The licence holder may sell oysters taken under the licence to anyone.

Part 10 Pearl fishery ('P')

364 What is the *pearl fishery*

The *pearl fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking live pearl oysters in the fishery area mentioned in section 366;
- (b) selling live pearl oysters.

365 Fishery symbol

The fishery symbol for the fishery is 'P'.

366 Fishery area

The fishery area consists of tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east.

367 What fish may be taken

Only live pearl oysters may be taken under the licence.

368 Permitted ways of taking live pearl oysters

- (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.

369 Selling live pearl oysters

The licence holder may sell live pearl oysters taken under the licence only to a person acting under a development approval for prescribed aquaculture development.

Part 11 Beachworm fishery ('W1')

370 What is the *beachworm fishery*

The *beachworm fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

[s 371]

- (a) taking beachworms in the fishery area mentioned in section 372;
- (b) selling beachworms.

371 Fishery symbol

The fishery symbol for the fishery is 'W1'.

372 Fishery area

The fishery area consists of all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

373 What fish may be taken

Only beachworms may be taken under the licence.

374 Who may take beachworms

Beachworms may be taken only by the licence holder.

375 Where beachworms may be taken

Beachworms may be taken only in the area, within the fishery area, stated on the licence.

376 Permitted ways of taking beachworms

Beachworms may only be taken by hand.

377 Selling beachworms

The licence holder may sell beachworms taken under the licence only to someone else who—

- (a) holds another licence that authorises the other person to buy the beachworms; or

- (b) is, under this regulation, authorised to buy the beachworms under a licence.

Part 12 Bloodworm fishery ('W2')

378 What is the *bloodworm fishery*

The *bloodworm fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking bloodworms in the fishery area mentioned in section 380;
- (b) selling bloodworms.

379 Fishery symbol

The fishery symbol for the fishery is 'W2'.

380 Fishery area

The fishery area consists of all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

381 What fish may be taken

Only bloodworms may be taken under the licence.

382 Who may take bloodworms

Bloodworms may be taken only by the licence holder.

[s 383]

383 Permitted ways of taking bloodworms

- (1) Bloodworms may only be taken by hand or by using hand held forks.
- (2) If a person digs up an area while taking bloodworms under the licence, the person must put any seagrass disturbed or removed by the digging in an upright position immediately after the worms are taken.

384 Selling bloodworms

The licence holder may sell bloodworms taken under the licence only to someone else who—

- (a) holds another licence that authorises the other person to buy the bloodworms; or
- (b) is, under this regulation, authorised to buy the bloodworms under a licence.

Part 13 Marine yabby fishery ('Y')

385 What is the *marine yabby fishery*

The *marine yabby fishery* is the following activities by way of fishing carried out under the authorisations and conditions stated in this part—

- (a) taking marine yabbies in the fishery area mentioned in section 387;
- (b) selling marine yabbies.

386 Fishery symbol

The fishery symbol for the fishery is 'Y'.

387 Fishery area

The fishery area consists of all foreshores south of latitude 10°41' south, and east of longitude 142°31'49" east.

388 What fish may be taken

Only marine yabbies may be taken under the licence.

389 Who may take marine yabbies

Marine yabbies may be taken only by the licence holder.

390 Where marine yabbies may be taken

Marine yabbies may be taken only in the area, within the fishery area, stated on the licence.

391 Permitted ways of taking marine yabbies

Marine yabbies may only be taken by using—

- (a) hand pumps; or,
- (b) if stated on the licence, mechanical pumps.

392 Selling marine yabbies

The licence holder may sell marine yabbies taken under the licence only to someone else who—

- (a) holds another licence that authorises the other person to buy the yabbies; or
- (b) is, under this regulation, authorised to buy the yabbies under a licence.

Chapter 8 Commercial line fisheries

Part 1 Line fishery (other than Great Barrier Reef region) ('L1')

393 What is the *line fishery (other than Great Barrier Reef region)*

The *line fishery (other than Great Barrier Reef region)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 395; and
- (b) under the authorisations and conditions stated in this part.

394 Fishery symbol

The fishery symbol for the fishery is 'L1'.

Note—

The Coral Reef Plan also provides for the fishery symbol.

395 Fishery area

The fishery area consists of tidal waters south of latitude 24°30' south.

396 What fish may be taken

Fin fish, other than spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

397 Permitted ways of taking fin fish

- (1) Fin fish may only be taken by using fishing lines.
- (2) A person must not use more than 3 fishing lines at a time.

- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

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

398 Use of primary boats

A primary boat must not be longer than 20m.

399 Use of tender boats

A tender boat must not be used more than 5n miles from its primary boat.

400 Permitted distance for an assistant fisher to be under direction

If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction of the commercial fisher is 5n miles.

Part 2 Line fishery (reef) ('L2', 'L3')

401 What is the *line fishery (reef)*

The *line fishery (reef)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 403; and
- (b) under the authorisations and conditions stated in this part.

[s 402]

402 Fishery symbols

The fishery symbols for the fishery are 'L2' or 'L3'.

Note—

The Coral Reef Plan also provides for these fishery symbols.

403 Fishery area

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

- from the northern tip of Cape York along latitude 10°41' south, to longitude 145° east
- to latitude 13° south, longitude 145° east
- to latitude 15° south, longitude 146° east
- to latitude 17°30' south, longitude 147° east
- to latitude 21° south, longitude 152°55' east
- to latitude 24°30' south, longitude 154° east
- along latitude 24°30' south to the mainland shore
- along the shore to the northern tip of Cape York at latitude 10°41' south.

404 What fish may be taken

Fin fish, other than barramundi, spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

405 Permitted ways of taking fin fish

- (1) Fin fish may only be taken by using fishing lines.
- (2) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

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

406 Use of primary boats

A primary boat must not be longer than 20m.

407 Use of tender boats

- (1) A tender boat must not be used further than 5n miles from its primary boat.
- (2) Subsection (1) does not apply if the tender boat and its primary boat are located on the same reef.

408 Permitted distance for an assistant fisher to be under direction

- (1) If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction of the commercial fisher is 5n miles.
- (2) However, any distance is permitted if the boats are located on the same reef.

[s 409]

Part 3 **Line fishery (Queensland Fisheries Joint Authority No. 1) ('L4')**

409 **What is the *line fishery* (Queensland Fisheries Joint Authority No. 1)**

The *line fishery* (Queensland Fisheries Joint Authority No. 1) is activities by way of fishing—

- (a) in the fishery area mentioned in section 411; and
- (b) under the authorisations and conditions stated in this part.

410 **Fishery symbol**

The fishery symbol for the fishery is 'L4'.

411 **Fishery area**

The fishery area consists of all tidal waters in the Gulf of Carpentaria and adjoining waterways, between the 25n mile line and the shore, south of latitude 10°48' south.

412 **What fish may be taken**

Fin fish, other than the following fish, may be taken under the licence—

- (a) barramundi;
- (b) black jewfish;
- (c) blue salmon;
- (d) jewel fish;
- (e) king salmon;

- (f) queenfish;
- (g) spotted grunter bream (grunter).

413 Permitted ways of taking fin fish

- (1) Fish may only be taken by using fishing lines.
- (2) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

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

414 Use of primary boats

A primary boat must not be longer than 20m.

415 Use of tender boats

A tender boat must not be used more than 10n miles from its primary boat.

416 Permitted distance for an assistant fisher to be under direction

If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction of the commercial fisher is 10n miles.

[s 417]

Part 4 **Line fishery (south Queensland) ('L6', 'L7')**

417 **What is the *line fishery (south Queensland)***

The *line fishery (south Queensland)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 419; and
- (b) under the authorisations and conditions stated in this part.

418 **Fishery symbols**

The fishery symbols for the fishery are 'L6' or 'L7'.

Note—

The Coral Reef Plan also provides for these fishery symbols.

419 **Fishery area**

The fishery area consists of all tidal waters east of the territorial sea baseline and south of latitude 25° south.

420 **What fish may be taken**

Fin fish, other than barramundi, spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

421 **Permitted ways of taking fin fish**

- (1) Fin fish may only be taken by using fishing lines.
- (2) A person must not use more than 3 fishing lines at a time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

Example—

A person might use—

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

422 Use of primary boats

A primary boat must not be longer than 20m.

423 Use of tender boats

A tender boat must not be used more than 5n miles from its primary boat.

424 Permitted distance for an assistant fisher to be under direction

If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction of the commercial fisher is 5n miles.

Part 5 Line fishery (multiple hook—east coast) ('L8')

425 What is the *line fishery (multiple hook—east coast)*

The *line fishery (multiple hook—east coast)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 427; and
- (b) under the authorisations and conditions stated in this part.

426 Fishery symbol

The fishery symbol for the fishery is 'L8'.

427 Fishery area

The fishery area consists of all tidal waters deeper than 200m that are east of longitude 142°31'49" east and the 200m bathometric line.

428 What fish may be taken

Fin fish, other than barramundi, snapper, spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

429 Permitted ways of taking fin fish

- (1) Fin fish may only be taken by using bottom set lines or drop lines.
- (2) A person must be within 100m of a line or group of lines while they are in use.
- (3) A bottom set line and a drop line must not be used at the same time.

430 Use of drop lines

- (1) A drop line must not have more than 50 hooks attached to it.
- (2) No more than 6 drop lines may be used at a time.
- (3) Each drop line must have attached to it a light coloured float that is at least 30cm in all its dimensions.

431 Use of bottom set lines

- (1) A bottom set line must not have more than 300 hooks attached to it.
- (2) No more than 3 bottom set lines may be used at a time.

- (3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.
- (4) Each end of a bottom set line must have attached to it a light coloured float that is at least 30cm in all its dimensions.

432 Use of primary boats

A primary boat must not be longer than 20m.

433 Use of tender boats

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

434 Permitted distance for an assistant fisher to be under direction

If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the assistant fisher to be under direction of the commercial fisher is 800m.

Chapter 9 Commercial net fisheries

Part 1 Ocean beach fisheries ('K1' to 'K8')

Division 1 Net fishery (ocean beach—area 1) (‘K1’)

435 What is the *net fishery (ocean beach—area 1)*

The *net fishery (ocean beach—area 1)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 437; and
- (b) under the authorisations and conditions stated in division 9.

436 Fishery symbol

The fishery symbol for the fishery is 'K1'.

437 Fishery area

The fishery area consists of all tidal waters within 400m of a line—

- from a point on the shore at the State's border with New South Wales along the shore to the seaward tip of the southern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- along South Stradbroke Island's eastern shore to 1km north of the northern breakwater wall of the Gold Coast Seaway on South Stradbroke Island.

Division 2 Net fishery (ocean beach—area 2) ('K2')

438 What is the *net fishery (ocean beach—area 2)*

The *net fishery (ocean beach—area 2)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 440; and
- (b) under the authorisations and conditions stated in division 9.

439 Fishery symbol

The fishery symbol for the fishery is 'K2'.

440 Fishery area

The fishery area consists of all tidal waters within 400m of a line—

- from a point on the shore 1km south of the southern breakwater wall of the Gold Coast Seaway along the shore to the seaward tip of the breakwater wall
- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- along South Stradbroke Island's eastern shore to the island's north eastern tip.

Division 3 Net fishery (ocean beach—area 3) ('K3')

441 What is the *net fishery (ocean beach—area 3)*

The *net fishery (ocean beach—area 3)* is activities by way of fishing—

[s 442]

- (a) in the fishery area mentioned in section 443; and
- (b) under the authorisations and conditions stated in division 9.

442 Fishery symbol

The fishery symbol for the fishery is 'K3'.

443 Fishery area

The fishery area consists of all tidal waters within 400m of a line—

- from North Stradbroke Island's south eastern tip
- along North Stradbroke Island's eastern and northern shores to the island's north western tip.

Division 4 Net fishery (ocean beach—area 4) (‘K4’)

444 What is the *net fishery (ocean beach—area 4)*

The *net fishery (ocean beach—area 4)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 446; and
- (b) under the authorisations and conditions stated in division 9.

445 Fishery symbol

The fishery symbol for the fishery is 'K4'.

446 Fishery area

The fishery area consists of all tidal waters within 400m of a line from the southern tip of Moreton Island along the island's eastern and northern shores to Comboyuro Point.

**Division 5 Net fishery (ocean beach—area 5)
(‘K5’)**

447 What is the *net fishery (ocean beach—area 5)*

The *net fishery (ocean beach—area 5)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 449; and
- (b) under the authorisations and conditions stated in division 9.

448 Fishery symbol

The fishery symbol for the fishery is ‘K5’.

449 Fishery area

The fishery area consists of all tidal waters within 400m of a line—

- from the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island's western, southern and eastern shores to the F↑B sign at the Island's northern tip.

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Division 6 Net fishery (ocean beach—area 6) ('K6')

450 What is the *net fishery (ocean beach—area 6)*

The *net fishery (ocean beach—area 6)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 452; and
- (b) under the authorisations and conditions stated in division 9.

451 Fishery symbol

The fishery symbol for the fishery is 'K6'.

452 Fishery area

The fishery area consists of all tidal waters within 400m of a line—

- from the F↑B sign at the southern tip of the sand spit between Kings Beach and Bullcock Beach, Caloundra
- along the shore to the eastern tip of Point Cartwright.

Division 7 Net fishery (ocean beach—area 7) ('K7')

453 What is the *net fishery (ocean beach—area 7)*

The *net fishery (ocean beach—area 7)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 455; and
- (b) under the authorisations and conditions stated in division 9.

454 Fishery symbol

The fishery symbol for the fishery is 'K7'.

455 Fishery area

The fishery area consists of all tidal waters within 400m of a line from the eastern tip of Point Cartwright along the shore to the eastern tip of Noosa Heads.

**Division 8 Net fishery (ocean beach—area 8)
(‘K8’)**

456 What is the *net fishery (ocean beach—area 8)*

The *net fishery (ocean beach—area 8)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 458; and
- (b) under the authorisations and conditions stated in division 9.

457 Fishery symbol

The fishery symbol for the fishery is 'K8'.

458 Fishery area

The fishery area consists of all tidal waters within 400m of—

- (a) a line from—
 - the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point
 - to the southern tip of Fraser Island

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- along Fraser Island's eastern shore to the island's northern tip; and
- (b) the shore of Breaksea Spit.

Division 9 Authorisations and conditions of licences for ocean beach fisheries

459 Application of div 9

This division applies to a licence under which fish may be taken in a commercial fishery under this part.

460 What fish may be taken

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

461 Who may take fish

- (1) Subject to subsections (2) and (3), fish may be taken only by—
 - (a) a commercial fisher; and
 - (b) at least 2, but no more than 4, assistant fishers.
- (2) Subsection (3) applies, if—
 - (a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary boats and seine nets; and
 - (b) each of the primary boats may be used in the fishery under a commercial fishing boat licence.
- (3) The maximum number of assistant fishers is 4 for each commercial fisher.

462 Permitted ways of taking fish

Fish may only be taken by using seine nets.

463 Fishery period

Fish may only be taken from 1 April to 31 August.

464 Use of seine nets in the fishery area

A seine net may be used in a fishery area only if the net—

- (a) is no longer than 500m; and
- (b) has—
 - (i) a mesh size of at least 12mm but no more than 70mm; and
 - (ii) a drop of at least 150 meshes for at least half of its length.

465 Use of primary boats

A primary boat must not be longer than 14m.

466 Use of tender boats

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

467 Permitted distance for an assistant fisher to be under direction

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

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Part 2 **Net fishery (east coast no. 1)** **('N1')**

Division 1 **Definition**

468 **What is the *net fishery (east coast no. 1)***

The *net fishery (east coast no. 1)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 470; and
- (b) under the authorisations and conditions stated in this part.

Division 2 **Fishery symbol and area**

469 **Fishery symbol**

The fishery symbol for the fishery is 'N1'.

470 **Fishery area**

The fishery area consists of all tidal waters east of longitude 142°09' east, other than tidal waters that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.

Division 3 **Taking fish**

471 **What fish may be taken**

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

472 Permitted ways of taking fish

- (1) Fish may only be taken by using mesh, seine, set mesh, set pocket or tunnel nets.
- (2) Unless otherwise stated in this part, a net that is neither fixed nor hauled and is used in offshore waters must not be used, and a set mesh net must not be set—
 - (a) in a marked navigation channel; or
 - (b) within—
 - (i) 400m of a jetty or wharf; or
 - (ii) 100m of another net that is in use.
- (3) Despite subsection (2)(b)(ii), a person using more than 1 set mesh net, other than in a river or creek, may set the nets within 100m of each other.
- (4) Unless otherwise stated in this part—
 - (a) only 1 end of a mesh or seine net may be fixed while it is being used; and
 - (b) a person using a net must be within 100m of it.

Division 4 Use of mesh or seine nets in particular areas within the fishery area

473 Use of seine nets in Lake Weyba

- (1) A seine net may be used in Lake Weyba only if it is no longer than 25m and has a mesh size of at least 25mm.
- (2) However, a seine net may only be used to take prawns in the lake.

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474 Use of mesh nets in Lakes Cootharaba, Cooroibah and Weyba

A ring net may be used in Lake Cootharaba, Cooroibah or Weyba only if it is no longer than 1500m and has a mesh size of at least 50mm.

475 Use of seine nets north of the Mary River

- (1) A seine net may be used in waters north of the northern bank of the Mary River only if the net—
 - (a) is no longer than 100m; and
 - (b) has a pocket extending over no more than one-quarter of the length of the net; and
 - (c) has a mesh size of at least 31mm in the pocket and at least 45mm in the rest of the net.
- (2) However, a seine net may only be used to take prawns in the waters.

476 Use of mesh nets in and near Hervey Bay

- (1) A net that is neither fixed nor hauled may be used in offshore waters of Hervey Bay within the following boundary—
 - from the southern bank of Baffle Creek east to longitude 153° east
 - along longitude 153° east to Fraser Island near Sandy Point
 - to Dayman Point
 - along the shore to the southern bank of Baffle Creek.
- (2) A net mentioned in subsection (1) must not be longer than 600m and must have a mesh size of at least 88mm.
- (3) If a net mentioned in subsection (1) is used south of a line from the southern bank of the Elliott River east to longitude 153° east, the net must be—

-
- (a) no more than 33 meshes deep; and
 - (b) made of monofilament no more than 0.65mm in diameter.
- (4) A net mentioned in subsection (1) must not be used in waters of Hervey Bay within the following boundary between 4p.m. and 4a.m. from 1 July to 31 October—
- from the southern bank of Theodolite Creek east to longitude 152°40' east
 - to the southern bank of O'Regan Creek
 - along the shore to the southern bank of Theodolite Creek.
- (5) A person using a net mentioned in subsection (1) north of a line from the southern bank of the Elliott River east to longitude 153° east is not required to be within 100m of the net.

477 Use of mesh or seine nets south of Baffle Creek

- (1) A mesh or seine net may be used in waters south of the northern bank of Baffle Creek only if the net—
 - (a) is no longer than 800m; and
 - (b) has a mesh size of at least 50mm.
- (2) A net that is neither fixed nor hauled may only be used in water deeper than its drop.
- (3) If a back net is used below low water, its length must not be more than one-quarter of the total length of net in use.
- (4) A mesh or seine net must not be used in the area of an ocean beach fishery from 1 April to 31 August.

478 Use of mesh or seine nets north of Baffle Creek

- (1) A mesh or seine net may be used north of the northern bank of Baffle Creek only if the net—

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- (a) is no longer than 400m; and
 - (b) has a mesh size of at least 50mm.
- (2) A ring net must not be used north of the southern bank of the Endeavour River.
- (3) From midday on 1 November to midday on 1 February, a mesh or seine net—
- (a) must not be used in the Gulf of Carpentaria waters; and
 - (b) may be used downstream of the shortest line between the banks of a waterway that is not in the Gulf of Carpentaria waters.
- (4) A mesh or seine net may be used during the period mentioned in subsection (3) only if it has a mesh size of at least 50mm but no more than 115mm.
- (5) A net that is neither fixed nor hauled may only be used in water deeper than its drop.
- (6) Both ends of a mesh or seine net may be fixed for up to 1 hour if the net—
- (a) is used between Cape Manifold and Cape Gloucester; and
 - (b) has a mesh size of no more than 88mm.

479 Use of mesh nets in offshore waters of Keppel Bay

A net that is neither fixed nor hauled may be used in offshore waters of Keppel Bay west of a line from Cape Capricorn to Water Park Point only if the net—

- (a) is no longer than 200m; and
- (b) has a mesh size of at least 150mm but no more than 245mm.

480 Use of mesh nets in offshore waters

- (1) A net that is neither fixed nor hauled may be used in offshore waters only if the net—
 - (a) is no longer than 600m; and
 - (b) has a mesh size of at least 150mm but no more than 245mm.
- (2) Two nets mentioned in subsection (1) may be joined and used as 1 net in waters deeper than 20m north of Cape Moreton if the combined length of the nets is no more than 1200m.
- (3) A net mentioned in subsection (1) must not be used in—
 - (a) the waters north of Cape Flattery from midday 1 November to midday 1 February; or
 - (b) the fishery area of an ocean beach fishery from 1 April to 31 August.

481 Use of mesh or seine nets in rivers and creeks

- (1) This section applies for using a ring or seine net, or a net that is neither fixed nor hauled.
- (2) A net mentioned in subsection (1) may be used in rivers and creeks only if the net—
 - (a) has a mesh size of at least 50mm; and
 - (b) is no longer than—
 - (i) for a ring net or a net that is neither fixed nor hauled—400m; or
 - (ii) for a seine net—200m.
- (3) From midday on 1 November to midday on 1 February, a net mentioned in subsection (1)—
 - (a) must not be used in the Gulf of Carpentaria waters; and
 - (b) may be used downstream of the shortest line between the banks of a waterway that is not in the Gulf of Carpentaria waters.

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- (4) If a net mentioned in subsection (1) is used in a waterway under subsection (3) from midday 1 November to midday 1 February, it must have a mesh size of at least 50mm but no more than 115mm.
- (5) Both ends of a net mentioned in subsection (1) may be fixed for up to 1 hour if—
 - (a) the net is used in rivers or creeks between Cape Gloucester and the northern bank of St Lawrence Creek; and
 - (b) the mesh size of the net is no more than 75mm.
- (6) A net that is neither fixed nor hauled may only be used in water deeper than its drop.
- (7) A ring net must not be used north of the southern bank of the Endeavour River or in the Gulf of Carpentaria waters.

Division 5 Use of set mesh nets in particular areas within the fishery area

482 Use of set mesh nets in rivers and creeks between Kauri and Baffle Creeks

- (1) A set mesh net may be used in a river or creek between Kauri and Baffle Creeks, upstream of the shortest line between its banks, only if the net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 150mm but no more than 215mm; and
 - (c) has a drop of no more than 50 meshes.
- (2) A person may set no more than 3 set mesh nets if—
 - (a) the combined length of the nets is no more than 360m; and

-
- (b) the distance between the first and last net is no more than 1n mile.
- (3) A person using a set mesh net must not be more than 800m from the net, or if more than 1 net is set, the first or last net.

483 Use of set mesh nets in and near Hervey Bay

- (1) A set mesh net may be used in offshore waters of Hervey Bay within the following boundary—
- from the southern bank of Baffle Creek east to longitude 153° east
 - along longitude 153° east to Fraser Island near Sandy Point
 - to Dayman Point
 - along the shore to the southern bank of Baffle Creek.
- (2) A set mesh net must not be longer than 600m and must have a mesh size of at least 88mm.
- (3) A set mesh net used south of a line from the southern bank of the Elliott River east to longitude 153° east—
- (a) must be made of monofilament no more than 0.65mm in diameter; and
- (b) must not be more than 33 meshes deep.
- (4) A set mesh net must not be used in waters of Hervey Bay within the following boundary between 4.00p.m. and 4.00a.m. from 1 July to 31 October—
- from the southern bank of Theodolite Creek east to longitude 152°40' east
 - to the southern bank of O'Regan Creek
 - along the shore to the southern bank of Theodolite Creek.

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- (5) A person using a set mesh net must be within 100m of it, unless it is used north of a line from the southern bank of the Elliott River east to longitude 153° east.

484 Use of set mesh nets on foreshores between the Burnett River and Baffle Creek

- (1) A set mesh net may be used on foreshores between the northern bank of the Burnett River and the northern bank of Baffle Creek.
- (2) A set mesh net must—
 - (a) be no longer than 120m; and
 - (b) have a mesh size of at least 100mm but no more than 245mm; and
 - (c) have a drop of no more than 50 meshes.
- (3) A set mesh net must not be used between midday on 1 September and midday on 1 February.
- (4) A set mesh net must not be set within 200m of a jetty or wharf.
- (5) Despite subsection (1), up to one-third of the length of a set mesh net may extend out to sea beyond low water.
- (6) A set mesh net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

485 Use of set mesh nets in Keppel Bay

An offshore set mesh net may be used in offshore waters of Keppel Bay west of a line from Water Park Point to Cape Capricorn only if the net is no longer than 200m and has a mesh size of at least 150mm but no more than 245mm.

486 Use of set mesh nets in offshore waters

- (1) A set mesh net may be used in offshore waters only if the net is no longer than 600m and has a mesh size of at least 150mm but no more than 245mm.
- (2) 2 set mesh nets may be joined and used as 1 net in waters deeper than 20m north of Cape Moreton if the combined length of the nets is no more than 1200m.
- (3) A set mesh net must not be used in waters north of Cape Flattery from midday 1 November to midday 1 February.
- (4) A person using a set mesh net is not required to be within 100m of it.
- (5) A set mesh net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

Division 6 Use of set pocket nets in particular areas within the fishery area

487 Use of set pocket nets in rivers

- (1) A set pocket net may be used in the following waters only if it is no longer than 10m and has a mesh size of at least 25mm—
 - (a) the Fitzroy, Kolan, Burnett, Albert and Logan rivers;
 - (b) the following waters of the Mary River—
 - (i) the waters between longitude 152°46.22' east and the Old Bruce Highway Bridge;
 - (ii) the waters between the lines between the following places marked by F↑B signs—
 - longitude 152°46.67' east on the northern bank and longitude 152°46.83' east on the southern bank
 - longitude 152°51.74' east on the northern bank (near 'Tandora') and longitude

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152°51.71' east on the shore of Crab Island
(Meteor Point)

- longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' east on the southern bank.
- (2) However, a set pocket net may only be used to take prawns in the waters.
 - (3) A set pocket net must not be set within 20m of a jetty or wharf or 100m of another net that is in use.
 - (4) More than 1 set pocket net may be attached to a head rope if the combined length of the nets is no more than 10m.
 - (5) The closed end of the pocket of a set pocket net must be marked on the surface of the water by a yellow float that is at least 8cm in all its dimensions.
 - (6) A person using a set pocket net is not required to be within 100m of it.
 - (7) Anything used to set a set pocket net must be removed from the water after the net is taken from the water.
 - (8) However, subsection (7) does not apply for using a set pocket net in the waters mentioned in subsection (1)(b).
 - (9) In this section—

head rope means that part of a set pocket net from which the meshes of the net are suspended.

pocket net means a bag shaped set net placed across a current or tide to trap fish.

Division 7 Use of tunnel nets in particular areas within the fishery area

488 Use of tunnel nets

- (1) A tunnel net may be used in the following waters other than the foreshore waters of a river or creek—
- (a) Moreton Bay mainland foreshores between F↑B signs at the following places—
- Little Rocky Point, and about 800m south of Point Talburpin
 - about 800m either side of Moogurrapum Creek, Redland Bay
 - Point Halloran and about 700m south of Oyster Point
 - about 800m south of the southern bank of Hilliards Creek, and about 1km south of Wellington Point
 - the eastern shore of Fisherman Islands, and about 800m north of Wynnum Creek (including the Boat Passage foreshore but not the Brisbane River foreshore)
 - Juno Point, and the northern bank of Serpentine Creek
 - the western end of Sunnyside Road, Scarborough, and about 100m south of the seaward end of Seaview Parade, Deception Bay
 - the boat ramp at the department's Fisheries Research Laboratory at Deception Bay, and the southern bank of the Caboolture River
 - about 1600m north of Beachmere, and the south-eastern tip of Toorbul Point;
- (b) Moreton Bay island foreshores north of a line—

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- from Little Rocky Point to the southern tip of Russell Island
 - to the nearest point on the western shore of North Stradbroke Island;
- (c) Tin Can Inlet, Pelican Bay and Tin Can Bay between the following lines—
- a line from the northern bank of Snapper Creek to the southern bank of Carlo Creek
 - a line from the southern bank of Kauri Creek to Inskip Point;
- (d) Great Sandy Strait and Wide Bay Harbour between the following lines—
- a line from the northern bank of Kauri Creek to Hook Point
 - a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, to McKenzie's Jetty, Fraser Island.
- (2) A tunnel net must not be longer than 1700m, excluding its tunnel length.
- (3) A tunnel net must have—
- (a) a tunnel length of no more than 200m; and
 - (b) a tunnel entrance width of between 1.5m and 4m; and
 - (c) a mesh size—
 - (i) for the tunnel—of no more than 50mm; and
 - (ii) for the area of the net within 400m adjacent to each side of the tunnel—of at least 25mm; and
 - (iii) for the rest of the net—at least 44mm; and
- (4) If a tunnel net is being used in an area described in subsection (1)(c) or (d), the net, other than its tunnel, must be made of—
- (a) monofilament of no more than 0.65mm in diameter; or

-
- (b) multifilament of no more than 9 ply.
 - (5) The tunnel of a tunnel net must extend out to sea beyond low water for at least 30m in water at least 30cm deep.
 - (6) A commercial fisher and at least 1 other fisher must be within 100m of the net while it is in use.

Division 8 Other conditions

489 Use of primary boats

A primary boat used under the licence must not be longer than 14m.

490 Use of tender boats

- (1) A tender boat must not be used more than 800m from its primary boat.
- (2) However, if more than 1 net is used, a tender boat may be used within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the primary boat is also within 800m of the first or last net or between the nets.
- (4) If a primary boat and its tender boat are used to set a tunnel net, the tender boat may be used within 1700m of the primary boat.

491 Permitted distance for an assistant fisher to be under direction

- (1) The permitted distance for an assistant fisher to be under direction of a commercial fisher is—
 - (a) 800m; or
 - (b) if the commercial fisher and assistant fisher are setting a tunnel net, 1700m.

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- (2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the assistant fisher is within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the commercial fisher is also within 800m of the first or last net or between the nets.

492 Marking nets

- (1) A set mesh net used during the day must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in all its dimensions; and
 - (ii) with the commercial fisher's name written on it at the end of the float farthest from the shore.
- (2) A set mesh net used at night must also be marked by—
 - (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at the end of the net farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in all its dimensions, at the end of the net nearest the shore; and
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.
- (3) Also, a set mesh net used in offshore waters must be marked by—
 - (a) 6 floats along the length of the net, each not less than 15cm in all its dimensions; and

- (b) a pole, with an orange flag on it at least 2m above the water, attached to the end of the net farthest from the shore.
- (4) A net that is neither fixed nor hauled and is used in offshore waters must be marked in the way stated in subsection (3).

Part 3 **Net fishery (east coast no. 3)** **('N2')**

493 **What is the *net fishery (east coast no. 3)***

The *net fishery (east coast no. 3)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 495; and
- (b) under the authorisations and conditions stated in this part.

494 **Fishery symbol**

The fishery symbol for the fishery is 'N2'.

495 **Fishery area**

The fishery area consists of all tidal waters east of longitude 142°09' east, other than tidal waters that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.

496 **What fish may be taken**

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

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Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

497 Permitted ways of taking fish

- (1) Fish may only be taken by using set mesh nets.
- (2) Unless otherwise stated in this part, a set mesh net must not be set within—
 - (a) 400m of a jetty or wharf; or
 - (b) 100m of another net that is in use.
- (3) Despite subsection (2)(b), a person using more than 1 set mesh net, other than in a river or creek, may set the nets within 100m of each other.
- (4) Unless otherwise stated in this part, a person using the net must not be more than 800m from it or, if more than 1 net is set, the first or last net.

498 Use of set mesh nets on foreshores between Baffle Creek and Cape Flattery

- (1) A set mesh net may be used on foreshores between the northern bank of Baffle Creek and Cape Flattery.
- (2) A set mesh net may also be used no more than 1km from the shore of Girt Island at low water.
- (3) A set mesh net must be no longer than 600m and must have a mesh size of at least 100mm but no more than 215mm.
- (4) However, if a set mesh net is used from midday 1 November to midday 1 February on foreshores north of the northern bank of St Lawrence Creek, the net's mesh size must not be more than 115mm.
- (5) If a set mesh net is used in an area other than the area mentioned in subsection (2), no more than one-third of the

length of a set mesh net may extend out to sea beyond low water.

- (6) No more than 3 set mesh nets may be set if their combined length is no more than 600m and the distance between the first and last net is no more than 1n mile.
- (7) A set mesh net must not be set within 200m of a jetty, wharf or another net that is in use.

499 Use of set mesh nets in rivers and creeks between Kauri Creek and Cape Flattery

- (1) A set mesh net may be used in rivers and creeks between the southern bank of Kauri Creek and Cape Flattery only if the net—
 - (a) is no longer than 120m; and
 - (b) has—
 - (i) a mesh size of at least 150mm but no more than 215mm; and
 - (ii) a drop of no more than 50 meshes.
- (2) No more than 3 set mesh nets may be set if their combined length is no more than 360m and the distance between the first and last net is no more than 1n mile.
- (3) A set mesh net must not be used from midday 1 November to midday 1 February in waters north of the northern bank of Baffle Creek.

500 Use of mesh nets in offshore waters between Baffle Creek and Cape Flattery

- (1) A mesh net that is neither fixed nor hauled may be used in offshore waters between the northern bank of Baffle Creek and Cape Flattery only if the net—
 - (a) is no longer than 600m; and

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- (b) has a mesh size of at least 150mm but no more than 245mm.
- (2) 2 nets mentioned in subsection (1) may be joined and used as 1 net only if—
 - (a) the nets are used in waters deeper than 20m; and
 - (b) the combined length of the nets is no more than 1200m.
- (3) A net mentioned in subsection (1) must not be used—
 - (a) in a marked navigational channel; or
 - (b) within 400m of a jetty or wharf; or
 - (c) within 100m of another net.
- (4) A net mentioned in subsection (1) must not be used from midday 1 November to midday 1 February.
- (5) A person using a net mentioned in subsection (1) must be within 100m of it.

501 Use of set mesh nets in offshore waters between Baffle Creek and Cape Flattery

- (1) A set mesh net may be used in offshore waters between the northern bank of Baffle Creek and Cape Flattery only if the net—
 - (a) is no longer than 600m; and
 - (b) has a mesh size of at least 150mm but no more than 245mm.
- (2) Two set mesh nets may only be joined and used as 1 net if—
 - (a) the nets are used in waters deeper than 20m; and
 - (b) the combined length of the nets is no more than 1200m.
- (3) A set mesh net must not be set—
 - (a) in a marked navigational channel; or
 - (b) within 400m from a jetty or wharf; or

- (c) within 100m from another net.
- (4) A set mesh net must not be set from midday on 1 November to midday on 1 February.
- (5) A person using a set mesh net must be within 100m of it.

502 Use of set mesh nets in rivers and creeks north of Cape Flattery

- (1) A set mesh net may be used in rivers and creeks north of Cape Flattery only if the net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 150mm but no more than 215mm and a drop of no more than 50 meshes.
- (2) No more than 6 set mesh nets may be set if their combined length is no more than 360m and the distance between the first and last net is no more than 1n mile.
- (3) A set mesh net must not be used from midday on 1 November to midday on 1 February.

503 Use of set mesh nets on foreshores north of Cape Flattery

- (1) A set mesh net may be used on foreshores north of Cape Flattery only if it is no longer than 600m and has a mesh size of at least 150mm but no more than 215mm.
- (2) Despite subsection (1), no more than one-third of the net's length may extend out to sea beyond low water.
- (3) No more than 6 mesh nets may be set if their combined length is no more than 600m and the distance between the first and last net is no more than 1n mile.
- (4) A set mesh net must not be used from midday on 1 November to midday on 1 February.

[s 504]

504 Use of primary boats

A primary boat must not be longer than 14m.

505 Use of tender boats

- (1) A tender boat must not be used more than 800m from its primary boat.
- (2) However, if more than 1 net is used, a tender boat may be used within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the primary boat is also within 800m of the first or last net or between the nets.

506 Permitted distance for an assistant fisher to be under direction

- (1) The permitted distance for an assistant fisher to be under direction of a commercial fisher is 800m.
- (2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the fisher is within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the commercial fisher is also within 800m of the first or last net or between the nets.

507 Marking nets

- (1) A set mesh net used during the day must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in all its dimensions; and
 - (ii) with the commercial fisher's name written on the end of the net farthest from the shore.
- (2) A set mesh net used at night must also be marked by—

-
- (a) if the combined length of the net and equipment used in setting it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at its end farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in all its dimensions, at the end of the net nearest the shore; and
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.

Part 4 **Net fishery (Baffle Creek to Kauri Creek) ('N5')**

Division 1 **Definition**

508 **What is the *net fishery (Baffle Creek to Kauri Creek)***

The *net fishery (Baffle Creek to Kauri Creek)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 510; and
- (b) under the authorisations and conditions stated in this part.

Division 2 **Fishery symbol and area**

509 **Fishery symbol**

The fishery symbol for the fishery is 'N5'.

[s 510]

510 Fishery area

The fishery area consists of all tidal waters between the northern bank of Baffle Creek and the southern bank of Kauri Creek.

Division 3 Taking fish

511 What fish may be taken

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

512 Permitted ways of taking fish

- (1) Fish may only be taken by using mesh, seine, set mesh or tunnel nets.
- (2) Unless otherwise stated in this part, a net that is neither fixed nor hauled and is used in offshore waters must not be used, and a net used as a set mesh net must not be set—
 - (a) in a marked navigation channel; or
 - (b) within—
 - (i) 400m of a jetty or wharf; or
 - (ii) 100m of another net that is in use.
- (3) Despite subsection (2)(b)(ii), a person using more than 1 set mesh net, other than in a river or creek, may set the nets within 100m of each other.
- (4) Unless otherwise stated in this part—

-
- (a) only 1 end of a mesh or seine net may be fixed while it is being used; and
 - (b) a person using a net must be within 100m of it.

Division 4 Use of mesh or seine nets

513 Use of mesh or seine nets in the fishery area

- (1) A mesh or seine net may be used in the fishery area only if it is no longer than 800m and has a mesh size of at least 50mm.
- (2) A net that is neither fixed nor hauled may only be used in water deeper than its drop.
- (3) If a back net is used below low water its length must not be more than one-quarter of the total length of net in use.
- (4) A mesh or seine net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

514 Use of mesh nets in offshore waters

- (1) A net that is neither fixed nor hauled may be used in offshore waters only if the net is no longer than 600m and has a mesh size of at least 150mm but no more than 245mm.
- (2) Two nets may be joined and used as 1 net in waters deeper than 20m north of Cape Moreton if the combined length of the nets is no more than 1200m.
- (3) A net that is neither fixed nor hauled must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

515 Use of mesh or seine nets in rivers and creeks

- (1) A ring or seine net, or a net that is neither fixed nor hauled, may be used in rivers and creeks only if the net—
 - (a) has a mesh size of at least 50mm; and

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- (b) is no longer than—
 - (i) for a ring net or a net that is neither fixed nor hauled—400m; or
 - (ii) for a seine net—200m.
- (2) A net that is neither fixed nor hauled may only be used in water deeper than its drop.
- (3) A net used from midday 1 November to midday 1 February must have a mesh size of at least 50mm but no more than 115mm.

516 Use of mesh nets in and near Hervey Bay

- (1) A net that is neither fixed nor hauled may be used in offshore waters of Hervey Bay within the following boundary—
 - from the southern bank of Baffle Creek east to longitude 153° east
 - along longitude 153° east to Fraser Island near Sandy Point
 - to Dayman Point
 - along the shore to the southern bank of Baffle Creek.
- (2) A net mentioned in subsection (1) must not be longer than 600m and must have a mesh size of at least 88mm.
- (3) If a net mentioned in subsection (1) is used south of a line from the southern bank of the Elliott River east to longitude 153° east, the net must be made of monofilament of no more than 0.65mm in diameter and must not be more than 33 meshes deep.
- (4) A net mentioned in subsection (1) must not be used in waters of Hervey Bay within the following boundary between 4p.m. and 4a.m. from 1 July to 31 October—
 - from the southern bank of Theodolite Creek east to longitude 152°40' east
 - to the southern bank of O'Regan Creek

- along the shore to the southern bank of Theodolite Creek.
- (5) A person using a net mentioned in subsection (1) north of a line from the southern bank of the Elliott River east to longitude 153° east is not required to be within 100m of the net.

Division 5 Use of set mesh nets

517 Use of set mesh nets in offshore waters

- (1) A set mesh net may be used in offshore waters in the fishery area only if the net is no longer than 600m and has a mesh size of at least 150mm but no more than 245mm.
- (2) 2 set mesh nets may be joined and used as 1 net in waters deeper than 20m north of Cape Moreton if the combined length of the nets is no more than 1200m.
- (3) A set mesh net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

518 Use of set mesh nets in rivers and creeks

- (1) A set mesh net may be used in a river or creek, upstream of the shortest line between its banks, only if the net—
- (a) is no longer than 120m; and
 - (b) has a mesh size of at least 150mm but no more than 215mm; and
 - (c) has a drop of no more than 50 meshes.
- (2) no more than 3 mesh nets may be set if their combined length is no more than 360m and the distance between the first and last net is no more than 1n mile.
- (3) A person using a set mesh net must not be more than 800m from it, or if more than 1 net is set, the first or last net.

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- (4) A mesh net may be set in a marked navigation channel or within 400m of a jetty or wharf or 100m of another net that is in use.

519 Use of set mesh nets in and near Hervey Bay

- (1) A set mesh net may be used in offshore waters of Hervey Bay within the following boundary—
- from the southern bank of Baffle Creek east to longitude 153° east
 - along longitude 153° east to Fraser Island near Sandy Point
 - to Dayman Point
 - along the shore to the southern bank of Baffle Creek.
- (2) A set mesh net must not be longer than 600m and must have a mesh size of at least 88mm.
- (3) A set mesh net used south of a line from the southern bank of the Elliott River east to longitude 153° east must be made of monofilament no more than 0.65mm in diameter and must not be more than 33 meshes deep.
- (4) A set mesh net must not be used in waters of Hervey Bay within the following boundary between 4p.m. and 4a.m. from 1 July to 31 October—
- from the southern bank of Theodolite Creek east to longitude 152°40' east
 - to the southern bank of O'Regan Creek
 - along the shore to the southern bank of Theodolite Creek.
- (5) A person using a set mesh net north of a line from the southern bank of the Elliott River east to longitude 153° east is not required to be within 100m of the net.

520 Use of set mesh nets on foreshores between the Burnett River and Baffle Creek

- (1) A set mesh net may be used on foreshores between the northern bank of the Burnett River and the northern bank of Baffle Creek only if the net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 100mm but no more than 215mm; and
 - (c) has a drop of no more than 50 meshes.
- (2) A set mesh net must not be used between midday on 1 September and midday on 1 February.
- (3) A mesh net must not be set within 200m of a jetty or wharf.
- (4) Despite subsection (1), no more than one-third of the net's length may extend out to sea beyond low water.
- (5) A set mesh net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

Division 6 Use of tunnel nets

521 Use of tunnel nets

- (1) A tunnel net may be used on foreshores of Great Sandy Strait and Wide Bay Harbour, other than the foreshore waters of a river or creek, between the following lines—
 - a line from the northern bank of Kauri Creek to Hook Point
 - a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, and then to McKenzie's Jetty, Fraser Island.
- (2) A tunnel net must not be longer than 1700m, excluding its tunnel length.

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- (3) A tunnel net must have—
 - (a) a tunnel length of no more than 200m; and
 - (b) a tunnel entrance width of between 1.5m and 4m; and
 - (c) a mesh size of—
 - (i) for the tunnel—no more than 50mm; and
 - (ii) for the part of the net within 400m adjacent to each side of the tunnel—at least 25mm; and
 - (iii) for the rest of the net—at least 44mm.
- (4) The tunnel of a tunnel net must extend out to sea beyond low water for 30m in water at least 30cm deep.
- (5) A commercial fisher and at least 1 other fisher must be within 100m of the net while it is in use.

Division 7 Other conditions

522 Use of primary boats

A primary boat used under the licence must not be longer than 14m.

523 Use of tender boats

- (1) A tender boat must not be used more than 800m from its primary boat.
- (2) However, if more than 1 net is used, a tender boat may be used within 800m of the first or last net or between the nets.
- (3) However, subsection (2) applies only if the primary boat is also within 800m of the first or last net or between the nets.
- (4) If a primary boat and its tender boat are used to set a tunnel net, the tender boat may be used within 1700m of the primary boat.

524 Permitted distance for an assistant fisher to be under direction

- (1) The permitted distance for an assistant fisher to be under direction of a commercial fisher is 800m or, if they are setting a tunnel net, 1700m.
- (2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the assistant fisher is within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the commercial fisher is also within 800m of the first or last net or between the nets.

525 Marking nets

- (1) A set mesh net used during the day must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in all its dimensions; and
 - (ii) with the commercial fisher's name written on the end of the net farthest from the shore.
- (2) A set mesh net used at night must also be marked by—
 - (a) if the combined length of the net and equipment used in setting it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at the end of the net farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in all its dimensions, at the end of the net nearest the shore; and
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.

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- (3) Also, a set mesh net used in offshore waters must be marked by—
 - (a) 6 floats along the length of the net, each not less than 15cm in all its dimensions; and
 - (b) a pole with an orange flag on it at least 2m above the water attached to the end of the net farthest from the shore.
- (4) A net that is neither fixed nor hauled and is used in offshore waters must be marked in the way stated in subsection (3).

Part 5 Net fishery (bait no. 1) ('N6')

526 What is the *net fishery (bait no. 1)*

The *net fishery (bait no. 1)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 528; and
- (b) under the authorisations and conditions stated in this part.

527 Fishery symbol

The fishery symbol for the fishery is 'N6'.

Note—

The Gulf Plan also provides for the fishery symbol.

528 Fishery area

The fishery area consists of tidal waters east of longitude 142°09' east.

529 What fish may be taken

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

530 Permitted ways of taking fish

- (1) Fish may only be taken by using cast, mesh or seine nets.
- (2) A person using a net must be within 100m of it.
- (3) Only 1 end of a net may be fixed while it is in use.
- (4) Despite subsection (3), both ends of a net that may be used from the northern bank of St Lawrence Creek to Cape Gloucester may be fixed for no more than 1 hour.

531 Use of primary boats

A primary boat must not be longer than 20m.

532 Use of cast nets

A cast net may be used in the fishery area only if the net—

- (a) is no longer than 3.7m; and
- (b) has a mesh size of no more than 28mm.

533 Use of mesh or seine nets

- (1) A mesh or seine net may be used in waters south of the following lines only if it is no longer than 600m and has a mesh size of at least 12mm but no more than 45mm—
 - (a) a line from the northern bank of the Burnett River to Sandy Cape, Fraser Island;
 - (b) a line from Sandy Cape, Fraser Island to the limit of Queensland waters east of Sandy Cape.
- (2) A mesh or seine net may be used in the following waters only if it is no longer than 400m and has a mesh size of at least 12mm but no more than 45mm—

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- (a) Moreton Bay;
 - (b) the waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—
 - a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island
 - a line from the eastern tip of Inskip Point to Hook Point, Fraser Island;
 - (c) waters that are east of longitude 142°31'49" east and north of the northern bank of the Burnett River.
- (3) A mesh or seine net may be used in rivers and creeks of the waters mentioned in subsection (2) only if the net is no longer than 200m and has a mesh size of at least 25mm but no more than 45mm.
- (4) If a back net is used with a net that may be used in waters mentioned in subsection (2) south of the northern bank of Baffle Creek, its length must not be more than one-quarter of the total length of net in use.
- (5) From 1 April to 31 August a mesh or seine net may be used in the fishery area of an ocean beach fishery only if it is no longer than 200m and has a mesh size of at least 12mm but no more than 25mm.

534 Use of tender boats

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

535 Permitted distance for an assistant fisher to be under direction

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

Part 6 Net fishery (bait no. 2) ('N7')

536 What is the *net fishery (bait no. 2)*

The *net fishery (bait no. 2)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 538; and
- (b) under the authorisations and conditions stated in this part.

537 Fishery symbol

The fishery symbol for the fishery is 'N7'.

Note—

The Gulf Plan also provides for the fishery symbol.

538 Fishery area

The fishery area consists of tidal waters east of longitude 142°09' east.

539 What fish may be taken

Any fish, other than barramundi or regulated coral reef fin fish, may be taken under the licence.

Note—

See, however, section 208 (Authorisations subject to regulation, management plans and authorities).

540 Permitted ways of taking fish

- (1) Fish may only be taken by using mesh or seine nets.
- (2) Only 1 end of a net may be fixed while it is in use.
- (3) Despite subsection (2), both ends of a net may be fixed for no more than 1 hour if the net is used between Cape Manifold and Cape Gloucester and its mesh size is no more than 88mm.

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- (4) A person using a net must be within 100m of it.
- (5) A net that is neither fixed nor hauled may only be used in water deeper than its drop.

541 Use of primary boats

A primary boat must not be longer than 14m.

542 Use of nets south of Baffle Creek

- (1) A net may be used in waters south of the northern bank of Baffle Creek only if the net is no longer than 800m and has a mesh size of at least 50mm.
- (2) A net must not be used in the fishery area of an ocean beach fishery from 1 April to 31 August.

543 Use of nets north of Baffle Creek

- (1) A net may be used in waters north of the northern bank of Baffle Creek only if the net is no longer than 400m and has a mesh size of at least 50mm.
- (2) A ring net must not be used north of the southern bank of the Endeavour River.
- (3) From midday on 1 November to midday on 1 February, a net may be used in a river or creek downstream of the shortest line between its banks.
- (4) However, a net may be used during the period mentioned in subsection (3) only if it has a mesh size of at least 50mm but no more than 115mm.

544 Use of tender boats

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

545 Permitted distance for an assistant fisher to be under direction

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

Chapter 10 Licences for spanish mackerel

Part 1 Spanish mackerel commercial fishery ('SM')

Division 1 Preliminary

546 Definitions for pt 1

In this part—

line fishery area, in relation to a line fishery symbol, means—

- (a) for the fishery symbol 'L1'—the area mentioned in section 395; and
- (b) for the fishery symbol 'L2' or 'L3'—the area mentioned in section 403; and
- (c) for the fishery symbol 'L6' or 'L7'—the area mentioned in section 419; and
- (d) for the fishery symbol 'L8'—the area mentioned in, section 427.

line fishery symbol means the fishery symbol 'L1', 'L2', 'L3', 'L6', 'L7' or 'L8'.

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547 What is the *spanish mackerel commercial fishery*

The *spanish mackerel commercial fishery* is activities by way of fishing—

- (a) relating to spanish mackerel in the fishery areas mentioned in section 549; and
- (b) under the authorisations and conditions stated in division 3.

Division 2 Fishery symbol and area

548 Fishery symbol

The fishery symbol for the fishery is 'SM'.

549 Fishery area

The fishery area consists of—

- (a) if the fishery symbol is written on a licence on which the fishery symbol 'L1' is also written—the area mentioned in section 395; and
- (b) if the fishery symbol is written on a licence on which the fishery symbol 'L2' or 'L3' is also written—the area mentioned in section 403; and
- (c) if the fishery symbol is written on a licence on which the fishery symbol 'L6' or 'L7' is also written—the area mentioned in section 419; and
- (d) if the fishery symbol is written on a licence on which the fishery symbol 'L8' is also written—the area mentioned in section 427.

Division 3 Authorisations and conditions

Subdivision 1 General provisions

550 What fish may be taken

Only spanish mackerel may be taken under an SM fishery licence.

551 Permitted ways of taking spanish mackerel

Spanish mackerel may be taken only in the way that fish may be taken under the line fishery symbol for the line fishery area in which the spanish mackerel is being taken.

552 Use of primary boat

The conditions for using a primary boat under the licence are the conditions for using a primary boat under the line fishery symbol for the line fishery area in which the boat is being used.

553 Use of tender boats

The conditions for using a tender boat under the licence are the conditions for using a tender boat under the line fishery symbol for the line fishery area in which the boat is being used.

554 Permitted distance for an assistant fisher to be under direction

- (1) This section applies if a commercial fisher and an assistant fisher are on separate commercial fishing boats.
- (2) The permitted distance for the assistant fisher to be under direction of the commercial fisher is the permitted distance under a licence on which is written the line fishery symbol for

[s 555]

the line fishery area in which the assistant fisher is taking spanish mackerel.

Subdivision 2 SM (Flat Rock) fishery licence

555 Restriction on transfer of SM (Flat Rock) fishery licences

- (1) This section applies to an SM fishery licence that is an SM (Flat Rock) fishery licence.
- (2) The licence can not be transferred unless—
 - (a) its holder makes an application (an *amendment application*) to the chief executive to change the licence by removing the surface trolling authorisation of the holder or a person acting under the licence; and
 - (b) the amendment application accompanies the holder's application to register the transfer of the licence; and
 - (c) the chief executive changes the licence to remove the surface trolling authorisation before registering the transfer.
- (3) In this section—

surface trolling authorisation means an authorisation to take fish by surface trolling in the Flat Rock (grey nurse shark protection area—western zone).

Part 2 Provisions about SM units

Division 1 General provision

556 Nature of an SM unit

Each SM unit is—

-
- (a) an authority, the entitlement for which is provided for under divisions 2 and 3; and
 - (b) a quota for the spanish mackerel commercial fishery under part 1.

Division 2 Entitlement

557 Entitlement under SM unit

- (1) The holder of an SM unit, or a person acting under the SM unit, may take, in an SM year, 1kg of (whole weight) spanish mackerel for the SM unit.

Note—

See, however, section 727.

- (2) The authorisation for each SM year is the holder's *entitlement* under the SM unit for that SM year.
- (3) However, the entitlement applies only while the holder holds an SM fishery licence that is in force.
- (4) The entitlement is also subject to any relevant prohibitions or restrictions under this regulation, a management plan, the SM unit or the licence.

Examples of relevant restrictions—

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

Division 3 Use of SM unit entitlement

558 When SM unit entitlement is *used* for an SM year

- (1) The entitlement of an SM unit held by a person is *used* for an SM year—

[s 559]

- (a) when the holder, or a person acting under the SM unit, has taken, in the SM year under any SM fishery licence held by the SM unit holder, an amount of (whole weight) spanish mackerel for the SM unit equalling the holder's entitlement under the SM unit; or
 - (b) if section 559 applies.
- (2) The *unused entitlement* of a holder's SM unit for an SM year is the amount of (whole weight) spanish mackerel for the SM unit that has not been taken, for the SM year, under any SM fishery licence held by the SM unit holder.

559 No carrying forward of unused entitlement

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

Division 4 SM unit certificates

560 Content of SM unit certificates

An SM unit certificate must state each of the following—

- (a) the certificate number;
- (b) the name of the person who holds the SM units mentioned in the certificate;
- (c) the number of SM units held by the person;
- (d) if the chief executive has imposed conditions on the SM units—the conditions;
- (e) if the chief executive has suspended any of the SM units—

- (i) the number of SM units suspended; and
- (ii) the period of the suspension.

561 Evidentiary provision for SM unit certificate

An SM unit certificate is evidence of—

- (a) the number of SM units held when the certificate was—
 - (i) issued; or
 - (ii) changed or replaced under section 585; and
- (b) the conditions, if any, imposed on the SM units.

Division 5 Evidentiary aids for use of entitlement

562 Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder of SM units, or a person acting for the holder, gives the chief executive an unloaded fish notice for spanish mackerel for the SM units.
- (2) The notice is evidence that the holder has taken, under the SM units, the whole weight equivalent of the amount of spanish mackerel stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of spanish mackerel stated in the notice is—
 - (a) for an amount stated for whole spanish mackerel—the amount stated; or
 - (b) for an amount stated for spanish mackerel that is not whole—the amount worked out in the way stated in schedule 11, section 10(2) and (3).

[s 563]

563 Particular notice is evidence of unused entitlement

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

Part 3 Conditions for SM units

Division 1 Purpose

564 Purpose of pt 3

This part prescribes conditions for—

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

Division 2 Interpretation

565 Definitions for pt 3

In this part—

authorised boat, for an SM unit holder, means—

- (a) the primary boat under any of the SM fishery licences held by the SM unit holder; or
- (b) any of the primary boat’s tender boats.

landing period see section 569(e)(i).

landing place—

- (a) for a prior notice—see section 569(c); or
- (b) for a transshipment notice—see section 576(3)(d)(i); or
- (c) for an unnotifiable landing notice—see section 578(3)(c)(i).

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

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

prescribed person means each of the following—

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

prescribed reason, for not giving a prior notice or transshipment notice, see section 577(2)(a).

prior notice means—

- (a) a notice given under section 568(3); or
- (b) if a replacement prior notice is given under section 570(2), the replacement prior notice.

prior notice area means—

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

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

- (a) the time the first of the authorised boats, for the SM unit holder by or for whom the notice is given, enters the prior notice area;

[s 566]

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

prior notice particulars see section 569.

transhipment notice see section 576(2).

transport vessel see section 576(1)(b).

unloaded fish notice see section 581(2).

unloading area, for a landing place, means—

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

unloading particular see section 569(d).

unnotifiable landing notice see section 578(2).

566 Notices to chief executive

- (1) This section applies to a notice given to the chief executive under section 568, 570, 571, 573, 576, 577(2)(b) or 581.

- (2) The notice must be given to the chief executive by using the AIVR system.

Editor's note—

chapter 14 (Reporting), part 6 (Automated interactive voice response system)

Division 3 Requirements for taking or possessing spanish mackerel

567 Spanish mackerel to be taken or possessed only with unused SM unit entitlements

A prescribed person may take spanish mackerel from, or possess spanish mackerel on, an authorised boat for an SM unit holder in an SM year only if the holder holds SM units with unused entitlements for the SM year.

Division 4 Requirements for giving prior notice of spanish mackerel

568 Requirement to give prior notice

- (1) This section applies if—
- (a) spanish mackerel are on an authorised boat for an SM unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and
 - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) This section does not apply if—
- (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—

[s 569]

- (i) north of latitude 15°16.57' south; or
 - (ii) on an island other than Bribie Island, Fraser Island, Magnetic Island, Moreton Island, North Stradbroke Island or South Stradbroke Island; and
- (b) it is not proposed to unload spanish mackerel at the place.
- (3) The holder, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has ended.

569 Particulars to be stated in prior notice

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

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number of the SM fishery licence to which the spanish mackerel the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the SM unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload spanish mackerel from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
- (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—
 - (i) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;

- (ii) the total number of each of the following on all the authorised boats when the notice is given—
 - (A) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (B) containers containing filleted spanish mackerel.

570 Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for an SM unit holder under section 568 and 569; and
 - (b) the notice stated that spanish mackerel were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload spanish mackerel before the boats leave the unloading area.
- (2) The holder, or a person authorised by the holder, must give another prior notice (a *replacement prior notice*) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
 - (a) the prior notice particulars; and
 - (b) that spanish mackerel will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under subsection (2) replaces the prior notice given under section 568.

[s 571]

571 Amendment or withdrawal of prior notice

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

amending notice deadline, for an amending notice, means—

- (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) if the landing place mentioned in the prior notice is at or north of latitude 15°50.30' south—3 hours before the landing period mentioned in the prior notice ends;

Editor's note—

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

- (iii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before

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- the landing period mentioned in the prior notice ends; or
- (b) if the amending notice relates to adding 5 fish or less to the number of fish on all of the authorised boats—when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice; or
 - (c) for another amending notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) 1 hour before the landing period mentioned in the prior notice ends.

Division 5 Requirements after prior notice of spanish mackerel

572 General requirements after prior notice given

- (1) This section applies to the person in control of an authorised boat for the SM unit holder (a *relevant authorised boat*) that is proposed to be landed at the landing place mentioned in a prior notice.
- (2) The person in control of the relevant authorised boat must ensure that—
 - (a) the boat lands at the landing place mentioned in the prior notice no more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) when the boat lands, the total number of each of the following on all the authorised boats for the holder is the same as the number stated in the prior notice or, having regard to the circumstances, is close to that number—

[s 573]

- (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.
- (3) Also, if the relevant authorised boat lands at the landing place mentioned in the prior notice before the landing period mentioned in the notice ends, the person in control of the boat must ensure the boat stays at the landing place until after the landing period has ended.
- (4) Subsection (2)(a) does not apply if the relevant authorised boat does not land at the place, or does not land within the period, mentioned in that subsection because of a reason beyond the control of the person in control of the boat.
- (5) In deciding whether a number is close under subsection (2)(b), regard must be had to the degree of difficulty in counting the number of spanish mackerel or containers stated in the prior notice.
- (6) Subsection (3) does not require the person in control of the relevant authorised boat to be on the boat after the boat has landed.

573 Requirement to give retained fish notice

- (1) The SM unit holder, or a person authorised by the holder, must not allow an authorised boat for the holder to leave the unloading area for the landing place mentioned in a prior notice with spanish mackerel on the boat unless the holder or person has given the chief executive a notice (a *retained fish notice*) under this section.
- (2) The SM unit holder or authorised person must give the retained fish notice within 1 of the following periods before the authorised boat leaves or is proposed to leave the unloading area for the landing place—
 - (a) if the landing place is at or north of latitude 15°50.30' south—6 hours;

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- (b) if the landing place is south of latitude 15°50.30' south—3 hours.
 - (3) The retained fish notice must state each of the following—
 - (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number of the SM fishery licence to which the spanish mackerel the subject of the notice relate;
 - (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
 - (d) the total number of each of the following that will be on all the authorised boats, for the SM unit holder immediately after the boats leave the unloading area for the landing place mentioned in the prior notice—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.

574 Requirement to obtain approval to leave unloading area

- (1) This section applies if—
 - (a) the total amount of spanish mackerel on all the authorised boats for the SM unit holder is 50kg or more; or
 - (b) any of the spanish mackerel on an authorised boat for the unit holder are not frozen.
- (2) The SM unit holder or a person authorised by the holder must not allow an authorised boat for the holder to leave the unloading area for the landing place without a written approval from an inspector.

[s 575]

575 Additional requirements if prior notice stated spanish mackerel will be unloaded

- (1) This section applies if a prior notice given by, or for, an SM unit holder, stated that spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder, before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take spanish mackerel from an authorised boat for the holder after the prescribed time unless—
 - (a) all the spanish mackerel on all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 581 for the spanish mackerel that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 573.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
 - (a) the place (the *unloading place*) where the spanish mackerel on the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the *unloading time*) at which the spanish mackerel are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded, the spanish mackerel on the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—

prescribed time, in relation to a prior notice, means when the first of the authorised boats for the SM unit holder enters the

area within 0.5n miles of the landing place mentioned in the notice.

576 Requirement to give transshipment notice

- (1) This section applies if spanish mackerel are—
 - (a) taken from an authorised boat for an SM unit holder; and
 - (b) transferred, before they are unloaded, to either of the following vessels (each a *transport vessel*)—
 - (i) a boat identified in a carrier boat licence;
 - (ii) a commercial ship registered under the *Transport Operations (Marine Safety) Act 1994*; and
 - (c) proposed to be unloaded from, or using, the transport vessel to which they have been transferred.
- (2) The SM unit holder, or a person authorised by the holder, must give a notice (a *transshipment notice*) to the chief executive as soon as practicable after the spanish mackerel are transferred to the transport vessel.
- (3) The transshipment notice must state each of the following—
 - (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;
 - (c) the identification code for the transport vessel to which the notice relates;
 - (d) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the transport vessel will be landed (the *landing place*); and
 - (ii) the place at which the spanish mackerel will be unloaded from the transport vessel;

[s 577]

- (e) the date on which the spanish mackerel will be unloaded from the transport vessel;
 - (f) the total number of each of the following that were transferred from the authorised boats to the vessel—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.
- (4) In this section—
- commercial ship* see the *Transport Operations (Marine Safety) Act 1994*, schedule.
- identification code*, for a vessel, means the sequence of numbers used to identify the vessel that is—
- (a) nominated by the chief executive; and
 - (b) published on the department’s website.

Division 6 Requirements for unloading spanish mackerel

577 General requirement for unloading spanish mackerel

- (1) A prescribed person must not unload, or allow to be unloaded, spanish mackerel taken from an authorised boat for an SM unit holder unless—
 - (a) a prior notice given by or for the holder stated the spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
 - (b) a transshipment notice has been given by or for the holder for the spanish mackerel.
- (2) However, subsection (1) does not apply if—

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- (a) the prior notice or transhipment notice was not given by or for the SM unit holder for either of the following reasons (each a *prescribed reason*)—
- (i) all the relevant equipment on the authorised boats for the SM unit holder—
 - (A) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (B) was not, and could not reasonably have been, replaced or made usable during the notifying period;
 - (ii) the authorised boats for the SM unit holder landed because of an unforeseeable and uncontrollable event and the notice could not be given because of the event; and
- Examples of an unforeseeable and uncontrollable event—*
extreme weather conditions, fire or medical emergency
- (b) the holder or a person authorised by the holder has given the chief executive an unnotifiable landing notice; and
- (c) the prescribed person did not, before the authorised unloading time—
- (i) move, or allow to be moved, the authorised boats or transport vessel to a place more than 200m from, or not visible to a person at, the landing place mentioned in the unnotifiable landing notice; or
 - (ii) move, or allow to be moved, the spanish mackerel from the boats or vessel.
- (3) In this section—
- authorised unloading time***, for unloading spanish mackerel for which a prior notice or transhipment notice has not been given, means—

[s 577]

- (a) if the person unloading the spanish mackerel has been given permission, by an inspector, to unload the spanish mackerel on or after a stated time—the stated time; or
- (b) otherwise—
 - (i) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given before 9a.m. on the day the boat or vessel landed—3p.m. on the day the boat or vessel landed; or
 - (ii) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9a.m. and 4p.m. on the day the boat or vessel landed—6 hours after the boat or vessel landed; or
 - (iii) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given after 4p.m. on the day the boat or vessel landed—3p.m. on the day after the boat or vessel landed; or
 - (iv) if the authorised boat or transport vessel containing the spanish mackerel is landed south of latitude 15°50.30' south—3 hours after the boat or vessel landed.

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

- (a) starting when the first of the authorised boats for the SM unit holder who is required to give the prior notice or transshipment notice, leaves for a fishing trip; and
- (b) ending—
 - (i) for a prior notice—when the prior notice deadline for the notice has ended; or

- (ii) for a transhipment notice—immediately before the transport vessel, containing the spanish mackerel transferred from the authorised boats for the holder, lands.

relevant equipment means equipment that can be used to—

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

578 Requirement to give unnotifiable landing notice

- (1) This section applies if an SM unit holder or a person authorised by the holder—
 - (a) proposes to unload, or allow to be unloaded, spanish mackerel taken from an authorised boat for the SM unit holder; and
 - (b) has not given a prior notice or transhipment notice for a prescribed reason.
- (2) The SM unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive at the following time—
 - (a) if the spanish mackerel is on any of the authorised boats of the holder—immediately after the first of the boats lands;
 - (b) if the spanish mackerel has been transferred from any of the authorised boats of the holder to a transport vessel—immediately after the transport vessel lands.
- (3) The unnotifiable landing notice must state each of the following—
 - (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;

[s 579]

- (c) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the authorised boats or transport vessel to which the notice relates have been landed (the *landing place*); and
 - (ii) the place at which the spanish mackerel on the boats or vessel will be unloaded;
- (d) the total number of each of the following that are on the boats or vessel when the notice is given—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.

579 Additional requirements for unloading spanish mackerel if prior notice given

- (1) This section applies if a prior notice given by or for an SM unit holder stated that spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the spanish mackerel unless section 572 has been complied with.
- (3) Also, a prescribed person may unload the spanish mackerel, or allow the spanish mackerel to be unloaded, only if—
 - (a) the spanish mackerel is unloaded after the landing period mentioned in the prior notice has ended; and
 - (b) for spanish mackerel being unloaded from, or using, a tender boat—the tender boat is attached to, or is within, 200m of its primary boat; and
 - (c) the spanish mackerel is unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—

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

580 Requirements for weighing unloaded spanish mackerel

- (1) This section applies if spanish mackerel taken by or for an SM unit holder have been unloaded from, or using, an authorised boat for the holder or a transport vessel.
- (2) The holder must weigh the spanish mackerel, or allow the spanish mackerel to be weighed—
 - (a) as soon as practicable after the spanish mackerel have been unloaded; and
 - (b) at a place that is open for entry, under the Act, by an inspector.

[s 581]

- (3) The weight of the spanish mackerel must be worked out using a scale that is verified or certified under the *Trade Measurement Act 1990*.

581 Requirement to give unloaded fish notice

- (1) This section applies if spanish mackerel are—
 - (a) taken from an authorised boat for an SM unit holder; and
 - (b) unloaded from, or using, the authorised boat or a transport vessel.
- (2) The SM unit holder, or a person authorised by the holder, must give a notice (an *unloaded fish notice*) to the chief executive—
 - (a) as soon as practicable after the first time the spanish mackerel on the boat or vessel are unloaded from, or using, the boat or vessel; and
 - (b) if the spanish mackerel are first unloaded by moving the boat or vessel carrying the spanish mackerel to a place on land—as soon as practicable after the spanish mackerel are first moved from the boat or vessel.
- (3) Also, the SM unit holder, or a commercial fisher acting for the holder, must retain possession of the spanish mackerel until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
 - (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;
 - (c) if the person giving the unloaded fish notice is prompted by the AIVR system to enter the transaction number for a prior notice, transshipment notice or unnotifiable landing notice given in relation to the spanish mackerel

- mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of each of the following that were unloaded by or for the holder—
- (i) whole spanish mackerel;
 - (ii) gilled and gutted spanish mackerel;
 - (iii) trunked spanish mackerel;
 - (iv) filleted spanish mackerel.

Part 4 Transfer of SM units

Division 1 When SM units may or may not be transferred

582 Purpose of div 1

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

583 Only whole SM units may be transferred

A part of an SM unit can not be transferred.

584 Eligibility of transferee

An SM unit may be transferred only by the holder of the SM unit to a person, other than the transferor, who holds an SM fishery licence.

[s 585]

Division 2 Other provisions about SM unit transfers

585 SM unit certificate changes required

- (1) This section applies if, under section 65B of the Act, the chief registers an application to transfer SM units.
- (2) The chief executive must give effect to the transfer by changing, cancelling or replacing the transferor's and transferee's current SM unit certificates.

586 Entitlement of transferee

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

587 Issue of fisher PIN for particular transferees

- (1) This section applies if—
 - (a) the chief executive registers the transfer of line units or SM units; and
 - (b) the transferee did not hold any of the units immediately before the transfer.

- (2) The chief executive must, immediately after the transfer is registered, issue the transferee a 4-digit identity number (the *fisher PIN*) for the units.

Note—

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

Part 5 Change of PINs

588 Change of unit PIN

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

589 Change of fisher PIN

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

Part 6 **Prescribed criteria for suspending and cancelling SM units**

590 **Criteria for suspending SM units**

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

591 **Criteria for cancelling SM units**

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

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

Chapter 11 Other commercial fisheries

Part 1 Commercial crab fishery ('C1')

592 What is the *commercial crab fishery*

The *commercial crab fishery* is activities by way of fishing—

- (a) relating to crabs to which section 595 applies in the fishery area mentioned in section 594; and
- (b) under the authorisations and conditions stated in this part.

593 Fishery symbol

The fishery symbol for the fishery is 'C1'.

594 Fishery area

The fishery area consists of all tidal waters in the following areas—

- east of longitude 142°31'49" east
- north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east
- in the Gulf of Carpentaria between the 25n mile line and the shore, south of latitude 10°48' south.

[s 595]

595 What fish may be taken

Only crabs, other than spanner crabs, may be taken under the licence.

Note—

For spanner crabs, see the Spanner Crab Plan.

596 Permitted ways of taking crabs

- (1) Crabs may only be taken by using a crab pot, dilly or inverted dilly (each of which is an item of *crab apparatus*).
- (2) No more than 50 items of crab apparatus may be used at a time.

597 Use of primary boats

A primary boat must not be longer than 14m.

598 Use of tender boats

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

599 Permitted distance for an assistant fisher to be under direction

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

600 Marking of fishing apparatus

- (1) An item of crab apparatus used to take crabs must have a tag with the owner's name written on it or be marked with the boat mark for the owner's primary boat.
- (2) Also, if the crab apparatus is not fixed to something while it is being used, the apparatus must have attached to it a light coloured float that—

- (a) is at least 15cm in all its dimensions; and
- (b) is marked with the boat mark for the primary boat of the owner of the apparatus.

Part 2 Commercial crayfish and rock lobster fishery ('R')

601 What is the *commercial crayfish and rock lobster fishery*

The *commercial crayfish and rock lobster fishery* is activities by way of fishing—

- (a) relating to the fish mentioned in section 604 in the fishery area mentioned in section 603; and
- (b) under the authorisations and conditions stated in this part.

602 Fishery symbol

The fishery symbol for the fishery is 'R'.

603 Fishery area

The fishery area consists of the following tidal waters—

- waters east of longitude 142°31'49" east, and north of latitude 14° south
- the Gulf of Carpentaria and adjoining waterways, between the 25n mile line and the shore, south of latitude 10°48' south.

604 What fish may be taken

Only barking crayfish and tropical spiny rock lobsters may be taken under the licence.

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605 Permitted ways of taking crayfish and rock lobsters

- (1) Fish may only be taken 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.
- (3) Only primary boats or tender boats may be used to take fish.
- (4) No more than 1 person may take fish from a primary boat or tender boat at the same time.

606 Use of primary boats

A primary boat must not be longer than 20m.

607 Use of tender boats

A tender boat must not be used further than 5n miles from the following—

- (a) generally—its primary boat;
- (b) if its primary boat is located at a reef—the reef.

608 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is—

- (a) 5n miles; or
- (b) if the commercial fisher is fishing on a reef, 5n miles from the reef.

Part 3 Commercial trawl fishery (fin fish) ('T4')

609 What is the *commercial trawl fishery (fin fish)*

The *commercial trawl fishery (fin fish)* is activities by way of fishing—

- (a) relating to the fish mentioned in section 612 in the fishery area mentioned in section 611; and
- (b) under the authorisations and conditions stated in this part.

610 Fishery symbol

The fishery symbol for the fishery is 'T4'.

611 Fishery area

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

- from the 20 fathom depth contour east of Caloundra Head, east to the 50 fathom depth contour
- along the 50 fathom depth contour to east of Sandy Cape, Fraser Island
- west to the 20 fathom depth contour
- along the 20 fathom depth contour to east of Caloundra Head.

612 What fish may be taken

Only red spot or stout whiting may be taken under the licence.

613 Permitted ways of taking whiting

- (1) Red spot or stout whiting may only be taken by using otter trawl nets that comply with this section.
- (2) An otter trawl net must not be longer than 88m and must have a mesh size of at least 38mm but no more than 60mm.
- (3) For subsection (2), the length of an otter trawl net is worked out from the combined length of the following ropes when taut—
 - (a) the head and bottom ropes;
 - (b) the rope fixing the net's opening size;
 - (c) the ropes to which the net's mesh is attached;
 - (d) the part of another rope, other than a lazy line or log rope, to which a wing net is attached.
- (4) Each of the sweeps of an otter trawl net must not be longer than 128m each.
- (5) For subsection (3), an otter trawl net's sweeps includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the net.
- (6) However, if fittings mentioned in subsection (5) are joined to make a single fitting, the single fitting is 1 sweep.
- (7) An otter trawl net must not be used from a boat longer than 20m.

614 Fishery period

Red spot or stout whiting may only be taken between 1 April and 31 December.

Chapter 12 Protection of fish habitats and fisheries resources

Part 1 Declared fish habitat areas

Division 1 Declaration of fish habitat areas

615 Areas declared to be fish habitat areas

- (1) Subject to sections 616 to 619, each area shown on a plan (a *fish habitat area plan*) mentioned in schedule 3, column 1 is declared to be a fish habitat area.
- (2) A copy of a fish habitat area plan may be inspected, free of charge, during office hours on business days at the department's head office or on the department's website.

Editor's note—

On the notification day, the department's head office was at 80 Ann Street, Brisbane and copies of the plans were available for inspection on the department's website.

616 Areas included in declared fish habitat area

- (1) If, for an entry for a declared fish habitat area in schedule 3, column 1, an area is stated opposite the entry in schedule 3, column 2, as included in the declared fish habitat area, the declared fish habitat area includes the stated area.
- (2) Subsection (1) is subject to sections 617(1)(a) and 618.
- (3) Each declared fish habitat area shown on a fish habitat area plan mentioned in schedule 3, part 1, column 1 includes the tidal land of a lagoon, lake or waterway adjoining the area, even if the tidal land is outside the boundary of the area as shown on the plan or stated for the area in schedule 3, part 1, column 2.

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- (4) Each declared fish habitat area shown on a fish habitat area plan mentioned in schedule 3, part 2, column 1 includes the unallocated State land or national park land that is within the outer boundary shown on the plan for the area.
- (5) Subsections (3) and (4) are subject to sections 617(1)(a) to (c) and 618.

617 Areas excluded from declared fish habitat area

- (1) A declared fish habitat area excludes the following areas—
 - (a) the area of a channel marked by aids to navigation;
 - (b) if, for the entry for the declared fish habitat area in schedule 3, column 1, an area is stated opposite the entry in schedule 3, column 2, as excluded from the declared fish habitat area—the stated area;
 - (c) if the fish habitat area plan for the declared fish habitat area states or shows an area is excluded from the declared fish habitat area—the stated or shown area;
 - (d) if the declared fish habitat area is shown on a fish habitat area plan mentioned in schedule 3, part 2, column 1—land that is not unallocated State land or national park land within the outer boundary shown on the plan.
- (2) Subsection (1)(d) is subject to section 616(1).

618 Particular cables and air space excluded from declared fish habitat area

- (1) A declared fish habitat area excludes a cable that—
 - (a) is in a fixed position in air space within the boundary shown on the fish habitat area plan for the area; and
 - (b) is not in contact with land, water or a part of a plant in the area.

Examples of a cable—

an overhead electric line or telecommunication cable

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- (2) Subsection (3) applies if—
- (a) a person proposes, under a law of the State or Commonwealth, to install a cable in air space within the boundary shown on the fish habitat area plan for a declared fish habitat area; and
 - (b) under the proposal, the cable, when installed, will not be in contact with land, water or a part of a plant in the area.
- (3) The declared fish habitat area excludes the air space that is to be occupied by the cable under the proposal.
- (4) In this section—
proposal includes an application.

619 Interpretation of fish habitat area plans

- (1) Anything stated in schedule 3, column 2, or shown or written on a fish habitat area plan, about the boundary of a declared fish habitat area has effect for deciding the location of the boundary.
- (2) A line in relation to a boundary of a declared fish habitat area on a fish habitat area plan—
 - (a) shows what forms the boundary; and
 - (b) is only indicative of the current position of the boundary.
- (3) If a boundary shown on a fish habitat area plan has a gap in it, the boundary continues in a straight line across the gap to the nearest point of the boundary on the other side of the gap.
- (4) Subject to subsections (2) and (3), a shaded area on a fish habitat area plan of a declared fish habitat area under schedule 3, part 1 shows the declared fish habitat area.

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Division 2 Prohibited activities in or affecting declared fish habitat areas

620 Person not to take bait using digging implement

- (1) A person must not in a declared fish habitat area take fish for bait by using a digging implement.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to a person using a hand pump only for taking yabbies.

621 Person not to remove weeds etc.

- (1) A person must not do any of the following things in a declared fish habitat area—
 - (a) remove weeds;
 - (b) use a pesticide;
 - (c) carry out biological control of a pest.Maximum penalty—20 penalty units.
- (2) Also, a person must not do a thing mentioned in subsection (1) outside a declared fish habitat area if doing the thing is likely to affect a fish habitat in the declared fish habitat area.
Maximum penalty—20 penalty units.
- (3) However, subsection (1) or (2) does not apply to a person doing a thing mentioned in subsection (1) if the person does the thing in compliance with the fish habitat area code of practice.
- (4) In this section—
biological control, of a pest, means controlling the presence or spread of the pest by introducing a natural enemy of the pest, including, for example, a natural predator of the pest or a bacteria or virus that may be harmful to the pest.

fish habitat area code of practice means the code of practice under section 119 of the Act called ‘Fish Habitat Area code of practice—The lawful use of physical, pesticide and biological controls in a declared Fish Habitat Area’, published by the department.

Editor’s note—

On the notification day the code was available for inspection by the public during office hours on business days at the department’s head office at 80 Ann Street, Brisbane and also available for inspection on the department’s website.

pest means a pest or disease declared under a law of the State, the Commonwealth or another State.

Part 2 Diseased fisheries resources

622 Declared diseases

- (1) Each of the following is a declared disease under section 97(1) of the Act—
 - (a) a bacteria, fungus, parasite, pest or virus mentioned in schedule 4;
 - (b) a residue of BHC that has a concentration greater than 0.01 mg/kg for the residue in fisheries resources.
- (2) In this section—

BHC means a chemical that is the sum of isomers of 1, 2, 3, 4, 5, 6-hexachlorocyclohexane, other than lindane.

Part 3 **Noxious fisheries resources**

623 Fisheries resources prescribed as noxious fisheries resources

- (1) Each of the following is a noxious fisheries resource for the Act, schedule, definition *noxious fisheries resources*—
 - (a) a fish identified in schedule 6, part 1;
 - (b) a hybrid of a fish identified in schedule 6, part 1 and a fish of another species.
- (2) Despite subsection (1), a nile perch is not a noxious fisheries resource if it is dead.

Part 4 **Nonindigenous fisheries resources**

624 Prescribed nonindigenous fisheries resources prohibitions and to which duties apply—Act, ss 90 and 92

- (1) This section prescribes—
 - (a) for section 90(2) of the Act, the nonindigenous fisheries resources to which section 90(1)(a) and (b) of the Act does not apply; and
 - (b) for section 92(2) of the Act, the nonindigenous fisheries resources to which section 92(1) of the Act does not apply.
- (2) The prescribed nonindigenous fisheries resources are the fish identified in schedule 6, part 2.

Chapter 13 Fisheries offences and related matters

Part 1 Serious fisheries offences

625 Fisheries offences prescribed as serious fisheries offences—Act, schedule

- (1) This section prescribes serious fisheries offences for the Act, schedule, definition *serious fisheries offence*.

Note—

Other fisheries offences are also prescribed as serious fisheries offences under the management plans.

- (2) The offences under each of the following provisions of the Act are prescribed as serious fisheries offences—
- section 77(1) and (2)
 - section 78(1) and (2)
 - section 79
 - section 79A
 - section 81(1)
 - section 82
 - section 89
 - section 90(1)
 - section 118(4)
 - section 176(1)
 - section 182(1).
- (3) Also, an offence under section 219(2) of the Act is prescribed as a serious fisheries offence if, for that provision, an offence committed by a person acting under an authority is prescribed

as a serious fisheries offence under subsection (2) or a management plan.

Editor's note—

The headings to the sections of the Act mentioned are as follows—

- 77 (Contravention of particular fisheries declarations)
- 78 (Prohibited acts about regulated fish)
- 79 (Quota offences)
- 79A (Contravening a condition of an authority)
- 81 (Use of explosives etc. prohibited)
- 82 (Offence to do prescribed act)
- 89 (Noxious fisheries resources not to be possessed, released etc.)
- 90 (Nonindigenous fisheries resources not to be possessed, released etc.)
- 118 (Information requirements)
- 176 (False, misleading or incomplete documents)
- 182 (Obstruction etc. of inspector)
- 219 (Holder of authority responsible for ensuring Act complied with).

Part 2 Prescribed acts that must be done only by authority holders

626 Purpose of pt 2

This part prescribes, for section 82 of the Act, acts that must be done only by the holder of an authority.

627 Using boats

- (1) A person may use a primary boat or tender boat to take fish for trade or commerce only if the person—

- (a) holds, or is acting under, a commercial fishing boat licence for the boat; and
- (b) is—
 - (i) a commercial fisher; or
 - (ii) an assistant fisher acting under the direction of a commercial fisher who is also using the boat.
- (2) A person may use another type of boat to take fish for trade or commerce only if the person holds, or is acting under, an authority under which the boat may be used for taking fish for trade or commerce.

628 Conducting charter fishing trips in off shore waters

- (1) A person may conduct a charter fishing trip in offshore waters only if the person holds a charter fishing licence.
- (2) Despite subsection (1), a person acting under a charter fishing licence, other than the licence holder, does not unlawfully conduct a charter fishing trip in offshore waters only because the person is not the holder of the licence.

629 Taking fish for trade or commerce

- (1) A person may take fish for trade or commerce only if the person—
 - (a) is a commercial fisher; or
 - (b) is an assistant fisher acting under the direction of a commercial fisher; or
 - (c) holds another authority that authorises the taking of fish for trade or commerce.
- (2) Despite subsection (1), a person, other than a person mentioned in subsection (1), who is acting under an authority authorising fish to be taken for trade or commerce, does not unlawfully take the fish only because the person is not a person mentioned in subsection (1).

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630 Carrying fish taken for trade or commerce

- (1) A person may use a boat, or allow a boat to be used, to carry fish taken for trade or commerce, only if the person holds a carrier boat licence or another authority allowing the use of the boat for carrying fish taken for trade or commerce.
- (2) Despite subsection (1), a person is not required to hold a carrier boat licence or other authority mentioned in subsection (1), for using a boat, or allowing a boat to be used for carrying—
 - (a) dead fish on a registered commercial ship in Queensland waters north of latitude 17°52' south (the *relevant tropical waters*); or
 - (b) dead fish, other than regulated coral reef fin fish, on a commercial fishing boat in the relevant tropical waters.
- (3) In this section—

registered commercial ship means a boat registered as a commercial ship under the *Transport Operations (Marine Safety) Act 1994*.

631 Buying Queensland fisheries resources before second point of sale

- (1) A person (a *buyer*) may buy fisheries resources taken from Queensland waters only if—
 - (a) the person selling the fisheries resources (the *seller*) holds an authority authorising the sale of the resources to the buyer; and
 - (b) the buyer holds an authority that authorises the purchase.
- (2) However, subsection (1) does not apply if—
 - (a) the seller is authorised under chapter 7 or a management plan to sell the fisheries resources to the buyer; or
 - (b) the seller cultivated the fisheries resources in a way that was authorised under the Planning Act; or

- (c) the buyer buys the fisheries resources after the resources have been bought by another person under subsection (1); or
- (d) the buyer buys the fisheries resources after the resources have been bought by another person from a person who cultivated the fisheries resources in a way that was authorised under the Planning Act.

632 Selling Queensland fisheries resources before second point of sale

- (1) A person (a *seller*) may sell by wholesale fisheries resources taken from Queensland waters only if—
 - (a) the seller holds an authority that authorises the sale; and
 - (b) the person buying the fisheries resources holds an authority authorising the purchase of the resources from the seller.
- (2) However, subsection (1) does not apply if—
 - (a) the sale is authorised under chapter 7 or a management plan; or
 - (b) the seller cultivated the fisheries resources in a way that was authorised under the Planning Act; or
 - (c) the seller sells the fisheries resources after the resources have been sold by another person under subsection (1); or
 - (d) the seller sells the fisheries resources after the resources have been bought from another person who cultivated the fisheries resources in a way that was authorised under the Planning Act.

[s 633]

633 Processing Queensland fisheries resources before second point of sale

- (1) A person (a *processor*) may process for trade or commerce fisheries resources taken from Queensland waters only if the processor holds an authority to process the fisheries resources.
- (2) However, subsection (1) does not apply if the processor cultivated the fisheries resources in a way that was authorised under the Planning Act.
- (3) Also, subsection (1) does not apply if—
 - (a) before the processor took possession of the fisheries resources, the resources were sold by a person (a *seller*), other than the processor, to another person (a *buyer*); and
 - (b) either of the following applied to the sale of the resources—
 - (i) the seller held, or was acting under, an authority that authorised the sale and the buyer held, or was acting under, an authority, that authorised the buyer to buy the resources;
 - (ii) the seller cultivated the fisheries resources in a way that was authorised under the Planning Act.

634 Releasing aquaculture fisheries resources

- (1) A person may release aquaculture fisheries resources into Queensland waters only if the person holds a general fisheries permit authorising the person to release the resources into the waters.
- (2) However, subsection (1) does not apply if the person releases the fisheries resources—
 - (a) under a management plan; or
 - (b) for carrying out fisheries development relating to aquaculture and the development is carried out in a way that is authorised under the Planning Act.

635 Placement of fisheries resources cultivated other than for sale

- (1) This section applies to fisheries resources—
 - (a) cultivated other than for sale; and
 - (b) taken from an area, whether in or out of the State.
- (2) A person may place the fisheries resources in an area in the State only if the person holds an authority authorising the placement of the resources in the area.

636 Carrying out particular development in declared fish habitat area

- (1) This section applies for carrying out, in a declared fish habitat area, development mentioned in both of the following—
 - (a) the Planning Act, schedule 8, part 2, table 1, item 3(d) or table 4, item 3(d) or (e);
 - (b) schedule 1, table 3 of the minor impact works code.
- (2) A person may carry out the development in the declared fish habitat area only if the person holds a resource allocation authority authorising the person to interfere with the declared fish habitat area.

637 Collecting dead marine wood from unallocated State land

A person may carry out development mentioned in the Planning Act, schedule 8, part 2, table 4, item 4(a), on unallocated State land only if the person holds a resource allocation authority authorising the person to collect dead marine wood for trade or commerce from the land.

638 Nonindigenous fisheries resources

- (1) A person may do any of the following acts involving nonindigenous fisheries resources (each of which is a

[s 639]

prescribed act) only if the person holds an authority authorising the act—

- (a) bring the fisheries resources or cause them to be brought into the State;
 - (b) buy, possess or rear the fisheries resources;
 - (c) release the fisheries resources, or cause them to be released, into Queensland waters;
 - (d) sell the fisheries resources.
- (2) However, subsection (1) does not apply if the act involving the fisheries resources is authorised under a management plan or the Planning Act.
- (3) Also, subsection (1)(a) to (c) does not apply if—
- (a) the fisheries resources are fish mentioned in schedule 6, part 2; and
 - (b) the fish are—
 - (i) released into waters other than waters on unallocated State land; and
 - (ii) kept in a way preventing their escape into other waters.

639 Noxious fisheries resources

A person may carry out any of the following activities involving noxious fisheries resources only if the person holds an authority authorising the activity—

- (a) bringing the resources, or causing the resources to be brought, into the State;
- (b) possessing, rearing, selling or buying the resources;
- (c) releasing the resources, or causing the resources to be placed or released, into Queensland waters.

640 Entering, or taking particular oysters from, particular areas

- (1) A person may enter a marked licensed area or take a blacklip oyster or milky oyster from a marked licensed area only if the person—
 - (a) holds a licence on which the area is stated; or
 - (b) is nominated by the holder of a licence mentioned in paragraph (a).
- (2) In this section—

marked licensed area means an area—

 - (a) stated on a licence with the fishery symbol ‘O’ written on it; and
 - (b) that the licence holder, or the holder’s nominee, has identified, by using markers and signs, as the area to which the licence relates.

Part 3 Miscellaneous offences

641 Obstructing persons fishing under an authority

- (1) A person must not obstruct a commercial fisher, an assistant fisher or someone else acting under an authority, who is using a net to take fish, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.
- (2) A person must not disturb fish to prevent a commercial fisher, assistant fisher or someone else acting under an authority from taking them.

Maximum penalty—20 penalty units.

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642 Particulars to be legible, visible and in English

- (1) This section applies if a person is required under a management plan or this regulation, other than chapter 14, parts 1 to 5, to write or mark particulars in or on a document or other thing.

Examples—

- markings on floats attached to fishing apparatus
- markings on boats

- (2) The person must write or mark the particulars in or on the document or thing, legibly, visibly and in English.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not prevent a person writing or marking the particulars in another language in addition to English.

Chapter 14 Reporting

Part 1 Preliminary

643 Simplified outline of ch 14

In outline, this chapter provides for requirements about obtaining, keeping and giving information and documents as follows—

- (a) parts 2 to 5 provide for particular information requirements for section 118 of the Act and additional requirements for keeping and giving particular documents and information;
- (b) part 6 provides for keeping and using the AIVR system;
- (c) part 7 provides for particular requirements for installing, maintaining and using VMS equipment;

-
- (d) part 8 provides for making guidelines for giving information or notices.

Part 2 **Requirements for persons acting under particular authorities**

Division 1 **Definitions**

644 **Definitions for pt 2**

In this part—

authorised boat means—

- (a) for a holder of a commercial fishing boat licence—the primary boat identified in the licence; or
- (b) for a holder of another relevant authority—
 - (i) a boat identified in the authority; or
 - (ii) if a type of boat is identified in the authority—a boat of the type.

relevant authority means—

- (a) a commercial fishing boat licence or another authority that allows the holder of the authority to take or possess fish for trade or commerce; or
- (b) a charter fishing licence.

[s 645]

Division 2 Person other than relevant authority holder using authorised boat under relevant authority

645 Application of div 2

This division applies if—

- (a) the chief executive has, by written notice, required the holder of a relevant authority to keep and give to the chief executive, in the approved form, information about the daily use of an authorised boat for the holder; and
- (b) the authority holder is not the person in control of the boat on a day or a number of days (the *relevant period*) for which the boat is being used; and
- (c) another person is in control of the boat during the relevant period.

646 Information requirement for authority holder

The holder of the relevant authority must, before the relevant period starts, give the approved form to the person who is to be in control of the authorised boat by—

- (a) giving the form personally to the person; or
- (b) ensuring the form is left on the boat for the person and telling the person where the form has been left.

647 Information requirements for person in control of authorised boat

The person in control of the authorised boat during the relevant period must—

- (a) keep the approved form for the relevant period; and
- (b) at the end of the relevant period, give the approved form to the authority holder by—

-
- (i) giving the form personally to the holder; or
 - (ii) ensuring the form is left on the boat for the authority holder and telling the authority holder where the form has been left.

648 Additional requirements for person in control of authorised boat

- (1) The person in control of the authorised boat must also ensure the approved form is kept on the boat and is available for immediate inspection during the relevant period.
- (2) However, subsection (1) does not apply if—
 - (a) the authorised boat is used in a commercial fishery to which a quota does not apply; and
 - (b) the relevant period 24 hours or less.

Division 3 Person other than relevant authority holder fishing under authority

649 Application of div 3

This division applies if—

- (a) the chief executive has, by written notice, required the holder of a relevant authority to keep and give the chief executive, in the approved form, information about the daily fishing activities under the authority; and
- (b) the authority holder is not fishing under the authority on a day or a number of days (the *relevant period*); and
- (c) another person (the *relevant person*) is fishing under the authority during the relevant period.

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650 Information requirement for relevant authority holder

The holder of the relevant authority must give the approved form to the relevant person before the relevant period starts.

651 Information requirements for relevant person

The relevant person must—

- (a) keep the approved form for the relevant period; and
- (b) give the form to the authority holder as soon as practicable after the end of the relevant period.

652 Additional requirements for relevant person

The relevant person must also ensure the approved form is—

- (a) kept at the place where the person is fishing under the relevant authority; and
- (b) available for immediate inspection during the relevant period.

Part 3 Wholesale selling

Division 1 Preliminary

653 Application of pt 3

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.

654 Meaning of *relevant quantity particulars*

- (1) The *relevant quantity particulars* are—
 - (a) for abalone—the weight of the abalone; or
 - (b) for regulated coral reef 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) another form; or
 - (c) for regulated coral reef fin fish that are alive, the number of the fish; or
 - (d) for spanish mackerel, the weight of the spanish mackerel in any of the following forms—
 - (i) whole;
 - (ii) gilled and gutted;
 - (iii) filleted;
 - (iv) trunked;
 - (v) another form; or
 - (e) for other fish—the estimated quantity, by weight or number, of the fish.
- (2) For subsection (1)(b) or (c), the weight or number of regulated coral reef fin fish, other than coral trout or sweetlip emperor (red throat emperor), must be recorded—
 - (a) as a total weight or number for all species of the fish; or
 - (b) as a weight or number for—
 - (i) each individual species of the fish; or

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- (ii) the fish in each group of species of fish mentioned in a part under schedule 5; or
- (iii) a combination of individual species and groups of species of the fish under subparagraphs (i) and (ii).

Division 2 General requirements

655 Information requirements for wholesale sale of fisheries resources

- (1) The seller must give to the buyer, and the buyer must obtain from the seller, a docket for the sale in the approved form (a *sale docket*) containing each of the following particulars—
 - (a) the name of the buyer;
 - (b) the number of the authority under which the buyer is acting or, if the buyer is not acting under an authority, the address of the buyer;
 - (c) the name of the seller;
 - (d) if the seller is acting under an authority—the number of the authority;
 - (e) if 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 paragraphs (d) and (e) do not apply—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;
 - (h) the date of the sale to which the docket relates;
 - (i) the relevant quantity particulars for each species of fish sold;

- (j) the estimated total quantity, by weight or number, of all fish sold;
- (k) the form in which the fish are sold.

Examples for paragraph (k)—

live, whole, or in fillets

- (2) The seller and buyer comply with subsection (1) if the buyer prepares the sale docket and the seller signs it.

656 Additional requirement for wholesale buyer of fisheries resources

The buyer must keep the sale docket for the sale of the fish available for immediate inspection while the buyer possesses the fisheries resources or part of the fisheries resources to which the docket relates.

657 Additional information requirements for consignment of particular fish

- (1) This section applies if a seller consigns abalone, spanish mackerel or regulated coral reef fin fish to a buyer.
- (2) The seller must ensure the consignment is accompanied by a copy of the sale docket relating to the fish.
- (3) The seller must keep the sale docket for 5 years after the day the seller stopped possessing the fish.
- (4) The buyer must keep the copy of the sale docket for 5 years after the day the buyer stopped possessing the fish.

Part 4 Abalone

658 Information requirements for processing abalone

- (1) This section applies to a person carrying on the business of processing abalone.
- (2) The person must keep a record in the approved form containing the following particulars for the abalone the person processes—
 - (a) the person’s full name and usual address;
 - (b) if the person is not the owner of the abalone—the full name and usual address of the owner;
 - (c) the species of abalone processed;
 - (d) the date of processing;
 - (e) the weight of each species of abalone before processing;
 - (f) the weight of each species of abalone after processing;
 - (g) the way the abalone are processed.
- (3) The person must keep the record for 5 years after the day the abalone are processed.
- (4) In this section—

processing, abalone, includes doing any of the following to the abalone—

 - (a) shelling;
 - (b) filleting;
 - (c) cooking;
 - (d) preserving;
 - (e) packing.

Part 5 Spanish mackerel

Division 1 Importation

659 Definition for div 1

In this division—

the State includes Queensland waters.

660 Information requirements—spanish mackerel bought outside the State

- (1) This section applies if a person buys spanish mackerel outside the State and brings the spanish mackerel into the State for trade or commerce.
- (2) The person must keep, in the approved form, a record of the particulars for the spanish mackerel required for a sale docket under section 655.
- (3) The person must keep the record mentioned in subsection (2) from the day the person brings the spanish mackerel into the State until 5 years after the day the person stops possessing the spanish mackerel.

661 Information requirements—spanish mackerel taken outside 'SM' fishery area

- (1) This section applies if a person—
 - (a) takes, for trade or commerce, spanish mackerel from Queensland waters other than waters within the fishery area mentioned in section 549; and
 - (b) unloads the spanish mackerel in the State.
- (2) The person must keep, in the approved form, a record of the following information—
 - (a) the date the person took the spanish mackerel; and

[s 662]

- (b) the number of spanish mackerel taken by the person.
- (3) The person must keep the record mentioned in subsection (2) from immediately before the person unloads the spanish mackerel in the State until 5 years after the day the person stops possessing the spanish mackerel.
- (4) For subsection (1), a person conducting a charter fishing trip does not take spanish mackerel for trade or commerce only because the person takes the fish during the charter fishing trip.

Division 2 Commercial carriage

662 Application of div 2

- (1) This division applies if—
 - (a) a person (a *commercial carrier*) is in control of a boat or vehicle; and
 - (b) is using the boat or vehicle to carry spanish mackerel for another person (the *consignor*) for trade or commerce.
- (2) However, this division does not apply if a sale docket accompanies the consignment of spanish mackerel, under section 657(2).

663 Information requirements for commercial carriage of spanish mackerel

The commercial carrier must keep a record of the following information in the approved form—

- (a) the name of the consignor;
- (b) the address of the place where the spanish mackerel were collected by the carrier;
- (c) the address of the place where the spanish mackerel are to be delivered by the carrier.

664 Additional requirements for commercial carriage of spanish mackerel

The commercial carrier must also ensure that, while the spanish mackerel are on the boat or in the vehicle, the record mentioned in section 663 is—

- (a) kept on the boat or in the vehicle; and
- (b) available for immediate inspection.

Division 3 Commercial storage

665 Application of div 3

This division applies if a person (the *warehouse keeper*) stores spanish mackerel at a place for another person (the *consignor*) for trade or commerce.

666 Information requirement for storage of spanish mackerel

The warehouse keeper must keep a written record stating the name of the consignor.

667 Additional requirement for storage of spanish mackerel

Also, the warehouse keeper must ensure that, while the spanish mackerel are stored at the place, the record is—

- (a) kept at the place; and
- (b) available for immediate inspection.

[s 668]

Part 6 Automated interactive voice response system

Division 1 Preliminary

668 Purpose of pt 6

This part—

- (a) provides for the chief executive to establish and operate an automated interactive voice response system; and
- (b) states the requirements and procedures applying to the operation and use of the system.

Division 2 The AIVR system

669 Chief executive must establish and operate AIVR system

The chief executive must establish and operate an automated interactive voice response system (the *AIVR system*) for the following transactions—

- (a) a person giving information required to be given, under the Act, to the chief executive by using the AIVR system;
- (b) a person obtaining information required or authorised to be obtained, under the Act, from the chief executive by using the AIVR system;
- (c) a person changing a fisher PIN.

Editor's note—

The phone number for accessing the AIVR system is published on the department's website.

670 Requirements for AIVR system

- (1) The AIVR system must provide for—
 - (a) keeping a record of each transaction carried out by a person using the system; and
 - (b) giving a person using the system to carry out a transaction a number (a *transaction number*) to identify the transaction.
- (2) For subsection (1)(a), a record of a transaction carried out by a person must include—
 - (a) any information entered into the system by the person; and
 - (b) any information given by the system to the person.

671 Record kept by AIVR system is evidence of particular information

A record of a transaction kept by the AIVR system is evidence of the information that was entered into, or given by, the system for the transaction.

672 Transaction number given by AIVR system is evidence of transaction

A transaction number given by the AIVR system for a transaction is evidence of the transaction.

Division 3 Using the AIVR system

673 Requirement to keep record of transaction number

A person using the AIVR system to carry out a transaction must keep a record of the transaction number for the transaction for 6 months after the transaction.

[s 674]

674 Procedure if AIVR system not working properly

- (1) This section applies if—
 - (a) a person (the *user*) is required or permitted under the Act to change a fisher PIN, or give or obtain other information, by using the AIVR system; and
 - (b) the system is not working properly or at all.
- (2) The chief executive must ensure the system transfers the user's telephone call to either of the following (each a *nominated person*)—
 - (a) an officer or employee of the department;
 - (b) a telecommunications service provider for the chief executive appointed by gazette notice.
- (3) If the user is transferred to a nominated person—
 - (a) the nominated person must give the user a transaction number for the transaction; and
 - (b) the chief executive must, within 14 days after the transaction, give the user a written notice stating the following—
 - (i) any information given by the user to the nominated person;
 - (ii) any information given by the nominated person to the user.
- (4) A transaction number given under subsection (3)(a) is taken to have been given by the AIVR system.
- (5) A written notice given under subsection (3)(b) including information mentioned in subsection (3)(b)(i) or (ii) is evidence of that information.
- (6) If the user is transferred to a nominated person and gives information to, or obtains information from, the nominated person, the user is taken to have complied with the requirement under the Act to give or obtain the information by using the AIVR system.

Part 7 VMS equipment requirements

Division 1 Preliminary

675 Purpose and application of pt 7

- (1) This part provides for the requirements for installation, maintenance and use of VMS equipment (the *VMS equipment requirements*).
- (2) This part applies if VMS equipment is required under this regulation or a management plan to be installed, maintained or used on a boat (the *relevant boat*) identified in a licence in compliance with the VMS equipment requirements.

676 Definitions for pt 7

In this part—

licence holder, in relation to a relevant boat, means the person who holds a licence in which the boat is identified.

prescribed way, for giving a notice to the chief executive, means giving the notice in any of the following ways—

- (a) telephoning a telecommunications service provider for the chief executive appointed by gazette notice; or
- (b) using an internet system established by the chief executive for the purpose; or
- (c) using VMS equipment in a way that ensures—
 - (i) the notice is given to, and received by, the chief executive instantaneously; and
 - (ii) the chief executive can readily access the information in the notice.

[s 677]

Division 2 Requirements about installation, maintenance and use

677 Installation of VMS equipment

A licence holder must ensure, for installing VMS equipment on the relevant boat, that—

- (a) the VMS equipment has been approved by the chief executive; and
- (b) the person installing the VMS equipment is approved by the chief executive; and
- (c) the VMS equipment is installed on the relevant boat in accordance with the document called ‘VMS Installation and Maintenance Standards’, published by the department.

Note—

The document called ‘VMS Installation and Maintenance Standards’ may be inspected at the department’s head office and is available for inspection on the department’s website.

678 Nominating an alternative way of communication

- (1) The licence holder must, no later than after the VMS equipment is installed on the relevant boat, give a written notice (a *boat communication notice*) to the chief executive.
- (2) The boat communication notice must state an alternative way (an *alternative way of communication*) in which the chief executive or an inspector may communicate with the person in control of the boat whenever that person is on the boat.
- (3) The alternative way of communication—
 - (a) must not involve the use of VMS equipment; and
 - (b) must allow a communication to be received on the boat instantaneously after it is sent by the chief executive or inspector.

Examples of alternative ways of communication—

a facsimile, mobile phone, radiophone or satellite phone

- (4) More than 1 alternative way of communication may be stated in a boat communication notice.
- (5) The licence holder may change an alternative way of communication stated in a boat communication notice by giving the chief executive a written notice stating another way (a ***changed way***) of communication.
- (6) However, if the licence holder gives a notice under subsection (5), the changed way of communication must not be used until the chief executive has advised the holder that the chief executive has received the notice.

679 Using and maintaining VMS equipment

- (1) This section applies to each of the following—
 - (a) the licence holder;
 - (b) a person in control of the relevant boat.
- (2) The licence holder or the person in control must ensure the VMS equipment installed on the boat is used in a way that allows the boat to be detected by VMS at all times and wherever the boat is located.
- (3) For subsection (2), a boat is ***detected by VMS*** at a place if a signal has come from the VMS equipment on the boat at the place.
- (4) The licence holder or the person in control must also ensure the VMS equipment installed on the boat is maintained in a condition that allows it to perform the functions of VMS equipment.

680 Modifying or replacing VMS equipment

- (1) The chief executive may, by written notice, require the licence holder to modify or replace the VMS equipment installed on the relevant boat.

[s 681]

- (2) The notice must—
 - (a) identify the licence holder, the licence and the boat; and
 - (b) state the required modification or replacement; and
 - (c) state a reasonable period of at least 3 months for the licence holder to comply with the notice; and
 - (d) be accompanied by, or include, an information notice about the decision to make the requirement.
- (3) The licence holder must, within the stated period, make the required modification or replacement.

Division 3 Requirements if VMS equipment malfunctions

681 Application of div 3

This division applies if the VMS equipment installed on the relevant boat malfunctions.

682 Requirement to give notice of malfunction

- (1) The person in control of the relevant boat must, immediately after the person becomes aware of the malfunction, give the chief executive a notice about the malfunction, unless the person has a reasonable excuse.
- (2) The notice must be given to the chief executive in a prescribed way.
- (3) A person is taken to be aware of the malfunction if the person receives a notice from the chief executive or an inspector that the equipment is malfunctioning.
- (4) A notice under subsection (3) may be given—
 - (a) orally in person; or

- (b) by an alternative way of communication stated in the boat communication notice given by the licence holder for the relevant boat.

683 Manual reporting requirement

- (1) The person in control of the boat must give a notice about the boat's position and operation to the chief executive by telephone, facsimile, email or another form of instantaneous electronic communication at intervals that, in all the circumstances, reasonably substitutes for the use of VMS equipment.
- (2) The requirement under subsection (1) continues to apply until the requirements for the boat under section 679 are complied with.

Division 4 Limited exemption from maintenance and use requirements

684 Application of div 4

This division applies if a relevant boat will not be used for fishing in a period for any of the following reasons (each a *prescribed reason*)—

- (a) the VMS equipment on the boat will be disconnected from its power source because of maintenance;
- (b) the boat will be in dry dock or on a slip during the period;
- (c) the boat will be in waters outside Queensland waters;
- (d) if the boat is identified in a licence allowing its use under the East Coast Trawl Plan—there will be no trawl nets on the boat;
- (e) if the boat is not identified in a licence allowing its use under the East Coast Trawl Plan—the boat will be

[s 685]

incapable of being used for fishing, other than because of a matter mentioned in paragraphs (a) to (c).

685 VMS Exemption notice

- (1) The licence holder or the person in control of the boat may give the chief executive a notice (a *VMS exemption notice*) stating—
 - (a) the period (the *VMS exemption period*) for which the boat will not be used for fishing; and
 - (b) the prescribed reason for which the boat will not be used during the period; and
 - (c) if the notice is given for the reason mentioned in section 684(a)—the maintenance required.
- (2) The VMS exemption notice must be given—
 - (a) in a prescribed way; and
 - (b) before the VMS exemption period under the notice starts.
- (3) If a VMS exemption notice is given for the reason mentioned in section 684(a), the VMS exemption period under the notice must not be more than 6 hours, regardless of the period stated in the notice.
- (4) If a VMS exemption notice is given under this section, section 679 does not apply during the VMS exemption period but only if the relevant boat is not used for fishing for the prescribed reason stated in the notice at any time during the period.

686 Withdrawal notice

- (1) If a licence holder or person in control of a relevant boat has given a VMS exemption notice, the licence holder or the person may, during the VMS exemption period, give a notice (a *withdrawal notice*) to the chief executive to withdraw the exemption notice.

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- (2) A withdrawal notice must be given in a prescribed way.
 - (3) If a withdrawal notice is given under this section, the licence holder or person in control of the relevant boat—
 - (a) may use the boat for fishing; and
 - (b) must comply with section 679.

Part 8 **Guidelines for giving information or notices**

687 Chief executive may make guidelines

The chief executive may make guidelines about giving information or a notice to the chief executive that is authorised or required under this regulation or a management plan.

688 Effect of guidelines

- (1) If the chief executive makes guidelines about giving information or a notice authorised or required under this regulation or a management plan, a person may give the information or notice as authorised or required under the regulation or management plan by complying with the guidelines.
- (2) However, subsection (1) does not limit the person giving the information or notice by complying with another provision of this regulation or the management plan.

689 Notification

- (1) As soon as practicable after making guidelines under section 687, the chief executive must notify the guidelines in the gazette.

[s 690]

- (2) The Minister must, within 14 sitting days after the gazettal, table the guidelines in the Legislative Assembly as if they were subordinate legislation.
- (3) The *Statutory Instruments Act 1992*, part 6, must be complied with in relation to the guidelines as if the guidelines were subordinate legislation.

690 Inspection

The chief executive must ensure a copy of guidelines made and notified under this part is available for inspection, free of charge, by members of the public at the department's head office during office hours on business days.

Editor's note—

On the notification day, the department's head office was at 80 Ann Street, Brisbane.

691 Admissibility of guidelines in proceedings

- (1) Guidelines made and notified under this part are admissible in a proceeding relating to contravention of a requirement under the Act to give information to, or obtain information from, the chief executive.
- (2) However, the guidelines are not admissible in evidence against a person unless the guidelines were gazetted and tabled in the Legislative Assembly before the act or omission that is alleged to form the contravention.

Chapter 15 Other matters relating to fisheries management

Part 1 Enforcement

Division 1 Inspectors

692 Persons who may be appointed inspectors

For section 140(1)(d) of the Act, the following persons may be appointed inspectors under the Act—

- (a) an employee of a local government;
- (b) a person with relevant knowledge of fisheries resources or fish habitat in a particular area;

Example for paragraph (b)—

a member of an entity engaged in stocking fish

- (c) a person appointed to enforce fisheries legislation, other than the Act.

Division 2 Matters prescribed for seizure of fisheries resources

693 Declared fisheries resources for seizure in a heap—Act, s 154

Fish of a species of regulated fish are declared to be fisheries resources to which section 154 of the Act applies.

[s 694]

694 Threshold percentage for declared fisheries resources—Act, s 154

- (1) The threshold percentage prescribed for declared fisheries resources under section 154 of the Act is 5%.
- (2) However, subsection (1) does not apply to declared fisheries resources that are fish to which the East Coast Trawl Plan applies.

Note—

For the threshold percentage for fish to which the East Coast Trawl Plan applies, see chapter 5, part 1 of that plan.

695 Forfeiture offences—Act, s 154

The offences under sections 77 and 78 of the Act are declared to be forfeiture offences to which section 154 of the Act applies.

Division 3 Evidentiary matters

696 Prescribed matters and equipment for certificates—Act, s 184

- (1) For section 184(4)(g) of the Act, the following matters are prescribed—
 - (a) stated information, or a stated summary of information, from a document given to the chief executive under chapter 14, parts 2 to 5;
 - (b) stated information, or a stated summary of information from a document given to the former Authority.
- (2) For section 184(5) of the Act, the following equipment is prescribed as equipment for retrieving data sent from the VMS equipment for a stated boat—
 - (a) equipment that locates a signal coming from the VMS equipment for the stated boat;

- (b) equipment that records and stores data received from the VMS equipment in a computer (a *retrieval computer*), including the retrieval computer;
- (c) equipment that enables the data from the VMS equipment stored in the retrieval computer to be retrieved from the computer for subsequent reference;
- (d) other equipment that is used in connection with equipment mentioned in paragraphs (a) to (c) or otherwise as part of a system for monitoring the position and operation of the stated boat.

Part 2 Chief executive's functions and powers

Division 1 Agreements or arrangements about fisheries resources

697 Prescribed entity for entering into agreements or arrangements—Act, s 20A

The Great Barrier Reef Marine Park Authority established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 6, is prescribed for section 20A(1)(g) of the Act.

Division 2 Delegation of functions of chief executive

698 Delegation of functions or powers to a prescribed entity

- (1) This section applies if a function or power is delegated under section 21(1)(a) of the Act to a prescribed entity mentioned in this division.

[s 699]

- (2) The delegate must have the qualifications, experience or standing appropriate to perform the function or exercise the power.
- (3) If the delegation permits subdelegation of the function or power and the delegate subdelegates the function or power, the subdelegate must have the qualifications, experience or standing appropriate to exercise the function or power.

699 Prescribed entity for delegating power under s 20A(1)(h) of the Act—Act, s 21

- (1) For section 21(1)(a) of the Act, the chief executive may delegate the chief executive's power under section 20A(1)(h) of the Act to the QRAA established under the *Rural and Regional Adjustment Act 1994*.

Note—

Section 20A(1)(h) of the Act provides for a power to formulate and operate arrangements (including funding) for adjusting the use of fisheries resources, including, for example, by adjusting the number of authorities for a fishery.

- (2) QRAA may subdelegate the power to an employee, member or officer of QRAA.

700 Prescribed entities for delegating power to issue particular permits under Freshwater Plan—Act, s 21

- (1) Subsection (2) prescribes, for section 21(1)(a) of the Act, entities to whom the chief executive may delegate the chief executive's power, under the Freshwater Plan, section 44, to issue a permit to take freshwater fish from a stocked impoundment by using a fishing line or a set line.
- (2) Each of the following are prescribed entities—
 - (a) a government entity under the *Public Service Act 1996*;
 - (b) a body corporate that carries on a business or provides a service relating to fishing, whether or not for trade or commerce;

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- (c) an association incorporated under the *Associations Incorporation Act 1981*, if at least some of the members of the association are involved in fishing;
 - (d) a person who owns or manages—
 - (i) a bait or tackle shop, kiosk, service station or other retail business; or
 - (ii) a tourist information centre;
 - (e) a person who is an accommodation provider under the *Traveller Accommodation Providers (Liability) Act 2001*.
- (3) A prescribed entity to whom the power mentioned in subsection (1) is delegated may subdelegate the power to an employee, member or officer of the entity.

Part 3 Codes for IDAS

701 Purpose of pt 3

This part declares, under section 22(2) of the Act, the codes for IDAS for fisheries development that is self-assessable development.

702 Codes for building work in declared fish habitat area

Each of the following documents, prepared and held by the chief executive, is a code for IDAS for self-assessable development mentioned in the Planning Act, schedule 8, part 2, table 1, item 3—

- (a) the document called ‘Code for self-assessable development—Maintenance works on existing lawful structures (other than powerlines and on-farm drains) in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;

[s 703]

- (b) the document called ‘Code for self-assessable development—Maintenance works on powerlines and associated powerline infrastructure in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
- (c) the document called ‘Code for self-assessable development—Works for educational, research or monitoring purposes in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
- (d) the minor impact works code.

703 Code for material change of use of premises for aquaculture

The document called ‘Code for self-assessable development—Low impact aquaculture’, prepared and held by the chief executive, is a code for IDAS for self-assessable development mentioned in the Planning Act, schedule 8, part 2, table 2, item 1.

704 Codes for operational work for constructing or raising a waterway barrier works

Each of the following documents, prepared and held by the chief executive, is a code for IDAS for self-assessable development mentioned in the Planning Act, schedule 8, part 2, table 4, item 2—

- (a) the document called ‘Code for self-assessable development—Minor waterway barrier works on low order inland waterways’;
- (b) the document called ‘Code for self-assessable development—Temporary waterway barrier works in freshwater’.

705 Codes for operational work completely or partly within a declared fish habitat area

Each of the following documents, prepared and held by the chief executive, is a code for IDAS for self-assessable development mentioned in the Planning Act, schedule 8, part 2, table 4, item 3—

- (a) the document called ‘Code for self-assessable development—Works for educational, research or monitoring purposes in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
- (b) the document called ‘Code for self-assessable development—Maintenance works on existing lawful structures (other than powerlines and on-farm drains) in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
- (c) the document called ‘Code for self-assessable development—Maintenance works on powerlines and associated powerline infrastructure in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
- (d) the minor impact works code.

706 Codes for operational work that is the removal, destruction or damage of marine plants

Each of the following documents, prepared and held by the chief executive, is a code for IDAS for self-assessable development mentioned in the Planning Act, schedule 8, part 2, table 4, item 4—

- (a) the document called ‘Code for self-assessable development—Removal of dead marine wood from unallocated State land for trade or commerce’;
- (b) the document called ‘Code for self-assessable development—Works for educational, research or monitoring purposes in a declared fish habitat area or

[s 707]

- involving the removal, destruction or damage of marine plants’;
- (c) the document called ‘Code for self-assessable development—On-farm drain maintenance works involving the removal, destruction or damage of marine plants’;
 - (d) the document called ‘Code for self-assessable development—Maintenance works on existing lawful structures (other than powerlines and on-farm drains) in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
 - (e) the document called ‘Code for self-assessable development—Maintenance works on powerlines and associated powerline infrastructure in a declared fish habitat area or involving the removal, destruction or damage of marine plants’;
 - (f) the minor impact works code.

707 Codes available for inspection

- (1) A document mentioned in this part is—
 - (a) available for inspection by the public during office hours on business days at the department’s head office; and
 - (b) published on the department’s website.
- (2) Also, a person may obtain a copy of the document, free of charge, from the department’s head office.

Editor’s note—

On the notification day, the department’s head office was at 80 Ann Street, Brisbane.

Part 4 Fees and allowances

Division 1 Development fees

708 Fees relating to development under Planning Act

Subject to sections 709 and 710, schedule 8 states the following fees—

- (a) the fees payable for a resource allocation authority;
- (b) the fees payable for a fish movement exemption notice;
- (c) the fees payable to the chief executive in relation to the chief executive's functions, under the Planning Act, as an assessment manager or a concurrence agency.

709 What is the *relevant assessment fee*

- (1) For schedule 8, the *relevant assessment fee* for an assessment of an application is, for an application requiring—
 - (a) a level 1 assessment—\$412.60; or
 - (b) a level 2 assessment—\$1270.80; or
 - (c) a level 3 assessment—\$2435.60; or
 - (d) a level 4 assessment—\$4976.20; or
 - (e) a level 5 assessment—\$12388.10.
- (2) For subsection (1), an application requires a level 1, 2, 3, 4 or 5 assessment if the chief executive considers the application will reasonably require the relevant level of assessment having regard to each of the following—
 - (a) the number of hours, and number of persons, that will be involved in assessing the application;
 - (b) the complexity of assessing the development or activity the subject of the application against the Act;

[s 710]

- (c) the number of site inspections that will be required for assessing the application;
 - (d) whether an environmental impact statement has been, or is required under an Act to be, prepared for the development or activity the subject of the application.
- (3) In this section—
application includes a request.

710 Applicable fee if application relates to more than 1 development

If a development application is for more than 1 development mentioned in schedule 8, the fee for the assessment of the application is the higher of the applicable fees stated in the schedule for the developments.

Example—

A development application is for both of the following—

- (a) a material change of use of premises for aquaculture (*development 1*) for which the relevant assessment fee is the fee for a level 5 assessment;
- (b) operational work that is the removal, destruction or damage of marine plants (*development 2*) for which the relevant assessment fee is the fee for a level 3 assessment.

On the notification day, the fee payable for assessment of a development application for development 1 would be \$12388.10 and for development 2 would be \$2435.60. The fee payable for assessment of the development application is therefore \$12388.10.

Division 2 Other fees

711 Other fees payable under the Act

- (1) The fees payable under the Act, other than the fees payable under division 1 are stated in schedule 9.

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- (2) Each of the fees stated in schedule 9, tables 1 to 3, is an annual fee payable in arrears at the end of each quarter of the financial year stated in the column heading under which the fee is stated.
 - (3) If schedule 9, tables 1 to 3 state a fee for an authority, the fee is payable by the holder of the authority.
 - (4) If schedule 9, table 1 or 2 states a fee for a fishery symbol—
 - (a) the fee is for each fishery symbol of that type written on a licence; and
 - (b) the amount of the fee is—
 - (i) if the schedule states a unit or an area for the fishery symbol—the amount stated for each of the units or areas; or
 - (ii) otherwise—the amount stated for the symbol; and
 - (c) the fee is payable by the holder of the licence; and
 - (d) the fee is payable in addition to any registration fee for the licence stated in the table.
 - (5) If schedule 9, table 1 or 2 states a fee for a quota authority, the fee is for each unit of the quota authority held by the holder of the authority.
 - (6) If a fee stated in schedule 9, table 1 to 3 is not paid as required under subsection (4), the amount of the fee becomes a debt payable to the State.
 - (7) If, under schedule 9, a fee for a matter is stated to be at reasonable cost, but no more than actual cost—
 - (a) the chief executive must decide the amount the chief executive considers is the likely reasonable cost for the matter; and
 - (b) if the actual cost of deciding the matter or doing the thing to which the fee relates is less than the fee paid, the chief executive must refund to the person who pays the fee the difference between the fee paid and the actual cost.

[s 712]

(7) In this section—

holder, of a licence or other authority, does not include a person who holds the licence or other authority because of a temporary transfer.

712 Chief executive may waive or refund a fee

- (1) This section applies for waiving or refunding fees stated in schedule 8, part 1 or schedule 9.
- (2) The chief executive may—
 - (a) waive the payment of a fee for a person; or
 - (b) refund the whole, or a part of, a fee paid by a person.

Examples—

- 1 The chief executive may refund part of a fee for assessing an application for an authority if the application is withdrawn before the chief executive decides the application.
- 2 The chief executive may refund part of a fee for an authority if the authority is surrendered before its expiry.

Division 3 Allowances

713 Witness fees for persons appearing before the tribunal—Act, s 194

For section 194(6) of the Act, the prescribed witness fees payable to a person required to appear as a witness before the tribunal are the witness allowances that would be payable to the person under the *Uniform Civil Procedure (Fees) Regulation 1999* for appearing as a witness before a court.

Chapter 16 Repeal and transitional provisions

Part 1 Repeal provision

714 Repeal

The Fisheries Regulation 1995, SL No. 325 is repealed.

Part 2 Transitional provisions

Division 1 Definitions

715 Definitions for pt 2

In this part—

commencement means 1 April 2008.

former schedule 5B means the repealed regulation, schedule 5B, as in force immediately before the schedule expired.

Editor's note—

Schedule 5B of the repealed regulation expired 11 September 2006. For the text of the schedule immediately before its expiry, see reprint 8B of the repealed regulation.

repealed regulation means the repealed *Fisheries Regulation 1995*.

Division 2 General transitional provisions

716 References to repealed regulation

In a document, a reference to a particular provision (the *old provision*) of the repealed regulation is, if the context permits, taken to be a reference to any provision of this regulation that corresponds, or substantially corresponds, to the old provision.

717 References to former scientific names for species of fish

- (1) This section applies if—
 - (a) the scientific name for a species of fish stated in schedule 5 (the *current scientific name*) is different from the scientific name for the species of fish under schedule 16A of the repealed regulation (the *former scientific name*); or
 - (b) the scientific name for a species of fish stated in schedule 6 (also the *current scientific name*) is different from the scientific name for the species of fish under schedule 16 of the repealed regulation (also the *former scientific name*).
- (2) A reference in a document to the former scientific name for the species of fish may, if the context permits, be taken to be a reference to the current scientific name for the species of fish.
- (3) In this section—

species includes another taxonomic grouping.

Division 3 Authorities

718 Authorities continue

- (1) This section applies to an authority prescribed under the repealed regulation and in force immediately before the commencement.
- (2) The authority is taken to be an authority of the same type under this regulation.

719 Nominees under particular authorities continue

- (1) This section applies if a person—
 - (a) was nominated under a provision of schedule 15 of the repealed regulation as a nominee for acting under an authority in a commercial fishery mentioned in that schedule; and
 - (b) the person was a nominee for acting under the authority in the fishery immediately before the commencement.
- (2) On the commencement, the person is taken to have been nominated for acting under the authority in the commercial fishery under the relevant fishery provision relating to the authority.

720 Licences for boats longer than permitted length

Despite section 254, the chief executive may issue a licence with a fishery symbol on it allowing the use in a commercial fishery of a boat that is longer than the length permitted under a fishery provision about the fishery if—

- (a) the boat is a replacement for a boat identified in another licence; and
- (b) the other licence—
 - (i) was in force immediately before 1 December 1995; and

[s 721]

(ii) has the fishery symbol on it.

Editor's note—

section 254 (Restriction on writing fishery symbols on licences allowing the use of boats of particular lengths in commercial fisheries)

Division 4 Particular fees

721 Fees payable for fishery symbols and authorities for 2007–2008 financial year

- (1) This section applies to the fees stated in the repealed regulation, schedule 10, table 1, under the column headed '2007–2008 financial year'.
- (2) Despite the repeal of the repealed regulation, the following provisions of that regulation continue to apply for the payment of the fees as if the repealed regulation had not been repealed—
 - (a) section 112;
 - (b) schedule 10, table 1, column headed '2007–2008 financial year'.

Division 5 SM units

722 Saving of operation of pt 13, div 3 of repealed regulation

The repealed regulation, part 13, division 3—

- (a) is a law to which the *Acts Interpretation Act 1954*, section 20A applies; and
- (b) continues to apply to the things mentioned in it as if it had not been repealed.

Editor's note—

part 13 (Transitional and savings provisions), division 3 (Savings provisions for former schedule 5B) of the repealed regulation

723 SM units continue

- (1) This section applies if—
 - (a) before the commencement, an SM unit was issued under former schedule 5B, part 3 or the part as applied under part 13, division 3, of the repealed regulation; and
 - (b) the SM unit was in force immediately before the commencement.
- (2) This section also applies if, on or after the commencement, an SM unit is issued under former schedule 5B, part 3, as applied under part 13, division 3, of the repealed regulation.
- (3) The SM unit is continued as an SM unit under this regulation.

724 SM unit certificates continue

- (1) This section applies if—
 - (a) before the commencement, an SM unit certificate was—
 - (i) issued under former schedule 5B, section 49(8), or the provision as applied under section 124(2) of the repealed regulation; or
 - (ii) issued under section 25I of the repealed regulation; or
 - (iii) issued under a provision mentioned in subparagraph (i) or (ii) and replaced under section 71 of the Act or changed or replaced under section 25O of the repealed regulation; and
 - (b) the certificate was in force immediately before the commencement.
- (2) This section also applies if, on or after the commencement, an SM unit certificate is issued under former schedule 5B, section 49(8) as applied under section 124(2) of the repealed regulation.
- (3) The SM unit certificate is an SM unit certificate under this regulation.

[s 725]

725 Fisher PINs for SM units continue

- (1) This section applies if—
 - (a) before the commencement, a fisher PIN was—
 - (i) issued for SM units under section 25QA(2) of the repealed regulation or former schedule 5B, section 49A(2) or that provision as applied under part 13, division 3 of the repealed regulation; or
 - (ii) changed under section 25V of the repealed regulation; and
 - (b) the fisher PIN as issued or changed was the fisher PIN for the SM units immediately before the commencement.
- (2) This section also applies if, on or after the commencement, a fisher PIN is issued for SM units under former schedule 5B, section 49(8)(a)(ii) as applied under part 13, division 3 of the repealed regulation.
- (3) The fisher PIN is the fisher PIN for the SM units under this regulation.

726 Unit PINs for SM units continue

- (1) This section applies if—
 - (a) before the commencement, a unit PIN was—
 - (i) issued for SM units under former schedule 5B, section 49(8)(a)(ii) or that provision as applied under part 13, division 3 of the repealed regulation; or
 - (ii) changed under section 25U of the repealed regulation; and
 - (b) the unit PIN as issued or changed was the unit PIN for the SM units immediately before the commencement.
- (2) This section also applies if, on or after the commencement, a unit PIN is issued for SM units under former schedule 5B,

section 49(8)(a)(ii) as applied under part 13, division 3 of the repealed regulation.

- (3) The unit PIN is the unit PIN for the SM units under this regulation.

727 Reduction in entitlement of SM units

- (1) This section applies, despite section 557(1), if on the assessment day, the total number of SM units issued is more than 619520.
- (2) The holder of an SM unit, or a person acting under the SM unit, may only take, in an SM year, the amount of kilograms of (whole weight) spanish mackerel (the *adjusted weight equivalent*) for the SM unit, worked out by using the following formula—

$$\mathbf{WWE} = \frac{\mathbf{619520}}{\mathbf{NSM}}$$

where—

WWE is the adjusted weight equivalent for an SM unit.

NSM is the number of SM units issued by the chief executive.

- (3) As soon as practicable after the adjusted weight equivalent is worked out, the chief executive must give each SM unit holder a written notice stating the adjusted weight equivalent for SM units.
- (4) In this section—

assessment day means the earliest day on which—

 - (a) all appeals against the following decisions are ended or fully decided—
 - (i) decisions under former schedule 5B, part 2, about amending a licence by writing the fishery symbol ‘SM’ on the licence;

[s 727]

- (ii) decisions under former schedule 5B, part 3, about the issue of SM units; and
- (b) the chief executive has decided all applications for the issue of SM units under former schedule 5B, part 3, as applied under the repealed regulation, section 124; and
- (c) the period to appeal against all decisions about the issue of SM units under former schedule 5B, part 3, as applied under the repealed regulation, section 124, has ended; and
- (d) all appeals against the decisions mentioned in paragraph (c) are ended or fully decided; and
- (e) if, in deciding an appeal mentioned in paragraph (a) or (d), the tribunal has given the chief executive directions—the directions have been complied with.

Schedule 1 Regulated waters

section 27(1)

Part 1 Waters named by reference to particular fish

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Australian bass waters	<p>waters within the limits of the State, other than the following waters or waters upstream of the following waters—</p> <ul style="list-style-type: none"> • Baroon Pocket Dam • Bjelke-Petersen Dam • Boondooma Dam • Borumba Dam • Cania Dam • Claude Wharton Weir • Cressbrook Dam • Fred Haigh Dam (Lake Monduran) • Gordonbrook Dam • Hinze Dam • Isis Balancing Storage (Lake Gregory) 	section 42

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Australian bass waters (continued)	<ul style="list-style-type: none"> • Jones Weir • Lake Clarendon • Lake Dyer • Lake MacDonald • Lenthalls Dam • Maroon Dam • Moogerah Dam • North Pine Dam (Lake Samsonvale) • Somerset Dam • Wivenhoe Dam • Wuruma Dam. 	section 42
Bêche-de-mer waters	waters south of latitude 20° south (near Bowen) or waters west of longitude 143° east	section 60
Coral reef fin fish waters	waters east of longitude 142°31.82' east between latitude 10°41.00' south and latitude 24°50.00' south	part 5, division 4
Northern rock lobster waters	Queensland waters north of latitude 14° south and the Gulf of Carpentaria waters within the 25n mile line south of latitude 14° south	section 75
Saucer scallop waters	waters south of a line from latitude 17°45.84' south, longitude 155°02.38' east to latitude 20°19.58' south, longitude 148°26.92' east	section 58
Southern rock lobster waters	Queensland waters south of latitude 14° south, other than waters that are part of the Gulf of Carpentaria waters	section 76
Spanish mackerel waters	waters east of longitude 142°09' east	section 93

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Spanner crab waters	<p>the following waters—</p> <ul style="list-style-type: none"> • the tidal waters south of latitude 23° south, and east of longitude 151°45' east • the tidal waters north of the waters mentioned in paragraph (a) and east of longitude 142°31'49" east • the tidal waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east • the tidal waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland at high water mark, south of latitude 10°48' south 	section 57

Part 2 Waters named by reference to location

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
rivers and creeks east of longitude 142°09' east	rivers and creeks east of longitude 142°09' east	part 10, division 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
waters other than the Gulf of Carpentaria waters	Queensland waters other than the Gulf of Carpentaria waters	part 5, division 3
waterways, lakes and lagoons within the limits of the State	waterways, lakes and lagoons within the limits of the State	part 6, division 4
Dumaresq River at Bonshaw Weir	Dumaresq River from 100m upstream to 100m downstream of Bonshaw Weir	part 5, division 5
Barwon River	waters of the Barwon River	part 5, division 6
Dumaresq River	waters of the Dumaresq River	part 5, division 6
Macintyre River	waters of the Macintyre River	part 5, division 6
Barwon River at Mungindi Weir	Barwon River from 100m upstream to 100m downstream of Mungindi Weir	part 5, division 5
Macintyre River at Goondiwindi Weir	Macintyre River from 150m upstream to 150m downstream of Goondiwindi Weir	part 5, division 5
Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs	Macintyre Brook— (a) upstream waters within 200m of the Coolmunda Dam spillway wall; and (b) downstream waters within 100m of the Coolmunda Dam wall; and (c) from 400m upstream to 400m downstream of Whetstone Weir or Bendor Weir	part 5, division 5
Severn River at Queen Mine Waterhole	the part of the Severn River commonly known as Queen Mine Waterhole, about 6km west of Ballandean	part 5, division 5

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Pike Creek at Glenlyon Dam	Pike Creek from 200m upstream to 400m downstream of the Glenlyon Dam wall	part 5, division 5
Quart Pot Creek at Storm King Dam	Quart Pot Creek from 200m upstream to 400m downstream of the Storm King Dam wall	part 5, division 5
Balonne River at Surat Weir	Balonne River from 100m upstream to 75m downstream of Surat Weir	part 5, division 5
Balonne River at Beardmore Dam and Jack Taylor Weir	Balonne River from— (a) 100m upstream to 200m downstream of the Beardmore Dam wall; and (b) 100m upstream to 115m downstream of Jack Taylor Weir	part 5, division 5
Condamine River at Chinchilla, Loudon, Lemon Tree, Yarramalong, Cecil Plains and Reilly's Weirs	Condamine River as follows— <ul style="list-style-type: none"> • from 200m upstream to 200m downstream of Chinchilla Weir • from 400m upstream to 200m downstream of Loudon Weir • from 200m upstream to 400m downstream of Lemon Tree Weir • from Yarramalong Weir to 200m downstream of the weir • from 200m upstream to 150m downstream of Cecil Plains Weir • between lines between F[↑]B signs on opposite sides of the river at the following places— <ul style="list-style-type: none"> • near the southern boundary of portion 26, County of Bulwer, Parish of Arubial • about 150m downstream from Reilly's Weir 	part 5, division 5
Sandy Creek at Leslie Dam	Sandy Creek from 200m upstream to 400m downstream of the Leslie Dam wall	part 5, division 5

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Dogwood Creek at Miles Weir	Dogwood Creek from 90m upstream to 400m downstream of Miles Weir	part 5, division 5
Reynolds Creek at Moogerah Dam	Reynolds Creek from 200m upstream to 300m downstream of the Moogerah Dam wall	part 5, division 5
Burnett Creek at Maroon Dam	Burnett Creek from 200m upstream to 400m downstream of the Maroon Dam wall	part 5, division 5
Currumbin Creek	Currumbin Creek and waterways adjoining it	part 9, division 2
Currumbin Beach	foreshore waters of the beach and waters within the following boundary— <ul style="list-style-type: none"> • from latitude 28°08.00' south on the mainland shore (the northern tip of Elephant Rock approximately latitude 28°08.00' south, longitude 153°29.40' east) to latitude 28°07.85' south, longitude 153°29.57' (400m offshore from Elephant Rock) • to latitude 28°07.49' south, longitude 153°29.29' east (400m offshore from Currumbin Rock) • to longitude 153°29.12' east on the mainland shore (Currumbin Rock approximately latitude 28°07.64' south, longitude 153°29.12' east) • along the shoreline to latitude 28°08.00' south on the mainland shore 	part 9, division 2
Tallebudgera Creek (netting)	Tallebudgera Creek and waterways adjoining it	part 9, division 2
Tallebudgera Creek to Burleigh (netting)	foreshore waters and waters within 400m out to sea from the shore at low water, between the southern bank of Tallebudgera Creek and a point on the shore in line with the northern edge of First Avenue, Burleigh Heads	part 9, division 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Tallebudgera Creek (spearing)	Tallebudgera Creek upstream of a line between SF↑B signs at the eastern tip of Burleigh Head and the seaward end of the rock groyne near its southern bank	part 7, division 3, subdivision 3
Nerang River at Hinze Dam	Nerang River from the Hinze Dam wall to 400m downstream of the wall	part 5, division 5
The Broadwater (southern part) and Nerang River	<ol style="list-style-type: none"> 1 Nerang River and waterways joining it; and 2 the part of The Broadwater upstream of a line between a point on the shore of The Broadwater in line with the northern edge of Stevens Street, Southport and an F↑B sign on the shore of The Spit near the floating helipad near Seaworld 	part 9, division 2
Gold Coast Seaway	<p>the Gold Coast Seaway within the following boundary—</p> <ul style="list-style-type: none"> • from an F↑B sign west of the Seaway Tower on the northern shore of The Spit to an F↑B sign on South Stradbroke Island west of the island's southern tip • along the island's southern shore to the seaward end of the Seaway's northern breakwater wall • to the seaward end of the Seaway's southern breakwater wall at Nerang Head on The Spit • along The Spit's northern shore to the F↑B sign west of the Seaway Tower on The Spit's northern shore 	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
The Broadwater (central part)	<p>The Broadwater within the following boundary—</p> <ul style="list-style-type: none"> • from an F↑B sign on the opposite side of The Broadwater’s western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport, along the eastern edge of the channel to the flashing green beacon nearest to the northern tip of Carters Bank • to the southern tip of Crab Island • to an F↑B sign on South Stradbroke Island westerly of the island’s southern tip • to an F↑B sign westerly of the Seaway Tower on The Spit’s northern shore • along The Spit’s shore by the shortest route to an F↑B sign near the floating helipad near Seaworld • to the F↑B sign on the opposite side of The Broadwater’s western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport 	part 9, division 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
The Broadwater (western part)	<p>The Broadwater within the following boundary—</p> <ul style="list-style-type: none"> • from a point on the shore in line with the northern edge of Stevens Street, Southport, along the shore to an F↑B sign near the southern bank of the southern branch of the Coomera River • towards the north-western tip of the northernmost island of the Sovereign Islands for 140m • along a line parallel to, and 140m from, Sovereign Island's western shore, to a line from an F↑B sign at the corner of the Esplanade and Nankeen Avenue, Paradise Point to the northern tip of Ephraim Island • to the southern tip of Ephraim Island • to the northern tip of Crab Island • to the southern tip of Crab Island • to the flashing green beacon marking the eastern edge of the western navigation channel, nearest to Carters Bank • along the channel's eastern edge to an F↑B sign in line with the northern edge of Stevens Street, Southport • to the point on the shore in line with the northern edge of Stevens Street, Southport 	part 9, division 2
Coombabah Creek, Oyster Lake and Saltwater Creek	Saltwater Creek and Coombabah Creek (including Oyster Lake), downstream from Coombabah Lake	part 9, division 2
Coombabah Lake and Coombabah Creek	Coombabah Lake and tidal waters of Coombabah Creek upstream from the lake	part 4, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Coomera River	waters of the southern branch of the Coomera River downstream of F↑B signs on opposite sides of the southern branch at its junction with the river's northern branch	part 9, division 2
Albert River	Albert River and waterways joining it upstream of a line running east and west from the western bank of Saltwater Arm	part 9, division 2
Albert River at Luscombe Weir	Albert River from Luscombe Weir to 120m downstream of the weir	part 5, division 5
South of North Stradbroke Island	waters south of the southern tip of North Stradbroke Island	part 10, division 3
Moreton Bay (area 1)	waters of Moreton Bay north of the southern tip of North Stradbroke Island and south of a line from Victoria Point to Pott's Point, Macleay Island to Blakesleys Camp, North Stradbroke Island	part 10, division 3
Dunwich	FRW-030	part 9, division 3
Cassim and King Islands (Moreton Bay)	the western foreshore of Cassim Island and the southern foreshore of King Island	part 10, division 3
Manly Boat Harbour	Manly Boat Harbour and its foreshores, up to a line between the seaward ends of the harbour's breakwaters	part 9, division 2
Wynnum and Manly	foreshore waters between the northern breakwater of Manly Boat Harbour and the southern bank of Wynnum Creek	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Wynnum (gastropod area)	<ol style="list-style-type: none"> 1 foreshores of Moreton Bay and the Boat Passage, between the south-eastern tip of Fisherman Island and the northern breakwater of the Manly boat harbour 2 does not include foreshores west of the road bridge over the Boat Passage or the waters of a waterway flowing into Moreton Bay upstream of a line between its banks 	part 5, division 7
Wynnum (worm area)	<p>the following foreshore waters of Wynnum—</p> <ul style="list-style-type: none"> • waters adjacent to the Esplanade between its intersection with the southern side of Cedar Street and its intersection with the northern side of Charlotte Street • waters within 100m of high water mark between the northern bank of Lota Creek and the rock groyne extending seawards near the northern end of Wynnum North Esplanade 	section 64
Brisbane River at Old Mt Crosby Weir	Brisbane River from the Old Mt Crosby Weir to 50m downstream of the weir	part 5, division 5
Brisbane River at Mt Crosby Weir	Brisbane River from 200m upstream to 400m downstream of Mt Crosby Weir	part 5, division 5
Brisbane River at Wivenhoe Dam	Brisbane River from the Wivenhoe Dam wall to 600m downstream of the wall	part 5, division 5

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Brisbane River (netting)	<p>the following waters—</p> <ul style="list-style-type: none"> • Brisbane River, upstream of a line between the northern tip of the northernmost wharf on Fisherman Islands and the mainland passing through the rear (seaward) lead of Lytton Rocks Reach about 900m downstream from Luggage Point • waterways joining the waters described in paragraph (a) (other than the part of the Boat Passage east of the bridge between Whyte Island and Fisherman Islands) 	part 9, division 2
Brisbane Airport floodway channel to the Pine River	<p>the following waters—</p> <ul style="list-style-type: none"> • waterways flowing into Moreton Bay between the southern bank of the Brisbane Airport floodway channel and the southern tip of the Houghton Highway • waterways joining the waterways described in paragraph (a) • Moreton Bay foreshore waters between the southern bank of the Brisbane Airport floodway channel and the southern tip of the Houghton Highway • Jacksons Creek (which joins the floodway channel near the channel's banks) 	part 9, division 2
North Stradbroke Island (northern beaches)	waters within 200m from the shore at low water between North Gorge (at the southern end of Frenchman's Beach) and Adder Rock	part 9, division 3
Swan Bay	Swan Bay, North Stradbroke Island and tidal waters of the unnamed creek joining the bay's northern end	part 4, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Nudgee Beach	<ol style="list-style-type: none"> 1 Bramble Bay foreshore at Nudgee Beach between the eastern bank of the main channel of Nudgee Creek and the western bank of the main channel of the Kedron Brook floodway 2 does not include the foreshores of Nudgee Creek upstream of a straight line between its banks or Kedron Brook floodway upstream of a straight line between its banks 	part 5, division 7
Sandgate Pier	FRW-038	part 9, division 2
South Pine River and North Pine River	<p>the following waters—</p> <ul style="list-style-type: none"> • South Pine River upstream of F↑B signs on opposite sides of the river, about 1.5km upstream from its junction with the North Pine River, at a place known as Stones Corner • North Pine River upstream of F↑B signs on opposite sides of the river about 2.5km upstream from the northbound bridge across the river near the start of the Bruce Highway 	part 9, division 2
Southern Moreton Bay (including The Broadwater)	<p>Moreton Bay south of latitude 27°42' south, other than waters between the following lines—</p> <ul style="list-style-type: none"> • a line from an SF↑B sign at The Bedroom, South Stradbroke Island, to an SF↑B sign on the north-eastern shore of Woogoompah Island • a line from an SF↑B sign at Currigee, South Stradbroke Island, to an SF↑B sign on the shore at Hollywell 	part 7, division 3, subdivision 3
Moreton Bay (including The Broadwater)	Moreton Bay and waterways adjoining it	part 9, division 3
Deception Bay	<ol style="list-style-type: none"> 1 Deception Bay foreshore between the public boat ramp at Emerald Avenue, Deception Bay and the seaward end of Reef Point Esplanade, Castlereagh Point, Scarborough 2 does not include the waters of a waterway flowing into the bay upstream of a line between its banks 	part 5, division 7

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Bribie Island's eastern shore and the sand spit at Kings Beach	the following waters— <ul style="list-style-type: none"> • eastern foreshore waters of Bribie Island between an F↑B sign at latitude 26°50.05' south, longitude 153°07.78' east on the island's shore and an F↑B sign at latitude 26°48.92' south, longitude 153°07.89' east at the island's northern tip • foreshore waters at Caloundra between latitude 26°48.38' south, longitude 153°08.36' east (the groyne at the southern end of Kings Beach) and latitude 26°48.47' south, longitude 153°08.00' east (the western tip of Bulcock Beach) 	part 9, division 2
Pumicestone Strait (spearing) <i>Editor's note—</i> Pumicestone Strait is also known as Pumicestone Passage	1 waters between the following lines— <ul style="list-style-type: none"> • a line from an SF↑B sign at the southern bank of Elimbah Creek to an SF↑B sign at Gallagher Point, Bribie Island • a line from an SF↑B sign at the northern bank of Ningi Creek to an SF↑B sign at the northern bank of Dux Creek, Bribie Island 2 waters north of a line from an SF↑B sign near the southern bank of Bells Creek to an SF↑B sign at the northern tip of the northernmost island of a group of islands in the strait (easterly of Bells Creek), then easterly to an SF↑B sign on Bribie Island's western shore	part 7, division 3, subdivision 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Pumicestone Strait (commercial fishing) <i>Editor's note—</i> Pumicestone Strait is also known as Pumicestone Passage	waters and adjoining waterways, within the following boundary— <ul style="list-style-type: none"> • from the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra to the F↑B sign at the northern tip of Bribie Island • along Bribie Island's western shore to the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island • to the F↑B sign at the south-eastern tip of Toorbul Point • along the shore to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra 	section 83
Moreton Island (artificial reef area)	waters within the following boundary— <ul style="list-style-type: none"> • from an SF↑B sign on the western shore of Moreton Island about 200m north of the Bulwer Wrecks to the lit buoy NE1 about 700m off Bulwer • to the NE1 buoy west of Bulwer • to the M7 beacon west of Cowan Cowan point • to the E1 beacon west of Tangalooma Jetty • to the SF↑B sign on the western shore of Moreton Island at Tangalooma Point • along the shore to the SF↑B sign about 200m north of the Bulwer Wrecks 	part 7, division 3, subdivision 3
Cherub's Cave (grey nurse shark protection area)	FRW-304	part 4, division 3
Flat Rock (grey nurse shark protection area)	FRW-302	part 4, division 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Henderson Rock (grey nurse shark protection area)	FRW-303	part 4, division 3
Jetties in, or south of, the Noosa River	waters under, or within 100m of, any public jetty in, or south of, the Noosa River	part 7, division 3, subdivision 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Moreton Bay (whole)	<p>waters within the following boundary—</p> <ul style="list-style-type: none"> • from an F↑B sign at the south-eastern tip of Toorbul Point to an F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island • along Bribie Island's western and southern shores to Skirmish Point • to Comboyuro Point, Moreton Island • along Moreton Island's western shore to Reeders Point • to Amity Point, North Stradbroke Island • along North Stradbroke Island's western and southern shores to its south-eastern tip • to the north-eastern tip of South Stradbroke Island • along South Stradbroke Island's northern, western and southern shores to the seaward tip of the northern breakwater wall of the Gold Coast Seaway • to the seaward tip of the southern breakwater wall of the Gold Coast Seaway at Nerang Head on The Spit • along the shore of The Spit to the Gold Coast Highway bridge over the Nerang River near Waterways Drive, Main Beach • along the eastern side of the Gold Coast Highway bridge to the mainland shore • along the shore to the F↑B sign at the south-eastern tip of Toorbul Point 	<p>part 6, division, 4</p> <p>part 10, division 3</p>

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Caloundra (Kings Beach to Shelly Beach)	foreshore waters and waters within 400m out to sea from the shore at low water, between the following lines— <ul style="list-style-type: none"> • a line running south-east from the southern end of the sand spit between Kings Beach and Bulcock Beach, Caloundra • a line running east-north-east out to sea from an F↑B sign at the southern end of Shelly Beach, Caloundra 	part 9, division 3
Currimundi Lake and Currimundi Creek near Caloundra	Currimundi Lake and Currimundi Creek and waterways adjoining the lake and creek	part 9, division 2
Mooloolah River (spearing)	waters of Mooloolah River from a line between SF↑B signs near its banks, to the bridge joining the Nicklin Way and Brisbane Road	part 7, division 3, subdivision 3
Mooloolah River (netting)	Mooloolah River and waterways joining it, upstream of a line between the seaward ends of the breakwaters at its banks	part 9, division 2
South Maroochy River and the North Maroochy River	waters of Maroochy River upstream of the junction between its northern and southern branches	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Maroochy River and ocean foreshores (netting)	<p>1 waters of Maroochy River, and waterways joining the river, within the following boundary—</p> <ul style="list-style-type: none"> • from the intersection of latitude 26°38.38' south with the mainland shore • to the intersection of latitude 26°38.87' south with the mainland shore upstream to latitude 26°38.53' south (near the 'cod hole') <p>2 waters within the following boundary—</p> <ul style="list-style-type: none"> • from the intersection of longitude 153°06.23' east with the mainland shore • to latitude 26°38.57' south, longitude 153°06.10' east • to latitude 26°38.57' south, longitude 153°06.34' east • to latitude 26°39.34' south, longitude 153°06.47' east • to the intersection of longitude 153°06.23' east with the mainland shore 	part 9, division 2
Maroochy River (spearing)	waters of Maroochy River and waterways joining it, downstream of a line from an SF↑B sign on the southern side of the river near the Cod Hole to an SF↑B sign on the northern side of the river near the Cod Hole	part 7, division 3, subdivision 3
Obi Obi Creek	Obi Obi Creek between the Baroon Pocket Dam wall and the shortest line across the creek at the southern bank of Skenes Creek	section 66
Weyba Creek	Weyba Creek and waterways joining it, downstream of Lake Weyba	part 9, division 2
Stuart River at Gordonbrook Dam	Stuart River from 750m upstream to 200m downstream of the Gordonbrook Dam wall	part 5, division 5

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Noosa River and Noosa's main beach	<ol style="list-style-type: none"> 1 waters of Noosa River downstream of a line between an F↑B sign on the river's southern side near Thomas Street, Noosaville and an F↑B sign on the opposite side of the river 2 foreshore waters of Noosa's main beach between First Point and the southern bank of Noosa River 	part 9, division 2
Noosa River (ocean foreshore)	foreshore waters for 400m (measured along the shore) north of the northern bank of the Noosa River and waters within 400m out to sea from that part of the shore at low water	part 9, division 3
Noosa River (spearing)	Lake Weyba, Noosa River and waterways joining the lake and river, downstream of a line from an SF↑B sign on Parkyn's Jetty near the entrance to Doonella Lake to an SF↑B sign on the shore at the western tip of Goat Island	part 7, division 3, subdivision 3
Six Mile Creek at Lake MacDonald	Six Mile Creek from the dam wall at Lake MacDonald to 100m downstream of the wall	part 5, division 5
Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba	<p>Lake Como, Kin Kin Creek, the Noosa River and the part of Lake Cootharaba north of a line joining the following points—</p> <ul style="list-style-type: none"> • from an F↑B sign on Lake Cootharaba's north-western shore to an F↑B sign on the southern tip of the peninsula on the eastern side of Shark Bay (which is part of the lake) • to an F↑B sign at the southern tip of Kinaba Island • to an F↑B sign on Lake Cootharaba's eastern shore 	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Moreton Island to Double Island Point	waters within the following boundary— <ul style="list-style-type: none"> • from Double Island Point to North Point, Moreton Island • to Skirmish Point, Bribie Island • along the island's eastern shore to the F[↑]B sign at its northern tip • to the F[↑]B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra • along the shore to Double Island Point 	part 10, division 3
Waterways south of Double Island Point	waterways south of Double Island Point and waterways joining them.	part 9, division 3
Boyne River (Auburn River Basin) at Boondoomba Dam	Boyne River in the Auburn River Basin from 200m upstream to 400m downstream of the Boondoomba Dam wall	part 5, division 5
Rainbow Beach	waters within the following boundary— <ul style="list-style-type: none"> • from an F[↑]B sign at latitude 25°55.45' south, longitude 153°06.60' east (about 3km south of Eight Mile Rocks at Rainbow Beach), along the shore to an F[↑]B sign at latitude 25°53.64' south, longitude 153°05.28' east (about 1km north of Eight Mile Rocks at Rainbow Beach) • to latitude 25°53.41' south, longitude 153°05.62' east (approximately 400m offshore at low water) • to latitude 25°55.17' south, longitude 153°06.96' east (approximately 400m offshore at low water) • to an F[↑]B sign at latitude 25°55.45' south, longitude 153°06.60' east 	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Wolf Rock (grey nurse shark protection area)	FRW-305	part 4, division 2
Wide Bay Bar	<p>waters within the following boundary—</p> <ul style="list-style-type: none"> • from an F↑B sign at latitude 25°48.62' south, longitude 153°03.89' east (Inskip Point near the flashing white navigation lead on the shore) west for about 1.3km to an F↑B sign at latitude 25°48.55' south, longitude 153°03.29' east • to an F↑B sign at latitude 25°47.77' south, longitude 153°03.05' east (on the southern shore of Fraser Island about 3km west of Hook Point) • to an F↑B sign at latitude 25°47.52' south, longitude 153°04.62' east (Hook Point near the south-eastern tip of Fraser Island) • to an F↑B sign at latitude 25°48.62' south, longitude 153°03.89' east (Inskip Point near the flashing white navigation lead on the shore) 	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hervey Bay–Tin Can Bay (greater dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from latitude 25°01'01" south, where it intersects the mainland shore to latitude 25°01'01" south, longitude 153° east • to latitude 25°12'29" south where it intersects the shore of Fraser Island • westerly and southerly along the shore of Fraser Island to longitude 153°04' east where it intersects the shore • to longitude 153°04' east where it intersects the mainland shore at Inskip Point • westerly and southerly along the shore to the north bank of Myers Creek • to the south bank of Teebar Creek • along the mainland shore to latitude 25°01'01" south where it intersects the mainland shore 	section 103
Snapper Creek near Tin Can Bay	Snapper Creek and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Tinana Creek Barrage (upstream)	Tinana Creek from the Tinana Creek Barrage to 400m upstream of the barrage	part 5, division 5
Tinana Creek Barrage (downstream)	Tinana Creek from the Tinana Creek Barrage to 400m downstream from the barrage	part 4, division 2
Mary River Barrage (upstream)	Mary River from the Mary River Barrage to 400m upstream of the barrage	part 5, division 5
Mary River Barrage (downstream)	Mary River from the Mary River Barrage to 400m downstream from the barrage	part 4, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Fraser Island (tailor)	1 eastern foreshore waters and waters within 200m from the shore at low water, between Hook Point and Sandy Cape 2 western foreshore waters and waters within 200m from the shore at low water, between Sandy Cape and Sandy Point	section 94
Fraser Island (Tooolora Creek to Ngkala Rocks)	Fraser Island's eastern foreshore waters and waters within 200m from the shore at low water, between Tooolora Creek and the Northern end of North Ngkala Rocks	part 9, division 3
Fraser Island (Indian Head–Waddy Point)	eastern foreshore waters of Fraser Island and waters within 400m out to sea from the eastern shore at low water, between 400m north of Waddy Point and 400m south of Indian Head	sections 73 and 84
Fraser Island (rivers and creeks)	rivers and creeks on Fraser Island that flow into Great Sandy Strait	part 10, division 3
Platypus Bay	Platypus Bay, Fraser Island and waterways joining the bay, east of a line between F↑B signs at Rooney Point and Coongul Point, Fraser Island	sections 72 and 85
Fraser Island (Hook Point to northern tip)	Fraser Island's eastern foreshore waters and waters within 200m out to sea from the shore at low water, between an F↑B sign at Hook Point and the northern tip of Fraser Island	part 9, division 3
Great Sandy Strait	Great Sandy Strait, Tin Can Inlet and waterways joining the strait and inlet, between the following lines— <ul style="list-style-type: none"> • a line from the eastern tip of Point Vernon to Sandy Point, Fraser Island • a line between F↑B signs at Inskip Point and Hook Point, Fraser Island 	part 9, division 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
North Sandy Strait (artificial reef area)	waters within the following boundary— <ul style="list-style-type: none"> • from South Point on Woody Island to the flashing green beacon S11 on Middle Bank (the southernmost beacon on the bank) to the flashing green beacon S9 on the bank • to the flashing green beacon S7 on the bank • to the flashing green beacon S5 on the bank • to the flashing red beacon S8 on the southern tip of Moon Point Bank • to Datum Point on Woody Island • along the Woody Island's eastern shore to South Point 	part 7, division 3, subdivision 3
Great Sandy Strait and Hervey Bay (netting)	waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines— <ul style="list-style-type: none"> • a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island • a line from Hook Point, Fraser Island to the eastern tip of Inskip Point 	part 10, division 3
Hervey Bay (netting area 2)	waters of Hervey Bay within the following boundary— <ul style="list-style-type: none"> • from the southern bank of Baffle Creek to longitude 153° east • along longitude 153° east to Fraser Island's western shore near Sandy Point • to Dayman Point • along the shore to the southern bank of Baffle Creek 	part 10, division 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hervey Bay (netting area 1)	waters of Hervey Bay within the following boundary— <ul style="list-style-type: none"> • from the northern bank of Baffle Creek towards Rooney Point, Fraser Island, to longitude 153° east • along longitude 153° east to Fraser Island’s western shore near Sandy Point • to Dayman Point • along the shore to the northern bank of Baffle Creek 	part 10, division 3
Hervey Bay (recreational netting)	waters of Hervey Bay within the following boundary— <ul style="list-style-type: none"> • 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°16.63' south, longitude 152°54.74' east (the seaward end of the public jetty at Scarness) • to latitude 25°17.66' south, longitude 152°54.97' east (the seaward end of the Urangan jetty) • to latitude 25°17.74' south, longitude 152°54.96' east (the seaward end of the southern rock wall of the Urangan Boat Harbour) • to longitude 152°49.40' east on the mainland shore 	part 7, division 3, subdivision 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hervey Bay (commercial netting)	<p>1 waters of Hervey Bay within the following boundary—</p> <ul style="list-style-type: none"> • 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°16.63' south, longitude 152°54.74' east (the seaward end of the public jetty at Scarness) • to latitude 25°17.66' south, longitude 152°54.97' east (the seaward end of the Urangan jetty) • to latitude 25°17.74' south, longitude 152°54.96' east (the seaward end of the southern rock wall of the Urangan Boat Harbour) • to longitude 152°49.40' east on the mainland shore <p>2 foreshore waters of Hervey Bay between Sixth Avenue, Woodgate and Second Avenue, Woodgate</p>	part 9, division 2
Hervey Bay scallop ranching area	FRW-276	part 10, division 3
Hervey Bay and Great Sandy Strait (shell dredging)	<p>waters between the following lines—</p> <ul style="list-style-type: none"> • a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island • a line from an F↑B sign at Inskip point near the flashing white navigation lead on the shore to an F↑B sign at Hook Point near the south-east tip of Fraser Island 	part 6, division 4

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hervey Bay (artificial reef area off Woodgate)	waters within the following boundary— <ul style="list-style-type: none"> • from an SF↑B sign near the public boat ramp on the Esplanade at Woodgate seaward to a navigation buoy marked SF↑B sign No. 1 • south to a navigation buoy marked SF↑B sign No. 2 • to an SF↑B sign near Sixth Avenue, Woodgate • along the mainland shore to an SF↑B sign near the public boat ramp on the Esplanade, Woodgate 	part 7, division 3, subdivision 3
Theodolite Creek	Theodolite Creek and waterways joining it upstream of a line between F↑B signs near its banks	part 9, division 2
Nogoa River at Fairbairn Dam	Nogoa River from 200m upstream to 400m downstream of the Fairbairn Dam wall	part 5, division 5
Nogo River at Wuruma Dam	Nogo River from 200m upstream to 400m downstream of the Wuruma Dam wall	part 5, division 5
Dawson River at Theodore Weir	Dawson River from 100m upstream of Theodore Weir to the downstream side of Leichhardt Highway (from Taroom to Theodore) bridge on the river	part 5, division 5
Dawson River at Orange Creek Weir	Dawson River from Orange Creek Weir to 150m downstream of the weir	part 5, division 5
Dawson River at Neville Hewitt Weir	Dawson River from 400m upstream of Neville Hewitt Weir to the downstream side of the bridge across the river on the road from Baralaba to Woorabinda	part 5, division 5
Dawson River at Moura Weir	Dawson River from 100m upstream to 100m downstream of Moura Weir	part 5, division 5
Dawson River at Gyranda Weir	Dawson River from Gyranda Weir to 200m downstream of the weir	part 5, division 5
Dawson River at Glebe Weir	Dawson River from 100m upstream to 200m downstream of Glebe Weir	part 5, division 5

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Middle Head to Norton Point	waters within 1km out to sea from the mainland shore between F↑B signs east of Middle Head and west of Norton Point	part 10, division 4
Coonar Creek	Coonar Creek and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Burnett River Barrage (downstream)	Burnett River from the Burnett Barrage to 400m downstream of the barrage	part 4, division 2
Burnett River at Burnett Barrage and Claude Wharton and Ned Churchward weirs	Burnett River from— (a) the Burnett Barrage to 400m upstream of the barrage; and (b) 200m upstream to 150m downstream of Claude Wharton Weir; and (c) 50m upstream to 200m downstream of Ned Churchward Weir	part 5, division 5
Burnett River (netting)	waters of Burnett River— (a) upstream of a line between F↑B signs on opposite sides of the river near its junction with Bundaberg Creek; and (b) downstream of a line between F↑B signs on opposite sides of the river near the western tip of Harriett Island	part 6, division 3
South of Burnett River	rivers and creeks south of the northern bank of Burnett River	part 10, division 3
North of Burnett River	rivers and creeks north of the northern bank of Burnett River	part 10, division 3
Burnett River–Baffle Creek	river and creek foreshores between the northern bank of Burnett River and the northern bank of Baffle Creek	part 10, division 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Point Vernon to Cape Manifold	<p>1 waterways flowing into the ocean between Point Vernon and Cape Manifold, other than the following waters—</p> <p>(a) Fitzroy River and Casuarina Creek between—</p> <p>(i) a line from Cattle Point on the mainland to Cardigan Point, Balaclava Island; and</p> <p>(ii) a line from the intersection between longitude 150°40.20' east and the northern bank of the river to the intersection between longitude 150°40.40' east and the southern bank of the river;</p> <p>(b) waterways joining the waters described in paragraph (a), other than Connor Creek, Kamiesh Passage, Inkerman Creek and Raglan Creek</p> <p>2 waterways joining the waterways to which item 1 applies</p>	part 9, division 3
Skyringville Creek	the creek known as Skyringville Creek and waterways joining it, downstream of a line between F↑B signs on opposite sides of the creek about 800m from its banks	section 79
Thomson River at Fairmount Weir	Thomson River from 50m upstream to 200m downstream of Fairmount Weir	part 5, division 5

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Bundaberg–Gladstone–Rockhampton (regional waterways)	the following waterways— <ul style="list-style-type: none"> • Deepwater Creek • Jenny Lind Creek • Boyne River • Auckland Creek • Middle Creek (The Narrows) • Boat Creek (The Narrows) • Montecristo Creek • Munduran Creek • Badger Creek • Mosquito Creek • Barker Creek • Maria Creek • Seahill (Pacific) Creek • Causeway Creek • West Water Creek • Island Head Creek • East Creek • Head Creek • Mistake Creek • Georges Creek • Shoalwater Creek • Styx River 	part 10, division 4
Bargara Beach	waters within 100m out to sea from the shore between SF↑B signs at Bargara Beach (north of Bundaberg)	part 7, division 3, subdivision 3
Kolan River Barrage (upstream)	Kolan River from the Kolan Barrage to 400m upstream from the barrage	part 5, division 5
Kolan River Barrage (downstream)	waters of the Kolan River from the Kolan Barrage to 400m downstream of the barrage	part 4, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Three Moon Creek at Cania Dam	Three Moon Creek from 200m upstream to 400m downstream of Cania Dam wall	part 5, division 5
South of Baffle Creek	rivers and creeks south of the northern bank of Baffle Creek	part 10, division 3
North of Baffle Creek	rivers and creeks north of the northern bank of Baffle Creek	part 10, division 3
Keppel Bay (netting)	FRW-186	part 10, division 3
Keppel Bay (fishing)	Keppel Bay within a 150m radius of the Middle Island Underwater Observatory	part 4, division 2
Baffle Creek–Cape Flattery	foreshores of each river or creek between the northern bank of Baffle Creek and Cape Flattery, upstream of its mouth at high water	part 10, division 3
Round Hill Creek	Round Hill Creek and waterways joining it, upstream of a line between F↑B signs at the creek's northern bank and the northern tip of the 1770 camping grounds, Captain Cook Drive at the Town of Seventeen Seventy	part 9, division 2
Eurimbula Creek (north of Round Hill Creek)	Eurimbula creek and waterways adjoining it	section 62
Eurimbula Creek	Eurimbula Creek and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Rodds Harbour (commercial netting)	Rodds Harbour and waterways joining it, within the following boundary— <ul style="list-style-type: none"> • from the eastern tip of Blackney Point to the eastern tip of Bird Island • to the western bank of Mort Creek, Rodds Peninsula • along the shore to Blackney Point 	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Rodds Harbour (recreational netting)	waters within the following boundary— <ul style="list-style-type: none"> • from the eastern tip of Blackney Point to the eastern tip of Bird Island • to the western bank of Mort Creek, Rodds Peninsula • along the shore to Blackney Point 	part 7, division 3, subdivision 1
Wild Cattle Creek	Wild Cattle Creek (also known as Red Cliff Creek) between the following lines— <ul style="list-style-type: none"> • a line from an F↑B sign at the creek's northern bank to an F↑B sign at the northern tip of Wild Cattle Island • a line from an F↑B sign about 1600m (measured along the bank) upstream from an F↑B sign at the northern tip of Wild Cattle Island to an F↑B sign on the opposite bank of Wild Cattle Creek 	part 9, division 3
Boyne River (Boyne River Basin) at Awoonga Dam	Boyne River in the Boyne River Basin from 200m upstream to 400m downstream of the Awoonga Dam wall	part 5, division 5
Tannum Sands	foreshore waters between F↑B signs near the southern bank of Boyne River and the northern bank of Wild Cattle Creek (also known as Red Cliff Creek)	part 9, division 3
Boyne River and part of South Trees Inlet	<ol style="list-style-type: none"> 1 Boyne River and waterways joining it, upstream from a line between F↑B signs near its banks 2 South Trees Inlet between the northern edge of the bridge over the inlet on Boyne Island Road and the inlet's junction with Boyne River 	part 9, division 3
Calliope River (near mouth)	waters within 1km out to sea from the mainland shore between F↑B signs east and west of the Calliope River	part 10, division 4

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Calliope River (upstream from Farmers Island)	waters of Calliope River and waterways joining it, upstream of a line passing through F↑B signs on opposite sides of the river near the south-western tip of Farmers Island	part 9, division 2
South Trees Inlet	waters within 1km out to sea from the mainland shore between F↑B signs east and west of South Trees Inlet	part 10, division 4
Port Clinton (greater dugong protection area)	<p>waters within the following boundary and adjoining waterways—</p> <ul style="list-style-type: none"> • from Reef Point to the eastern tip of Townshend Island • to latitude 22°19'41" south, longitude 150°39'32" east • to latitude 22°21'36" south, longitude 150°41'10" east • to latitude 22°22'26" south, longitude 150°41'28" east • to latitude 22°24'58" south, longitude 150°43'12" east • to latitude 22°27' south, longitude 150°45'22" east • to latitude 22°31'59" south, longitude 150°47'17" east • to the eastern tip of Cape Clinton • along the mainland shore to Reef Point 	section 109

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Port of Gladstone–Rodds Bay (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from the eastern tip of Friend Point of The Narrows to the western tip of Laird Point Curtis Island • along the western and southern shores of Curtis Island to the eastern tip of Southend on Curtis Island • to the northern tip of North Point on Facing Island • along the western, southern, south-eastern shore of Facing Island to the eastern tip of East Point • to the northern tip of Flora Point, Rodds Peninsula • along the mainland shore to the eastern tip of Friend Point of the Narrows 	part 12
The Narrows near Curtis Island	waters between a line from an F↑B sign near the southern bank of the Boyne River to Gatcombe Head, Facing Island, and a line from Sea Hill Point, Curtis Island, to Cardigan Point, Balaclava Island <i>Note—</i> the boundary of The Narrows between Facing Island and Curtis Island is a line from North Point, Facing Island, to South End, Curtis Island	part 9, division 3
Waters off Curtis Island	waters within 1km out to sea from the shore of Curtis Island between F↑B signs at the following places— <ul style="list-style-type: none"> • north and south of Graham Creek • east and west of the creek known as First Lagoon Creek • east and west of the creek known as Second Lagoon Creek 	part 10, division 4
Cattle Point to Cardigan Point	FRW-200	part 10, division 4

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Fitzroy River at Wattlebank Control Weir	Fitzroy River from 200m upstream to 200m downstream of Wattlebank Control Weir	part 5, division 5
Fitzroy River Barrage (downstream)	Fitzroy River from the Fitzroy Barrage to 400m downstream of the barrage	part 4, division 2
Fitzroy River Barrage (upstream)	Fitzroy River from the Fitzroy River Barrage to 400m upstream of the barrage	part 5, division 5
Fitzroy River at Eden Bann Weir	Fitzroy River from 200m upstream to 400m downstream of Eden Bann Weir	part 5, division 5
Fitzroy River and waters near its mouth	<p>1 waters near the banks of Fitzroy River within the following boundary—</p> <ul style="list-style-type: none"> • from Cardigan Point, Balaclava Island • to Cattle Point • to Sea Hill Point, Curtis Island • to Cardigan Point, Balaclava Island <p>2 Fitzroy River and waterways joining it between Fitzroy River Barrage and the shortest line across the river at the southern bank of Gavial Creek</p>	part 9, division 3
Great Keppel Island	Great Keppel Island's western and southern foreshore waters and waters within 400m out to sea from the island's shore at low water, between SF↑B signs at the point (known as Little Peninsula) on the island's north-western foreshore and Monkey Point (known as Coconut Point) at the island's south-western tip	part 7, division 3, subdivision 3
North Keppel Island	North Keppel Island's western and southern foreshore waters and waters within 400m out to sea from the island's shore at low water, between SF↑B signs at the island's northern and south-eastern tips	part 7, division 3, subdivision 3
Cawarral Creek	Cawarral Creek and waterways joining it, upstream of the line between F↑B signs near its banks	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Causeway Lake, Shoal Bay	Causeway Lake and waterways joining it, upstream of the Shoal Bay Causeway on the Yeppoon–Emu Park Road	part 9, division 2
Water Park Creek	Water Park Creek (which flows into Corio Bay) and waterways joining it, upstream of the shortest line across the creek at the place known as Kelly's Landing (about 2.6km from the creek's banks)	part 6, division 3
Shoalwater Bay	FRW-187	part 10, division 3
Shoalwater Bay (dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from MacDonald Point to Cape Townshend, Townshend Island • along the western and southern shores of Townshend Island to the island's eastern tip • to Reef Point • along the mainland shore to MacDonald Point 	section 110
St. Lawrence Creek to Endeavour River	waterways between the northern bank of St. Lawrence Creek and the northern bank of the Endeavour River	part 9, division 3
Clairview Bluff–Carmilla Creek (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from latitude 21°54'25" south where it intersects the mainland shore near Carmilla Creek • to latitude 21°57'54" south, longitude 149°35'45" east • to latitude 22°01'45" south, longitude 149°35'45" east • to latitude 22°10'34" south, longitude 149°36'43" east • to the eastern tip of Clairview Bluff • along the mainland shore to latitude 21°54'25" south where it intersects the mainland shore near Carmilla Creek 	part 12

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Island Bluff to Charon Point	FRW-202	part 10, division 4
Little Cape Creek to Shag Creek	waters within a boundary from the northern bank of Little Cape Creek, along the shore to the northern bank of Shag Creek, then in a straight line to the northern bank of Little Cape Creek	part 10, division 4
Constant Creek (near mouth)	waters within 1km out to sea from the mainland shore between F↑B signs on the shore near the banks of Constant Creek	part 10, division 4
Constant Creek (upstream)	Constant Creek and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
South Bluff to Coconut Point	waters within a boundary from South Bluff, along the shore to Coconut Point, then in a straight line to South Bluff	part 10, division 4
Ince Bay (dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from the north-eastern tip of Allom Point • to latitude 21°29'13" south, longitude 149°24' east • to latitude 21°30'40" south, longitude 149°28'55" east • to the northern tip of Cape Palmerston • along the mainland shore to the north-eastern tip of Allom Point 	part 11, division 7

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Llewellyn Bay (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from the northern tip of Freshwater Point • to latitude 21°27'07" south, longitude 149°27'42" east • to latitude 21°30'40" south, longitude 149°28'55" east • to latitude 21°29'13" south, longitude 149°24' east • to the north-eastern tip of Allom Point • along the mainland shore to the northern tip of Freshwater Point 	part 12
Rocky Dam Creek	waters of Rocky Dam Creek (flowing into Llewellyn Bay), and waterways joining it, upstream of a line between F↑B signs in the following locations— <ul style="list-style-type: none"> • latitude 21°31.85' south, longitude 149°18.10' east (on the southern side of the creek about 100m upstream of the creek's junction with Cherry Tree Creek) • latitude 21°31.74' south, longitude 149°17.97' east (on the northern side of the creek about 100m upstream of the creek's junction with Cherry Tree Creek) 	part 9, division 2
Stewart Peninsula—Newry Islands—Ball Bay (dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from latitude 20°45' south where it intersects the mainland shore • to latitude 20°45' south, longitude 148°50'42" east • to latitude 20°52'01" south, longitude 148°59'45" east • south along longitude 148°59'45" east where it intersects the mainland shore • along the mainland shore to latitude 20°45' south where it intersects the mainland shore 	part 11, division 7

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Mackay (regional waterways)	the following waterways— <ul style="list-style-type: none"> • Carmilla Creek • Louisa Creek • Pioneer River • Seaforth Creek • Victor Creek • Blackrock Creek • Hervey Creek • Dempster Creek • O’Connell River • Repulse Creek • Dingo Creek • Inlet Creek 	part 10, division 4
Pioneer River at the Marian, Mirani and Dumbleton Weirs	Pioneer River from— <ol style="list-style-type: none"> (a) 200m upstream to 200m downstream of Marian Weir; and (b) 200m upstream to 200m downstream of Mirani Weir; and (c) 400m upstream to 250m downstream of Dumbleton Weir. 	part 5, division 5
Pioneer River (upstream)	Pioneer River and waterways joining it, upstream of Pioneer Bridge at Mackay	part 9, division 2
Pioneer River (downstream)	Pioneer River and waterways joining it, between F↑B signs near its banks and the western edge of Pioneer Bridge at Mackay	part 10, division 3
Merinda Creek	Merinda Creek (also known as Meatworks Creek) and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
O’Connell River	O’Connell River and waterways joining it, upstream of a line between F↑B signs near its banks	part 10, division 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Ball Bay–Sand Bay (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from longitude 148°59'45" east where it intersects the mainland shore at Ball Bay to latitude 20°52'01" south, longitude 48°59'45" east • to latitude 20°56'49" south, longitude 149°06'47" east • to longitude 149°05'42" east where it intersects the shore of Sand Bay • along the mainland shore to longitude 148°59'45" east where it intersects the mainland shore at Ball Bay 	part 12
Seaforth Island	Seaforth Island's foreshore waters and waters within 400m out to sea from the island's shore at low water	part 7, division 3, subdivision 3
Seaforth Creek	Seaforth Creek, north of Mackay	part 9, division 2
Victor Creek	Victor Creek	part 9, division 2
Reliance Creek, west of Eimio	Reliance Creek and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Brampton Island–Pelican Island–Carlisle Island	waters within the following boundary— <ul style="list-style-type: none"> • from an SF↑B sign at Sword Fish Point, Brampton Island to an SF↑B sign on the north-western tip of Carlisle Island • along the western and southern shores of Carlisle Island to an SF↑B sign at its south-eastern tip • to an SF↑B sign at the headland at the northern end of Turtle Bay, Brampton Island • along Brampton Island's shore to the SF↑B sign at Sword Fish Point 	part 7, division 3, subdivision 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Repulse Bay (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from the southern tip of Rocky Point to latitude 20°30'14" south, longitude 148°45'47" east • east to longitude 148°49'44" east • north along longitude 148°49'44" east to the mainland shore • along the mainland shore to the southern tip of Rocky Point 	part 12
Lindeman Island	Lindeman Island's southern and western foreshore waters and waters within 400m out to sea from the island's shore at low water, between SF↑B signs at Dalwood Point, near the island's western tip, and Boat Point (known as Thumb Point)	part 7, division 3, subdivision 3
Proserpine River	waters of Proserpine River and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Pioneer Bay	Pioneer Bay south of the following line— <ul style="list-style-type: none"> • from an F↑B sign at Mandalay Point to an F↑B sign near the intersection of Broadwater Avenue and Ocean View Avenue, Airlie Beach • to an F↑B sign at the eastern tip of Pigeon Island • to an F↑B sign on the mainland shore about 2km south from Bluff Point 	part 9, division 2
Long Island	Long Island's western foreshore waters and waters within 400m out to sea from the island's western shore at low water, between SF↑B signs at Fire Point and Base Point	part 7, division 3, subdivision 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Molle Island	<p>1 the following waters south of a line between Deedes Point, Molle Island (known as South Molle Island) and the southern tip of Mid Molle Island—</p> <ul style="list-style-type: none"> • Paddle Bay (immediately north of Ker Point on the western shore of Molle Island) • (Bauer (Moonlight) Bay (on the island's northern shore) <p>2) waters on the western foreshore of the causeway between an SF↑B sign at the southern tip of Molle Island and an SF↑B sign at Ker Point, Molle Island, and waters within 400m out to sea from that part of the island's shore at low water</p>	part 7, division 3, subdivision 3
West Molle Island	foreshore waters of West Molle Island (known as Daydream Island) and waters within 400m out to sea from the island's shore at low water	part 7, division 3, subdivision 3
Hook Island (fishing)	FRW-116	part 4, division 2
Hook Island (spearing)	<p>Hook Island's eastern and southern foreshore waters and waters within 400m out to sea from the eastern and southern shores at low water, between—</p> <p>(a) an SF↑B sign about 800m north of the headland at the northern end of Hook Passage between Hook Island and Whitsunday Island; and</p> <p>(b) an SF↑B sign at the western headland of Nara Inlet</p>	part 7, division 3, subdivision 3
Hayman Island	Hayman Island's southern and western foreshore waters and waters within 400m out to sea from the island's southern and western shores at low water, between SF↑B signs at Groper Point and the headland at the southern end of Blue Pearl Bay	part 7, division 3, subdivision 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Main wharf at Port Denison, Bowen	waters under or within 100m of— (a) the main wharf at Port Denison, Bowen; and (b) a structure attached to the wharf	part 7, division 3, subdivision 3
Bowen Harbour and Magazine Island	foreshore waters of Bowen Harbour, between the southern bank of Doughty Creek and the eastern tip of the harbour's entrance	part 9, division 2
Cape Edgecumbe	foreshore waters of the mainland and the waters within 50m out to sea from the mainland shore at low water, between the public boat ramp at the bay known as Greys Bay and the headland at the eastern end of Horseshoe Bay	part 7, division 3, subdivision 3
Edgecumbe Bay–Bowen (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from longitude 148°11'10" east where it intersects the mainland shore to the northern tip of Gloucester Head, Gloucester Island • along the western shore of Gloucester Island to longitude 148°27'22" east where it intersects the shore of the island • to the northern tip of Cape Gloucester • along the mainland shore to longitude 148°11'10" east where it intersects the mainland shore 	part 12
Queens Bay	Queens Bay west of a line from Cape Edgecumbe to the northern bank of the Don River	part 10, division 3
Upstart Bay (greater dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from latitude 19°43'37" south where it intersects the mainland shore near Beach Hill to the western tip of Cape Upstart • along the mainland shore to latitude 19°43'37" south where it intersects the mainland shore near Beach Hill 	part 11, division 5

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Plantation Creek and Seaforth Creek	waters of Plantation Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek at the downstream side of its junction with Seaforth Creek	part 9, division 2
Sheep Station Creek to Barratta Creek	waters within a boundary from the northern bank of Sheep Station Creek, along the shore to the western bank of Barratta Creek, then in a straight line to the northern bank of Sheep Station Creek	part 10, division 4
Haughton River and the Short Cut	<ol style="list-style-type: none"> <li data-bbox="369 729 931 869">1 Haughton River and waterways joining it, upstream of a line between an F↑B sign near the river's eastern bank (near Big Beach) and an F↑B sign on the opposite side of the river near the north-western tip of Connors Island <li data-bbox="369 875 931 930">2 the channel known as the Short Cut, between the Haughton River and Barramundi Creek 	part 9, division 2
Groper Creek, Yellow Gin Creek and the Burdekin River	<ol style="list-style-type: none"> <li data-bbox="369 955 931 1064">1 Groper Creek and Yellow Gin Creek upstream of a line between an F↑B sign on the shore north-easterly of Beach Hill and an F↑B sign at the southern tip of Peters Island <li data-bbox="369 1070 931 1179">2 Burdekin River upstream of a line between an F↑B sign near the southern tip of Rita Island and an F↑B sign at the eastern tip of Peter's Island <li data-bbox="369 1184 931 1239">3 waterways joining the waters described in items 1 and 2 	part 9, division 2
Burdekin River at Clare Weir	Burdekin River from 400m upstream to 400m downstream of Clare Weir	part 5, division 5
Burdekin River Anabranched area	waters within 1km out to sea from the mainland shore between a point 1km north along the shore from the northern bank of the Burdekin River Anabranched and a point 500m south along the shore from the southern bank of the anabranched	part 10, division 4
Burdekin River	waters of Burdekin River Anabranched and waterways joining it, upstream of a line between an F↑B sign near the anabranched's northern bank and an F↑B sign at its opposite bank near the north-eastern tip of Rita Island	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Burdekin–Townsville–Ingham (regional waterways)	the following waterways— <ul style="list-style-type: none"> • Elliott River • Rocky Pond Creek • Groper Creek • Yellow Gin Creek • Haughton River • Crocodile Creek • Alligator Creek • Ross Creek • Ross River • Bohle River • Cattle Creek • Palm Creek • Damper Creek 	part 10, division 4
Bowling Green Bay (dugong protection area)	the waters within the following boundary— <ul style="list-style-type: none"> • from the northern tip of Cape Cleveland to the northern tip of Cape Bowling Green • along the shore to the northern tip of Cape Cleveland 	part 12
Barramundi Creek	Barramundi Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek near its junction with the channel known as the Short Cut	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Townsville Harbour and Cleveland Bay	<p>1 Townsville Harbour between the following lines—</p> <ul style="list-style-type: none"> • a line between latitude 19°14.587' south and longitude 146°50.014' east (near the tip of the rocks at the western breakwater) and latitude 19°14.569' south and longitude 146°50.130' east (near the eastern tip of the eastern breakwater) • a line between latitude 19°15.009' south and longitude 146°49.740' east (near the landward end of western breakwater of the harbour) and latitude 19°15.017' south and longitude 146°49.084' east <p>2 Cleveland Bay, outside Townsville Harbour, within 400m of the mainland shore at low water and between the following lines—</p> <ul style="list-style-type: none"> • a line running north-east from the point on the shore, near the landward end of the oil tanker berth, where the eastern breakwater of Townsville Harbour meets the rock seawall at the breakwater's landward end • a line running north-east from Kissing Point <p><i>Note—</i> For item 2, the mainland shore—</p> <p>(a) at the harbour entrance, is taken to be a line from the seaward tip of the eastern breakwater to the northern tip of the rocks at the north-eastern end of the western breakwater; and</p> <p>(b) is taken to extend to the seaward tip of any artificial structure on the shore</p>	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Cleveland Bay–Magnetic Island (dugong protection area)	waters within the following boundary and adjoining waterways— <ul style="list-style-type: none"> • from longitude 146°39' east where it intersects the mainland shore to latitude 19°07.87' south where it intersects the coastal 500m line around Magnetic Island • along the coastal 500m line around Magnetic Island to where it intersects longitude 146°49.98' east • to the intersection of the coastal 500m line around Magnetic Island with longitude 146°51.70' east • along the coastal 500m line around Magnetic Island in a south-easterly direction to latitude 19°06.97' south • to the northern tip of Cape Cleveland • along the mainland shore to longitude 146°39' east 	part 11, division 7
Louisa Creek	Louisa Creek (which flows into Dalrymple Bay) and adjoining waterways, upstream of a line between F↑B signs near its banks	part 9, division 2
Rollingstone Creek	waters and adjoining waterways, within the following boundary— <ul style="list-style-type: none"> • from latitude 19°00.13' south, longitude 146°24.02' east to latitude 19°00.05' south, longitude 146°24.30' east to latitude 19°00.18' south, longitude 146°24.62' east • to latitude 19°00.56' south, longitude 146°24.73' east • to latitude 19°00.82' south, longitude 146°24.56' east • along the shore to latitude 19°00.13' south, longitude 146°24.02' east 	part 9, division 2
Yanks Jetty at Orpheus Island	FRW-127	part 4, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Jetties at Dungeness and Lucinda Point	waters under, or within 100m of, each of the public jetties at Dungeness and Lucinda Point	part 7, division 3, subdivision 3
Lucinda to Allingham–Halifax Bay (dugong protection area)	waters within the following boundary— <ul style="list-style-type: none"> • from the western end of the jetty where it intersects the shore of Lucinda Point along the northern side of the jetty to its seaward end to latitude 18°33'32" south, longitude 146°23'28" east • to latitude 18°37'41" south, longitude 146°23'02" east • to latitude 18°42'29" south, longitude 146°21'04" east • along latitude 18°42'29" south where it intersects the mainland shore near Allingham • along the mainland shore to the northern side of the western end of the jetty where it intersects the mainland shore of Lucinda Point 	part 12
Macushla Point to Forkey's Creek (Hinchinbrook Island)	waters within the following boundary— <ul style="list-style-type: none"> • from the point known as Macushla Point, Hinchinbrook Island, along the shore to latitude 18°16'50" south, (about 1km west of the western bank of the creek known as Forkey's Creek) • in a straight line to Macushla Point 	part 10, division 4
Herbert River	waters of the Herbert River and waterways joining it, upstream of the bridge across the river on the Ingham to Halifax-Bemerside Road	part 9, division 2
Gentle Annie Creek	waters within 1km out to sea from the mainland shore between the northern bank of Gentle Annie Creek and a point 1km south along the shore from the creek's southern bank	part 10, division 4

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hinchinbrook Channel (all nets)	waters of Hinchinbrook Channel and waterways joining it between the following lines— <ul style="list-style-type: none"> • a line from latitude 18°31.57' south, longitude 146°20.23' east (Lucinda Point) to latitude 18°29.09' south, longitude 146°19.61' east (George Point) • a line from latitude 18°14.82' south, longitude 146°04.20' east (Hecate Point) to latitude 18°13.94' south, longitude 146°01.08' east (the northern bank of Meunga Creek) 	part 9, division 3
Hinchinbrook Channel (set mesh nets)	waters within the following boundary— <ul style="list-style-type: none"> • from an F↑B sign at Neames Creek's eastern bank at its eastern entrance, along the shore to the eastern bank of Seaforth Channel • north to the shore of Hinchinbrook Island • along Hinchinbrook Island's shore to an F↑B sign at Fisherman Point • to the F↑B sign at Neames Creek's eastern bank at its eastern entrance 	part 10, division 4

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hinchinbrook Island (dugong protection area)	<p>waters within the following boundary and adjoining waterways—</p> <ul style="list-style-type: none"> • from latitude 18°12'54" south where it intersects the mainland shore to latitude 18°08'35" south, longitude 146°09'50" east • to latitude 18°08'31" south where it intersects the coastal 500m line around the Brook Islands • along the coastal 500m line around the Brook Islands to its intersection with longitude 146°18'14" east • to longitude 146°19'05" east where it intersects the coastal 500m line around Eva Island • along that coastal 500m line around Eva Island to its intersection with longitude 146°19'37" east • to the eastern tip of Hillock Point, Hinchinbrook Island • south easterly to the seaward end of the jetty at Lucinda Point • to the western end of the jetty along its northern side where it intersects the mainland shore • along the mainland shore to latitude 18°12'54" south where it intersects the mainland shore 	section 114
Hinchinbrook Channel (fishing apparatus) (area 1)	<p>waters of Hinchinbrook Channel between the following lines—</p> <ul style="list-style-type: none"> • a line from latitude 18°31.57' south, longitude 146°20.23' east (Lucinda Point) to latitude 18°29.09' south, longitude 146°19.61' east (George Point) • a line from latitude 18°14.82' south, longitude 146°04.20' east (Hecate Point) to latitude 18°13.94' south, longitude 146°01.08' east (the northern bank of Meunga Creek) 	part 6, division 4 part 10, division 3

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Hinchinbrook Channel (fishing apparatus) area 2)	<p>Hinchinbrook Channel and waterways joining it, within the following boundary—</p> <ul style="list-style-type: none"> • from an F↑B sign east of Round Hill near the north bank of the unnamed waterway that joins Hinchinbrook Channel (near latitude 18°21.79' south, longitude 146°07.55' east) • to an F↑B sign on Hinchinbrook Island near latitude 18°18.76' south, longitude 146°08.77' east • along the shore to an F↑B sign at Fisherman Point • to an F↑B sign at the eastern bank of Neames Creek (also known as Neames Inlet) • along the shore to the F↑B sign at the base of Round Hill 	part 10, division 3
Nobbies Inlet	Nobbies Inlet and waterways joining it, east of a line running north from a point 200m north-east of the northern bank of Sandy Creek to the northern bank of Nobbies Inlet	part 10, division 4
Mission Bay	waters of Mission Bay south of a line between latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton) and latitude 16°52.27' south, longitude 145°50.89' east (False Cape), and waters flowing into that part of the bay	part 4, division 2
Mission River, Embley River and Hey River	Mission, Embley and Hey Rivers and waterways joining them, upstream of a line from an F↑B sign at Andoomajettie Point to F↑B signs at Kerr Point and Urquhart Point	part 9, division 2
Dunk Island	Dunk Island's western foreshore waters and waters within 400m out to sea from the island's shore at low water, between SF↑B signs at Tappa-ana near the island's south-western tip and Kar-tee at the island's northern tip	part 7, division 3, subdivision 3

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Richards Island	Richards Island's (known as Bedarra Island) western and northern foreshore waters and waters within 400m out to sea from the island's shore at low water, between an SF↑B sign at the point known as Twin Monks Rock on the island's west coast, and an SF↑B sign at the area known as Three Sister Rocks at the island's northern tip	part 7, division 3, subdivision 3
Meunga Creek	Meunga Creek (which flows into Rockingham Bay) and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Victoria Creek	waters within the following boundary— <ul style="list-style-type: none"> • from the northern tip of the sand spit at the southern bank of Victoria Creek, along the shore to a line running north from the northern tip of the sand spit at the creek's southern bank • in a straight line to the northern tip of the sand spit at the southern bank of Victoria Creek 	part 10, division 4
Murray River	Murray River (which flows into Rockingham Bay) and waterways joining it, upstream of a line running west across the river through the northern tip of the island at the banks of Bedford Creek	part 9, division 2
Thompson Point to Flying Fish Point	waters within a boundary from Thompson Point, along the shore to Flying Fish Point (Johnstone River), then in a straight line to Thompson Point	part 10, division 4

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Fitzroy Island–High Island	<p>1 waters around Fitzroy Island within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 16°55.72' south, longitude 145°59.07' east to latitude 16°56.03' south, longitude 145°58.76' east • to latitude 16°56.32' south, longitude 145°58.76' east • to latitude 16°56.81' south, longitude 145°59.30' east • to latitude 16°56.40' south, longitude 146°00.08' east • to latitude 16°55.93' south, longitude 146°00.39' east • to latitude 16°55.70' south, longitude 146°00.38' east • to latitude 16°55.26' south, longitude 146°00.68' east • to latitude 16°55.06' south, longitude 146°00.35' east • to latitude 16°55.24' south, longitude 145°59.43' east • to latitude 16°55.72' south, longitude 145°59.07' east 	section 61

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Fitzroy Island–High Island (continued)	2 waters around High Island within the following boundary— <ul style="list-style-type: none"> • from latitude 17°10.25' south, longitude 146°00.50' east to latitude 17°10.31' south, longitude 146°00.89' east • to latitude 17°10.04' south, longitude 146°00.98' east • to latitude 17°09.73' south, longitude 146°00.92' east • to latitude 17°09.24' south, longitude 146°01.39' east • to latitude 17°08.77' south, longitude 146°00.44' east • to latitude 17°09.17' south, longitude 145°59.93' east • to latitude 17°10.25' south, longitude 146°00.50' east 	section 61
Innisfail (regional waterways)	the following waterways— <ul style="list-style-type: none"> • Meunga Creek • Wreck Creek • Dallachy Creek • Murray River • Tully River • Hull River • Moresby River 	part 10, division 4
Johnstone River	Johnstone River and waterways joining it, upstream of a line, across the river, passing through the western tip of Banana Island and the western tip of the island known as Bergin Island	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Cairns and Port Douglas (regional waterways)	the following waterways — <ul style="list-style-type: none"> • Mulgrave River • Russell River • Mutchero Inlet • Daintree River • Annan River 	part 10, division 4
Centenary Lakes, Cairns	Saltwater Creek, Lily Creek and lakes joining the creeks, between Greenslopes Street and Collins Avenue, Cairns	part 4, division 2
Trinity Inlet	Trinity Inlet and waterways joining it, upstream of a line between Stafford Point and the southern landward end of Marlin Jetty at the entrance to the inlet	part 9, division 2
Trinity Bay	Trinity Bay and waterways joining it, other than Trinity Inlet, between the following lines— <ul style="list-style-type: none"> • a line from Stafford Point to the southern landward end of Marlin Jetty at the entrance to Trinity Inlet; • a line from False Cape to Taylor Point 	part 9, division 2
Russell River, Mulgrave River and Mutchero Inlet	Russell River, Mulgrave River, Mutchero Inlet, and waterways joining the rivers and inlet, upstream of a line between F↑B signs at Flirt Point and Constantine Point	part 9, division 2
South Mitchell River	South Mitchell River and waterways joining it, other than Surprise Creek, between F↑B signs near the river's banks and F↑B signs near its junction with Surprise Creek	part 4, division 2
Barron River area (netting)	Waters within 500m out to sea from the shore between a point 1km north along the shore from the northern bank of the Barron River and a point 1km along the shore from the river's southern bank	part 10, division 4
Barron River (fishing)	Barron River, at the place known as Barron Waters, between F↑B signs on opposite sides of the river near its junction with Stony Creek and near its junction with Camp Oven Creek	part 4, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Port Douglas	waters within the following boundary— <ul style="list-style-type: none"> • from the northern tip of Four Mile Beach (south of Port Douglas) along the shore to latitude 16°29' south • to the eastern tip of Magazine Islet • along the eastern shore of the islet to its northern tip • to 1km north of the islet's northern tip • east to a line running parallel to, and 1km from, the mainland shore • along the line to a line running east from the northern tip of Four Mile Beach • to the northern tip of Four Mile Beach 	part 10, division 4
Mossman River area	waters within 500m out to sea from the shore between a point 1km north along the shore from the Mossman River's northern bank and a point 1km south along the shore from the river's southern bank	part 10, division 4
Daintree River (area 1)	Daintree River and waterways joining it, upstream of a line between F↑B signs near its banks, other than the part of the river downstream of the place commonly called Bailey's Creek barge crossing	part 10, division 3
Daintree River (area 2)	Daintree River downstream of the place commonly called Bailey's Creek barge crossing	part 10, division 3
North of Cape Flattery	river and creek foreshores north of Cape Flattery	part 10, division 3
Bloomfield River	Bloomfield River and waterways joining it, upstream of a line between F↑B signs near its banks	part 9, division 2
Annan River	Annan River and waterways joining it, upstream of a line between F↑B signs on opposite sides of the river about 800m downstream from the bridge across the river on the Cooktown Developmental Road	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142°31.49" east	lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142°31.49" east	part 9, division 3
Cooktown wharf and nearby pontoons	waters under, or within 100m of, the main wharf at Cooktown and any of the pontoons located just upstream of the wharf	part 7, division 3, subdivision 3
Endeavour River area	waters within a boundary from an F↑B sign north of Point Saunders, along the shore to the northern tip of Grassy Hill, then in a straight line to the F↑B sign north of Point Saunders	part 10, division 4
Endeavour River	Endeavour River and waterways joining it, upstream of a line between an F↑B sign about 400m downstream of the No. 1 Public Wharf at Cooktown and an F↑B sign on Sachs Spit about 400m north of Point Saunders (known as St Patrick's Point)	part 9, division 2
Bizant River, Princess Charlotte Bay	(a) German Bar Lagoon; and (b) the waters of the Bizant River from the road crossing known as German Bar downstream for 2km	part 4, division 2
Torres Strait near Hammond Island	waters within the following boundary— <ul style="list-style-type: none"> • from Turtle Head, Hammond Island, to Hammond Rock • to 1n mile east of Menmuir Point, Hammond Island • to the northern tip of Kapuda Island • to Bruce Point, Hammond Island • along the eastern shore of Hammond Island to Turtle Head 	part 4, division 2
Darnley Island	foreshore waters of Darnley Island, Torres Strait west of longitude 143°46'4" east	section 63

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Mitchell River	Mitchell River and waterways joining it, upstream of a line between F↑B signs on opposite sides of the river near the banks of West Mottle Creek	part 9, division 2
North Cape York	<p>waters within the following boundary—</p> <ul style="list-style-type: none"> • from where latitude 10°44.97' south intersects the mainland shore at Fly Point to where longitude 142°37.26' east intersects the southern tip of Albany Island • along the southern and western shore of Albany Island to where latitude 10°42.96' south intersects the shore at the Island's north-western tip • to the navigational light on Eborac Island, approximately at latitude 10°40.95' south and longitude 142°31.96' east • to where longitude 142°24.40' east intersects the northern tip of Possession Island • along the northern and eastern shores of Possession Island to where longitude 142°23.16' east intersects the shore at the Island's southern tip • to the intersection of latitude 10°52.87' south with the eastern shore of Woody Wallis Island • to where longitude 142°06.56' east intersects the northern shore of Crab Island • along the western shore of Crab Island to where longitude 142°06.46' east intersects the shore at the Island's southern tip • to where latitude 10°59.84' south intersects the mainland shore south of Slade Point • along the mainland shore in a northerly and easterly direction to where latitude 10°44.97' south intersects the mainland shore at Fly Point 	section 59

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Gulf of Carpentaria waters	the following waters— <ul style="list-style-type: none"> • the tidal waters west of longitude 142°09' east • the waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore 	part 5, division 3
Port Musgrave and Wenlock River	foreshores and waters within 1km of the western shore of Port Musgrave and the Wenlock River at low water mark between latitude 12°05.92' south and latitude 11°57.96' south	part 10, division 5
Pine River Bay	1 waters of Pine River Bay east of a line between the F↑B sign on the northern shore of the bay and the F↑B sign on the southern shore of the bay 2 waterways that join the waters mentioned in item (1)	section 74 part 9, division 2
Watson River	Watson River and waterways joining it, upstream of the following line— <ul style="list-style-type: none"> • from the river's southern bank to the eastern tip of Long Island • along Long Island's eastern shore to the island's north-eastern tip • north along the shore to a point in line with the public boat ramp at Aurukun • to the public boat ramp at Aurukun 	part 9, division 2
Kirke River	waters of Kirke River, and waterways joining it, east of longitude 141°32' east	part 9, division 2
Chapman River	Chapman River and waterways joining it	part 9, division 2
Chapman River to Moonkan Creek	foreshore waters and waters within 1km out to sea from low water between an F↑B sign about 1km south of the banks of Chapman River and an F↑B sign about 1km north of the banks of Moonkan Creek	part 9, division 2
Moonkan Creek	Moonkan Creek and waterways joining it.	part 9, division 2

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Staaten River	Staaten River and waterways joining it, upstream of the road crossing between Picnic Waterhole and Bayswater Waterhole, near Gailbraith	part 9, division 2
Gilbert River	Gilbert River and waterways joining it, upstream of the road crossing near Goose Lagoon and Mosquito Waterhole	part 9, division 2
Bronco's Creek	Bronco's Creek	part 9, division 2
Norman River (downstream)	<ol style="list-style-type: none"> 1 the part of Norman River downstream of where the Normanton to Karumba water pipeline crosses the river and waterways adjoining that part of the river 2 waters, joining the Norman River, within the following boundary— <ul style="list-style-type: none"> • from the northern bank of Bronco's Creek to the Fairway Beacon • to the eastern bank of the Bynoe River • along the mainland shore to the northern bank of Bronco's Creek 	part 9, division 2
Norman River (upstream)	the part of Norman River upstream of the bridge across the river on the Normanton to Karumba Road and waterways adjoining that part of the river	part 9, division 2
Bynoe River and Little Bynoe River	<ol style="list-style-type: none"> 1 Bynoe River and waterways joining it upstream of a line running north from the eastern bank of Little Bynoe River 2 Little Bynoe River and waterways joining it 	part 9, division 2
Flinders River and Armstrong Creek	<ol style="list-style-type: none"> 1 Flinders River and waterways joining it upstream of a line running east from the northern bank of Armstrong Creek 2 Armstrong Creek and waterways joining it 	part 9, division 2
Nicholson River	Nicholson River and waterways joining it, upstream of the shortest line across the river from its eastern bank at the northern mouth of Gaynor Creek	part 9, division 2

Schedule 1

1	2	3
Name of regulated waters	Description of regulated waters	Regulating provisions for the waters in chapter 2
Gin Arm Creek	Gin Arm Creek and waterways joining it, upstream of the shortest line across the creek from its northern bank at the northern mouth of Wild Horse Creek	part 9, division 2
Wellesley Islands Protected Wildlife Area	waters within the following boundary— <ul style="list-style-type: none"> • from the intersection of longitude 139° east with the mainland shore to latitude 16°15' south, longitude 139° east • to latitude 16°15' south, longitude 140° east • to the intersection of longitude 140° east with the mainland shore • along the shore to longitude 139° east 	part 10, division 5
Elizabeth River (Mornington Island)	Elizabeth River and waterways joining it	part 9, division 2
Sandalwood Place River (Mornington Island)	Sandalwood Place River and waterways joining it	part 9, division 2

Schedule 2 Regulated fish declarations

sections 130(1), 131 to 138 and 141 to 143

Part 1 Preliminary

1 Meaning of symbols used in sch 2

In column 2, for an entry identifying a fish in column 1—

F means the fish is regulated by form; and

G means the fish is regulated by gender or regulated reproductive capacity; and

N means the fish is regulated by number; and

S means the fish is regulated by size; and

V means the fish is regulated by volume; and

W means the fish is regulated by weight.

Part 2 Fish regulated separately

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
Aggassiz's perchlet	N	more than 20	a person taking the fish
Aru gudgeon	N	more than 20	a person taking the fish
Australian bass	N	more than 2	a person taking the fish
	S	less than 30cm	a person taking or possessing the fish
Balmain bug	F	the bug with its carapace damaged or separated from the body	a person possessing the fish on a boat
	F	bug-meat	a person possessing the fish on a boat
	G	an egg bearing female	a person possessing the fish
	G	a female from which the eggs have been removed	a person possessing the fish on a commercial fishing boat
	S	less than 10cm	a person taking or possessing the fish
banded grunter	N	more than 20	a person taking the fish
Barcoo grunter	S	less than 30cm	a person taking or possessing the fish
barking crayfish	G	an egg bearing female	a person possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
barramundi	N	more than 5	a recreational fisher taking the fish
	S	less than 60cm	a person taking or possessing the fish in the Gulf of Carpentaria waters
	S	less than 58cm	a person taking or possessing the fish in the waters other than the Gulf of Carpentaria waters
	S	more than 120cm	a person taking or possessing the fish unless— (a) the person takes and possesses only 1 fish from a prescribed barramundi waterway; and (b) the person is not in possession of the barramundi while the person takes fish in waters, other than a prescribed barramundi waterway
barramundi cod			a person taking the fish
bar-tailed flathead	S	less than 30cm	a person taking or possessing the fish
beachworm or part of a beachworm	N	more than 30	a recreational fisher taking the fish
bêche-de-mer, other than black teatfish	N	more than 5	a recreational fisher taking the fish
Berney's catfish	N	more than 20	a person taking the fish
bigheaded gudgeon	N	more than 20	a person taking the fish
billfish			a person taking the fish for trade or commerce

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
black jewfish	S	less than 60cm and more than 120cm	a person taking or possessing the fish in the Gulf of Carpentaria waters
	S	less than 45cm	a person taking or possessing the fish in the waters other than the Gulf of Carpentaria waters
	N	more than 5 (see also note 1)	a recreational fisher taking the fish in the Gulf of Carpentaria waters
	N S	more than 2 fish of more than 100cm (see also note 1)	a recreational fisher— (a) taking the fish in the Gulf of Carpentaria waters; or (b) possessing the fish taken in contravention of paragraph (a)
	N	more than 10 (see also note 1)	a recreational fisher taking the fish in the waters other than the Gulf of Carpentaria waters
black lipped pearl oyster	S	less than 9cm	a person taking or possessing the fish
black teatfish			a recreational fisher taking the fish
bloodworm or part of a bloodworm	N	more than 50	a recreational fisher taking the fish
Bloomfield River cod			a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
blueclaw crayfish (freshwater yabby)	N	more than 100	a person taking the fish
	G	a female carrying eggs or young	a person taking the fish in the following waters or possessing the fish taken in the waters— <ul style="list-style-type: none"> • Bulloo–Bancannia Drainage Division • Lake Eyre Drainage Division • Murray–Darling Drainage Division • the following river basins in the East Coast Drainage Division— <ul style="list-style-type: none"> • Belyando • Dawson • Isaac
blue swimmer crab	N	more than 100	a person taking the fish— <ol style="list-style-type: none"> (a) for trade or commerce under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’; and (b) in the Moreton Bay (whole) waters or waterways adjoining the waters
	N	more than 500	a person taking the fish for trade or commerce in waters other than the following— <ul style="list-style-type: none"> • Moreton Bay (whole) waters • waterways adjoining the waters mentioned in paragraph (a)
	F	the crab with its carapace separated from the body	a person possessing the fish
	G	female blue swimmer crab	a person taking or possessing the fish
	S	less than 11.5cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
bony bream	N	more than 20	a person taking the fish
broad-barred or grey mackerel	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 50cm	a person taking or possessing the fish
bug	F	the bug with its carapace damaged or separated from the body	a person possessing the fish on a boat
	F	bug-meat	a person possessing the fish on a boat
	G	a female from which the eggs have been removed	a person possessing the fish on a commercial fishing boat
	G	an egg bearing female	a person possessing the fish
	S	less than 7.5cm	a person taking or possessing the fish
bug eyed goby	N	more than 20	a person taking the fish
Cairns rainbowfish	N	more than 20	a person taking the fish
camouflage rockcod	S	less than 50cm or more than 100cm	a person taking or possessing the fish
Celebes goby	N	more than 20	a person taking the fish
chinaman fish			a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
Chinese footballer (blue spot trout)	S	less than 50cm or more than 80cm	a person taking or possessing the fish
	F	the fish in a form other than— (a) whole; or (b) gilled and gutted <i>Note—</i> see also section 151 (Form of regulated coral reef fin fish for extended licensed charter fishing trip)	a person possessing the fish on a boat
clam			a person taking the fish
coal grunter	N	more than 20	a person taking the fish
cobia (black kingfish)	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 75cm	a person taking or possessing the fish
a regulated cod or grouper, other than camouflage rockcod, flowery cod, greasy rockcod or Maori cod	S	less than 38cm	a person taking or possessing the fish
common archer fish	N	more than 20	a person taking the fish
concave goby	N	more than 20	a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
Cooktown salmon (Blue threadfin, blue salmon)	S	less than 40cm	a person taking or possessing the fish
	N	more than 20	a recreational fisher taking the fish in the Gulf of Carpentaria waters
a regulated coral reef fin fish	F	dead fish unless the pectoral fin has been removed from the fish	a recreational fisher possessing the fish on a boat
	F	a form, other than— (a) whole; or (b) gilled and gutted; or (c) filleted <i>Note—</i> see also section 151 (Form of regulated coral reef fin fish for extended licensed charter fishing trip)	a person possessing the fish on a commercial fishing boat subject to the regulated fish declaration under the entry below for filleted regulated coral reef fin fish
	F	filleted <i>Note—</i> see also section 151 (Form of regulated coral reef fin fish for extended licensed charter fishing trip)	a person possessing the fish on a commercial fishing boat unless the fish has been filleted under a filleting permit under the Coral Reef Plan

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
a regulated coral reef fin fish, other than Chinese footballer (blue spot trout)	F	<p>the fish in a form other than—</p> <p>(a) whole; or</p> <p>(b) gilled and gutted</p> <p><i>Note—</i></p> <p>see also section 151 (Form of regulated coral reef fin fish for extended licensed charter fishing trip)</p>	<p>1 a recreational fisher possessing the fish on a boat</p> <p>2 item 1 does not apply to the fish in the form of a fillet if—</p> <p>(a) the fillet is at least 40cm long; and</p> <p>(b) all the skin of the fillet is attached to the fillet</p>
a regulated coral reef fin fish, other than regulated coral trout or sweetlip emperor (red throat emperor)	F	live fish	a recreational fisher possessing the fish on a boat unless the fisher intends to display the fish in an aquarium
a regulated coral trout	F	live fish	a recreational fisher possessing the fish on a boat
a regulated coral trout, other than Chinese footballer (blue spot trout)	S	less than 38cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
crab	F	a claw of a crab separated from the crab's body	a person possessing the crab's claw for trade or commerce or selling the crab's claw unless the person also possesses or has sold— <ul style="list-style-type: none"> (a) the crab's body, including the carapace, intact; and (b) the other claw, if the crab was taken with 2 claws
	F	a claw of a crab separated from the crab's body	a recreational fisher possessing the crab's claw unless the fisher also possesses the crab's body, including the carapace, intact
	F	crab meat	a person possessing the crab meat
crimson seaperch (small mouth nannygai)	S	less than 40cm	a person taking or possessing the fish
cuttlefish	V	more than 0.0612m ³	a person possessing the fish if— <ul style="list-style-type: none"> (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is frozen
	V	more than 66L	a person possessing the fish if— <ul style="list-style-type: none"> (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is not frozen
delicate blue-eye	N	more than 20	a person taking the fish
desert goby	N	more than 20	a person taking the fish
dolphin-fish	S	less than 45cm	a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
dwarf goby	N	more than 20	a person taking the fish
eeltailed catfish	S	less than 35cm	a person taking or possessing the fish
a species of regulated emperor, other than sweetlip emperor (red throat emperor)	N	more than 5 (see also note 2)	a recreational fisher taking the fish
a regulated emperor, other than long-nosed emperor, spangled emperor or sweetlip emperor (red throat emperor)	S	less than 25cm	a person taking or possessing the fish, unless the person— (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
empire gudgeon	N	more than 20	a person taking the fish
estuary cod	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 35cm or more than 120cm	a person taking or possessing the fish
fimbriate gudgeon	N	more than 20	a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
fin fish other than regulated coral reef fin fish	F	the fish with the skin removed <i>Note—</i> see also section 153 (Form of other particular fin fish for extended licensed charter fishing trip)	a recreational fisher possessing the fish on a boat
	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 recreational fisher possessing the fish on a boat
firetail gudgeon	N	more than 20	a person taking the fish
flagtail perchlet	N	more than 20	a person taking the fish
flathead goby	N	more than 20	a person taking the fish
flowery cod	S	less than 50cm or more than 100cm	a person taking or possessing the fish
flyspecked hardyhead	N	more than 20	a person taking the fish
freshwater cod	S	less than 50cm	a person taking or possessing the fish
freshwater eel	S	less than 30cm	a person taking or possessing the fish
freshwater long tom	N	more than 20	a person taking the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
giant trevally	S	less than 35cm	a person— (a) taking the fish in the Gulf of Carpentaria waters; or (b) possessing the fish taken in the Gulf of Carpentaria waters
Gilbert's grunter	N	more than 20	a person taking the fish
golden goby	N	more than 20	a person taking the fish
golden lined whiting	S	less than 23cm	a person taking or possessing the fish
golden perch	N	more than 10	a person taking the fish
	S	less than 30cm	a person taking or possessing the fish
gold lipped pearl oyster	S	less than 13cm or more than 23cm	a person taking the fish
grass sweetlip	S	less than 30cm	a person taking or possessing the fish
greasy rockcod	S	less than 38cm or more than 100cm	a person taking or possessing the fish
great white shark			a person taking or possessing the fish unless the person takes or possesses the fish under an agreement with the State for taking, tagging or disposing of the fish
green snail	W	less than 280g	a person taking the fish
grey nurse shark of the species <i>Odontaspis ferox</i>			a person taking or possessing the fish unless the person takes or possesses the fish under an agreement with the State for taking, tagging or disposing of the fish
helmet shell			a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
hogfish	S	less than 25cm	a person taking or possessing the fish, other than— (a) a person taking the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) a person possessing the fish taken under paragraph (a)
humphead Maori wrasse			a person taking or possessing the fish
hussar (pink hussar)	N	more than 10 (see also note 2)	a recreational fisher taking the fish
	S	less than 25cm	a person taking or possessing the fish
jewel fish	S	less than 45cm	a person taking or possessing the fish
prescribed jobfish	S	less than 38cm	a person taking or possessing the fish
jungle perch			a person taking the fish if the person is in possession of a spotted flagtail
	N	more than 1	a person taking the fish if the prohibition on taking the fish under the regulated fish declaration above does not apply
	S	more than 35cm	a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
king threadfin	S	less than 60cm	a person— (a) taking the fish in the Gulf of Carpentaria waters; or (b) possessing the fish taken in the Gulf of Carpentaria waters
	S	less than 40cm	a person— (a) taking the fish in the waters other than the Gulf of Carpentaria waters; or (b) possessing the fish taken in the waters mentioned in paragraph (a)
	N	more than 5	a recreational fisher taking the fish in the Gulf of Carpentaria waters
Lake's carp gudgeon	N	more than 20	a person taking the fish
large-scale seaperch	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 35cm	a person taking or possessing the fish
leathery grunter	N	more than 20	a person taking the fish
lesser salmon catfish	N	more than 20	a person taking the fish
long-finned eel	S	less than 30cm	a person taking or possessing the fish
long-nosed emperor	S	less than 38cm	a person taking or possessing the fish
Lorentz's grunter	N	more than 20	a person taking the fish
luderick	S	less than 23cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
lungfish			a person taking or possessing the fish
mangrove jack	S	less than 35cm	a person taking or possessing the fish
	N	more than 5	a person taking the fish in the Gulf of Carpentaria waters
mantis shrimp	V	more than 0.0153m ³	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and (b) the fish has been taken in the Moreton Bay (whole) waters or waterways adjoining the waters; and (c) the fish is frozen
	V	more than 15L	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and (b) the fish has been taken in the Moreton Bay (whole) waters or waterways adjoining the waters; and (c) the fish is not frozen
Maori cod	S	less than 45cm	a person taking or possessing the fish
Marjorie’s hardyhead	N	more than 20	a person taking the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
Mary River cod			<p>1 a person taking the fish unless—</p> <p>(a) the person is a recreational fisher and takes only 1 of the fish in waters upstream of the following dams—</p> <ul style="list-style-type: none"> • Bill Gunn • Cressbrook • Hinze • Lake Clarendon • Maroon • Moogerah • North Pine • Somerset • Wivenhoe; and <p>(b) the fish is more than 50cm</p> <p>2 a person possessing the fish unless the fish is taken under item 1(a) and complies with item 1(b)</p>
Midgley's carp gudgeon	N	more than 20	a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
mud crab	F	the crab with its carapace separated from the body	a person possessing the fish
	N	more than 10	a recreational fisher taking the fish
	G	female mud crab	a person taking or possessing the fish
	S	carapace less than 15cm if the carapace is not damaged	a person taking or possessing the fish
	S	body less than 4.6cm if the carapace is damaged	a person taking or possessing the fish
mud flathead	N	more than 5	a recreational fisher taking the fish
	S	less than 40cm or more than 70cm	a person taking or possessing the fish
Mueller's perchlet	N	more than 20	a person taking the fish
Mulgrave goby	N	more than 20	a person taking the fish
mulloway	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 45cm	a person taking or possessing the fish
Murray cod	N	more than 2	a person taking the fish in the waters of the Murray–Darling Drainage Division
	S	less than 60cm or more than 110cm	a person— (a) taking the fish in the waters of the Murray–Darling Drainage Division; or (b) possessing the fish taken in the waters mentioned in paragraph (a)

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
northern bluefin tuna			a person taking the fish for trade or commerce
northern saratoga			a person taking the fish if the person is in possession of a southern saratoga
	N	more than 1	a person taking the fish if the prohibition on taking the fish under the regulated fish declaration above does not apply
	S	less than 50cm	a person taking or possessing the fish
Obbes' catfish	N	more than 20	a person taking the fish
octopus	V	more than 0.0612m ³	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is frozen
	V	more than 66L	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is not frozen
ornate rainbowfish	N	more than 20	a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
oyster			a person taking or possessing the oyster unless— <ul style="list-style-type: none"> (a) the person eats the oyster where the person took it; or (b) the oyster has been grown under an authority or a development approval for prescribed aquaculture development; or (c) the person takes the oyster for trade or commerce under a licence on which is written the fishery symbol 'O'; or (d) possesses the oyster taken under paragraph (c)
Pacific blue-eye	N	more than 20	a person taking the fish
paddletail			a person taking or possessing the fish
painted crayfish	S	carapace less than 90mm and tail less than 115mm	a person taking the fish
a species of regulated parrotfish	N	more than 5 (see also note 2)	a recreational fisher taking the fish
	S	less than 25cm	a person taking or possessing the fish, unless the person— <ul style="list-style-type: none"> (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
pearl perch	N	more than 5 (see also note 1)	a recreational fisher taking the fish
	S	less than 35cm	a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
penny fish	N	more than 20	a person taking the fish
pikey bream	S	less than 23cm	a person taking or possessing the fish
pinkies	V	more than 0.1989m ³	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is frozen
	V	more than 198L	a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and (b) the fish is not frozen
pipefish	N	more than 50	a person taking the fish
poreless gudgeon	N	more than 20	a person taking the fish
potato cod			a person taking the fish
prawn	V	more than 10L	a recreational fisher taking the fish
	F	prawns with the head or other part removed	a recreational fisher possessing the fish
purple spotted gudgeon	N	more than 20	a person taking the fish
queenfish	S	less than 45cm	a person— (a) taking the fish in the Gulf of Carpentaria waters; or (b) possessing the fish taken in the Gulf of Carpentaria waters

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
Queensland grouper			a person taking the fish
Queensland school mackerel	N	more than 10 (see also note 1)	a recreational fisher taking the fish in the Gulf of Carpentaria waters
	N	more than 30 (see also note 1)	a recreational fisher taking the fish in the waters other than the Gulf of Carpentaria waters
	S	less than 50cm	a person taking or possessing the fish
red bass			a person taking or possessing the fish
redbreasted Maori wrasse	S	less than 25cm	a person taking or possessing the fish, unless the person— <ul style="list-style-type: none"> (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
redclaw crayfish	G	a female carrying eggs or young	a person taking the fish in the following waters (<i>redclaw crayfish waters</i>) or possessing the fish taken in the waters— <ul style="list-style-type: none"> <li data-bbox="685 560 1129 620">(a) the Gulf of Carpentaria Drainage Division; or <li data-bbox="685 629 1129 1030">(b) waters within the following river basins in the East Coast Drainage Division— <ul style="list-style-type: none"> <li data-bbox="751 720 1129 802">• Hann (with the reference number 1050 under schedule 8 of the Freshwater Plan) <li data-bbox="751 811 929 842">• Jacky Jacky <li data-bbox="751 851 898 882">• Lockhart <li data-bbox="751 891 915 922">• Normanby <li data-bbox="751 931 859 962">• Olive <li data-bbox="751 971 876 1002">• Pascoe <li data-bbox="751 1011 883 1042">• Stewart
	N	more than 40	a person taking the fish in redclaw crayfish waters
red emperor	S	less than 55cm	a person taking or possessing the fish
red spot crab (three spot crab)	G	egg bearing female	a person taking or possessing the fish
	S	less than 10cm	a person taking or possessing the fish
Rendahl's catfish	N	more than 20	a person taking the fish
reticulated perchlet	N	more than 20	a person taking the fish
river blackfish			a person taking or possessing the fish
roman nose goby	N	more than 20	a person taking the fish
saddletail seaperch (large mouth nannygai)	S	less than 40cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
sailfin perchlet	N	more than 20	a person taking the fish
sand flathead	S	less than 30cm	a person taking or possessing the fish
sand whiting	S	less than 23cm	a person taking or possessing the fish
saucer scallop	N S	more than the threshold percentage of 7% of fish less than 9cm	a person taking, possessing or selling the fish from 8a.m. on 1 January to 8a.m. on 1 May
	N S	more than the threshold percentage of 10% of fish less than 9.5cm	a person taking, possessing or selling the fish from 8a.m. on 1 May to 8a.m. on 1 January
scaleless goby	N	more than 20	a person taking the fish
sea mullet	S	less than 30cm	a person taking or possessing the fish
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	the fin separated from the body of the fish	a person possessing the shark fin on a boat unless the person also possesses on the boat the body of the shark from which the fin was separated
shark mackerel	S	less than 50cm	a person taking or possessing the fish
short-finned eel	S	less than 30cm	a person taking or possessing the fish
shovel nosed catfish	N	more than 20	a person taking the fish
silver jewfish	S	less than 45cm	a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
silver perch			a person taking the fish in the waters of the Paroo River Basin or Warrego River Basin, other than waters on privately owned land that are not part of a waterway
	S	less than 30cm	a person taking or possessing the fish
silver tandan	N	more than 20	a person taking the fish
silver teraglin	S	less than 30cm	a person taking or possessing the fish
sleepy cod	N	more than 20	a person taking the fish
slipper lobster	G	egg bearing slipper lobster	a person taking or possessing the fish
small headed grunter	N	more than 20	a person taking the fish
small spotted grunter bream (grunter)	S	less than 30cm	a person taking or possessing the fish
smelt	N	more than 20	a person taking the fish
snakehead gudgeon	N	more than 20	a person taking the fish
snapper	N	more than 5 (see also note 1)	a recreational fisher taking the fish
	S	less than 35cm	a person taking or possessing the fish
sooty grunter	S	less than 28cm	a person taking or possessing the fish
southern bluefin tuna			a person taking the fish for trade or commerce

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
southern saratoga			a person taking the fish if the person is in possession of a northern saratoga
	N	more than 1	a person taking the fish if the prohibition on taking the fish under the regulated fish declaration above does not apply
	S	less than 50cm	a person taking or possessing the fish
South Pacific eel	S	less than 30cm	a person taking or possessing the fish
spangled emperor	S	less than 45cm	a person taking or possessing the fish
spangled perch	N	more than 20	a person taking the fish
Spanish flag (stripey)	S	less than 25cm	a person taking or possessing the fish
spanish mackerel	F	dead spanish mackerel unless the pectoral fin has been removed from the fish	a recreational fisher possessing the fish on a boat
	N	more than 3 (see also note 1)	a recreational fisher taking the fish
	S	less than 75cm	a person taking or possessing the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
spanner crab	G	an egg-bearing female	a person taking or possessing the fish
	N	more than 20	a recreational fisher taking the fish
	S	a carapace less than 10cm if the carapace is not damaged	a person taking or possessing the fish
	S	a sternite less than 3.7cm if the carapace is separated from the body or damaged	a person taking or possessing the fish
spiny crayfish			a person taking or possessing the fish
spotted blue-eye	N	more than 20	a person taking the fish
spotted flagtail (northern jungle perch)			a person taking the fish if the person is in possession of a jungle perch
	N	more than 1	a person taking the fish if the prohibition on taking the fish under the regulated fish declaration above does not apply
	S	more than 35cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
spotted grunter bream (grunter)	S	less than 40cm	a person taking or possessing the fish in the Gulf of Carpentaria waters
	S	less than 30cm	a person taking or possessing the fish in the waters other than the Gulf of Carpentaria waters
	F	filleted or the head or tail removed	a recreational fisher possessing the fish on a boat in the Gulf of Carpentaria waters
	N	more than 10	a recreational fisher taking the fish in the Gulf of Carpentaria waters or possessing the fish taken in those waters if the fish are whole fish
	N F	more than 20 fillets of the fish	a recreational fisher possessing the fish taken in the Gulf of Carpentaria waters

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
spotted mackerel			<p>a person using a commercial fishing net to take the fish for trade or commerce or possessing the fish taken in that way unless—</p> <ul style="list-style-type: none"> (a) the person did not intend to take the fish; and (b) could not have avoided taking the fish; and (c) does not possess more than 15 of the fish
	N	more than 15	a person taking the fish for trade or commerce if the prescribed commercial catch for spotted mackerel is more than 140t
	N	more than 10 (see also note 1)	a person taking or possessing the fish in the Gulf of Carpentaria waters
	N	more than 5 (see also note 1)	a recreational fisher taking or possessing the fish in the waters other than the Gulf of Carpentaria waters
	S	less than 50cm	a person taking or possessing the fish in the Gulf of Carpentaria waters
	S	less than 60cm	a person taking or possessing the fish in the waters other than the Gulf of Carpentaria waters
square blotch goby	N	more than 20	a person taking the fish
strawman	N	more than 20	a person taking the fish
striped gudgeon	N	more than 20	a person taking the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
a species of regulated surgeonfish	N	more than 5 (see also note 2)	a recreational fisher taking the fish
	S	less than 25cm	a person taking or possessing the fish, unless the person— (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
a species of regulated sweetlip	N	more than 5 (see also note 2)	a recreational fisher taking the fish
	S	less than 25cm	a person taking or possessing the fish, unless the person— (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
sweetlip emperor (red throat emperor)	N	more than 8 (see also note 2)	a recreational fisher taking the fish
	S	less than 38cm	a person taking or possessing the fish
	F	live fish	a recreational fisher possessing the fish on a boat

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
tailor	N	more than 20	a recreational fisher taking the fish
	N	more than 30	a recreational fisher taking the fish if the fish is taken within 400m of the shore of Fraser Island and an inspector is satisfied the fisher took the fish while staying on the island for 3 consecutive days
	S	less than 30cm	a person taking or possessing the fish
	W	more than 100kg	a person taking the fish for trade or commerce if the prescribed commercial catch for tailor is more than 120t
tarwhine	S	less than 23cm	a person taking or possessing the fish
teraglin jew	N	more than 5 (see also note 1)	a recreational fisher taking the fish
	S	less than 38cm	a person taking or possessing the fish
threadfin rainbowfish	N	more than 20	a person taking the fish
triangular shield catfish	N	more than 20	a person taking the fish
tripletail Maori wrasse	S	less than 25cm	a person taking or possessing the fish, unless the person— (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
trochus	S	less than 8cm or more than 12.5cm	a person taking or possessing the fish

Schedule 2

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
a species of regulated tropical snapper or seaperch, other than crimson jobfish (rosy jobfish), crimson seaperch (small mouth nannygai), hussar (pink hussar), lavender jobfish, paddletail, red bass or saddletail seaperch (large mouth nannygai)	N	more than 5 (see also note 2)	a recreational fisher taking the fish
regulated tropical snapper or seaperch, other than a prescribed jobfish, chinaman fish, crimson seaperch (small mouth nannygai, paddletail, red bass, red emperor, saddletail seaperch (large mouth nannygai) or Spanish flag stripey	S	less than 25cm	a person taking or possessing the fish, unless the person— (a) takes the fish for trade or commerce under a licence on which is written the fishery symbol 'A1' or 'A2'; or (b) possesses the fish taken under paragraph (a)
tropical spiny rock lobster	G	egg bearing or tar spot tropical spiny rock lobster	a person taking or possessing the fish
trout gudgeon	N	more than 20	a person taking the fish
trumpet shell			a person taking the fish

1	2	3	4
Regulated fish		Regulated form, gender, number, size, volume or weight of fish	Regulated persons and prohibited activities involving regulated fish
wahoo	N	more than 10 (see also note 1)	a recreational fisher taking the fish
	S	less than 75cm	a person taking or possessing the fish
Welch's grunter	S	less than 30cm	a person taking or possessing the fish
western carp gudgeon	N	more than 20	a person taking the fish
a species of regulated wrasse, other than anchor tuskfish, blackspot tuskfish, blue tuskfish, grass tuskfish (purple tuskfish), humphead Maori wrasse or Venus tuskfish	N	more than 5 (see also note 2)	a recreational fisher taking the fish
a species of regulated wrasse, other than hogfish, redbreasted Maori wrasse or tripletail Maori wrasse	S	less than 30cm	a person taking or possessing the fish
yellow-finned bream	S	less than 23cm	a person taking or possessing the fish
yellowfin perchlet	N	more than 20	a person taking the fish
yellowtail king-fish	S	less than 50cm	a person taking or possessing the fish

Part 3 Fish regulated by number separately and in combination

1	2	3	4
Regulated fish		Regulated number of fish	Regulated persons and prohibited activities involving regulated fish
albacore tuna, fanfish, longtail tuna, pomfret or skipjack tuna or any combination of these fish	N	more than 10	a person taking the fish for trade or commerce
anchor tuskfish, blackspot tuskfish, blue tuskfish, grass tuskfish (purple tuskfish) or Venus tuskfish or a combination of these fish	N	more than 6 (see also note 2)	a recreational fisher taking the fish
banded rainbowfish, black banded rainbowfish, chequered rainbowfish, crimson spotted rainbowfish, desert rainbowfish, Duboulay's rainbowfish, eastern rainbowfish, Lake Eacham rainbowfish and McCulloch's rainbowfish or any combination of these fish	N	more than 50	a person taking the fish
Barcoo grunter or silver perch or Welch's grunter or any combination of these fish	N	more than 5	a person taking the fish
bigeye tuna or yellowfin tuna or a combination of these fish	N	more than 2	a person taking the fish for trade or commerce
bivalve mollusc or gastropod (other than oysters) or a combination of these fish	N	more than 50	a recreational fisher taking the fish
catfish (with eel like tails) in the genera <i>Neosilurooides</i> , <i>Neosilurus</i> or <i>Tandanus</i> or a combination of any fish in any of the genera	N	more than 5	a person taking the fish

1	2	3	4
Regulated fish		Regulated number of fish	Regulated persons and prohibited activities involving regulated fish
fish of a species of cherabin or any combination of fish of these species	N	more than 10	a person taking the fish
a particular regulated cod or grouper or any combination of regulated cod or grouper	N	more than 5 (see also note 2)	a recreational fisher taking the fish
a particular regulated coral trout or any combination of regulated coral trout	N	more than 7 (see also note 2)	a recreational fisher taking the fish
crimson jobfish (rosy jobfish) or lavender jobfish or any combination of these fish	N	more than 8 (see also note 2)	a recreational fisher taking the fish
crimson seaperch (small mouth nannygai) or saddletail seaperch (large mouth nannygai) or any combination of these fish	N	more than 9 (see also note 2)	a recreational fisher taking the fish
khaki bream or sooty grunter or a combination of these fish	N	more than 10	a person taking the fish
long-finned eel, short-finned eel or South Pacific eel or any combination of these fish	N	more than 10	a recreational fisher taking the fish

Notes—

- 1 The regulated number of the fish is subject to section 152 (Extended number for other particular fin fish).
- 2 The regulated number of the fish is subject to section 150 (Extended number for regulated coral reef fin fish). Also, see chapter 3, part 4, division 1 (Declaration and regulation of total number of regulated coral reef fin fish).

Schedule 3 Declared fish habitat areas

sections 615(1), 616, 617(1) and 619(1)

Part 1 Areas including particular tidal land

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from, and other information about the boundary of, the declared fish habitat area
Cape Palmerston 015-043A	
Carmila 033-025A	
Corio Bay 015-017A	
Eight Mile Creek 015-051A	
Escape River 015-037A	
Marion 033-024A	
Morning Inlet-Bynoe River 015-052A	<p>A boundary for the Bynoe or Flinders River shown on the fish habitat area plan for the declared fish habitat area as a point is the shortest line across the river at the point.</p> <p>A distance in metres at a point on the plan is measured for half the distance along the shore on either side of the point.</p>
Nassau River 015-054A	
Princess Charlotte Bay 015-035A	
Rocky Dam 033-023A	

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from, and other information about the boundary of, the declared fish habitat area
Silver Plains 015-034A	
Staaten-Gilbert 015-053A	<p>A boundary for the Staaten River or Vanrook Creek shown on the fish habitat area plan for the declared fish habitat area as a point is the shortest line across the river or creek at the point.</p> <p>A distance in metres at a point on the plan is measured for half the distance along the shore on either side of the point.</p>
Susan River 015-048A	<p>The declared fish habitat area excludes the tidal area from the shore to the midstream line of the Susan River between points on the shore 100m either side of lot 59 on RP 145808 County of March, Parish of Bingham.</p> <p>In the Mary River, the area's boundary runs parallel to, and 100m to the north of, the centre-line of the navigation channel.</p>
Temple Bay 015-038A	
West Hill 015-044A	

Part 2 Areas within outer boundaries on fish habitat area plans

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Annan River FHA-049	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land and waters of lot 68 on plan BS87 • the esplanade adjacent to lot 253 on plan BK15762 that is within the outer boundary shown on the plan. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the area 80m upstream and downstream from the centre line of the new Cooktown Development Road Bridge that crosses the river • the area under, and within, 50m of the boat ramp on the northern side of Annan River • the road adjacent to lot 29 on CP896317.
Baffle Creek FHA-031	<p>The declared fish habitat area includes the tidal land within conservation parks on lot 511 on plan NPW571 and lot 154 on plan FD752.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 73 on plan FD391 • lot 46 on plan FD268 • lot 85 on plan FD963 • lot 87 on plan FD963 • lot 114 on plan FD1124 • lot 115 on plan FD1124 • the area 50m either side of the line that links the closest points of lot 3 on RP90442 and lot 81 on plan FD485 • the area 50m upstream and 50m downstream from the line joining the centres of Ferry Road and Boat Ramp Road across Baffle Creek • the area 50m upstream and 50m downstream from the middle of the existing bridge on Hills Road that crosses Oyster Creek • the area 50m upstream and 50m downstream from the middle of the existing causeway on Taunton Road that crosses Oyster Creek.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Barr Creek FHA-035	The declared fish habitat area includes the following— <ul style="list-style-type: none"> • lot 147 on plan NR4789 • lot 49 on plan N157300.
Bassett Basin FHA-044 (Revision 1)	The declared fish habitat area includes the following— <ul style="list-style-type: none"> • lot 102 on SP115933 • tidal lands on lot 284 on CI4227, lot 115 on CI4228 and lot 329 on RP893174. The declared fish habitat area excludes the following— <ul style="list-style-type: none"> • lots 593 and 594 on plan CI3002 • lot 265 on plan CI3220.
Beelbi FHA-030 (Revision 1)	The declared fish habitat area excludes the part of lot 25 on plan NPW541 that is not tidal land.
Bohle River FHA-027	The declared fish habitat area includes the tidal land on the following— <ul style="list-style-type: none"> • lot 69 on plan EP2023 • lot 474 on plan OL357. The declared fish habitat area excludes the part of lot 505 on plan NPW529 that is not tidal land.
Bowling Green Bay FHA-007	The declared fish habitat area excludes land within the following lots that is not tidal land— <ul style="list-style-type: none"> • lot 2 on plan VCL38596 (Bray Islet) • lot 3 on plan VCL38596 (Bare Islet) • lots 4 to 7 on plan VCL38596 (Bald Islet) • lot 1 on plan VCL38321 (Sand Island).
Broad Sound FHA-047	The declared fish habitat area excludes the area within 5m either side of the shortest line between lot 13 on plan MC108 and lot 5 on RP889520 at either end of the corridor as shown on the fish habitat area plan for the declared fish habitat area.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Burdekin FHA-005	<p>The declared fish habitat area includes the part of lot 2727 on plan PH1250 that is within the outer boundary shown on the plan.</p> <p>The declared fish habitat area excludes the areas under or within 50m of the boat ramps at the following places—</p> <ul style="list-style-type: none"> • the northern side of Ocean Creek • the northern side of Plantation Creek • the northern side of Hell Hole Creek • the southern side of Groper Creek • the eastern side of Yellow Gin Creek • Wallace’s Landing on the western side of Yellow Gin Creek • the eastern side of Molongle Creek.
Burrum FHA-029	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 20 on plan CK3227 • lot 75 on plan CK3132. <p>The declared fish habitat area excludes the parts of lots 53 and 65 on plan C37398 that are not tidal land.</p>
Cattle Creek FHA-026	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 479 on plan OL223 • the part of the Cattle Creek Esplanade between Sinclair Road and the prolongation of the south-western boundary of lot 10 on plan CAR124284. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the part of lot 123 on plan NPW597 that is within the outer boundary shown on the plan • Bridges Road.
Cawarral Creek FHA-050	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the area within 30m of the centre line of the trunk water main shown on the plan • the area under, or within 50m of, the boat ramp on the northern side of Cawarral Creek • the area under, or within 50m of, the boat ramp on the southern side of Cawarral Creek • the esplanade adjacent to lot 5 on plan LN1927.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Cleveland Bay FHA-071	The declared fish habitat area includes lot 66 on EP1755.
Colosseum Inlet FHA-037	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land of the part of lot 4 on plan FD841442 that is within the outer boundary shown on the plan • lots 5, 6, 9 and 11 on plan FD841442 • lot 10 on plan FD841442 other than the part of the lot that is described on the plan as 'Exclusion Area'. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 697 on plan NPW443 and the esplanades surrounding the lot • the esplanade along the eastern boundary of lot 21 on SP114462 and the south-eastern boundary of lot 4450 on plan PH2277 • lot 1 on USL43258.
Coombabah FHA-016	
Coomera FHA-023	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the part of lot 91 on plan WD3199 that is within the outer boundary shown on the plan • the tidal land on the part of lot 84 on plan WD814529 that is within the outer boundary shown on the plan.
Currumbin Creek FHA-020	The declared fish habitat area includes lots 260 and 261 on plan WD5078.
Dallachy Creek FHA-042	The declared fish habitat area excludes the part of lot 771 on plan NPW437 that is not tidal land.
Deception Bay FHA-013	
Edgecumbe Bay FHA-069	

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Elliott River FHA-052	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 192 on plan CK2206 • the part of the esplanade adjoining the southern and eastern boundaries of lot 192 on plan CK2206 that is within the outer boundary shown on the plan • the part of the esplanade adjoining the eastern boundaries of lot 11 on RP171643, lot 7 on RP909282 and lot 8 on RP93267, that is within the outer boundary shown on the plan. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 21 on plan C371349 • the area within 15m of the centre line of the water supply pipeline between Elliott Heads and Riverview.
Eurimbula FHA-038	<p>The declared fish habitat area excludes the land within lot 35 on plan NPW865 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.</p>
Fitzroy River FHA-072	
Fraser Island FHA-053	
Half Moon Creek FHA-033	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 34 on SP113641 • the part of lot 50 on plan USL9567 that is within the outer boundary shown on the plan.
Halifax FHA-024	<p>The declared fish habitat area includes the part of lot 408 on CP91644 that is within the outer boundary shown on the plan.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the parts of lot 15 on plan USL39609 and lot 72 on plan CWL1870 that are not tidal land • Halifax-Lucinda Point Road • Gentle Annie Creek Road • the small parcels shown and described on the plan as 'area A'.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Hay's Inlet FHA-012	The declared fish habitat area excludes the following— <ul style="list-style-type: none"> • the area (the <i>excluded area</i>) of Hay's Inlet between the prolongation across the inlet of the northern and southern boundaries of lot 23 on RP210075 • the area within 20m of the excluded area.
Hinchinbrook FHA-028	The declared fish habitat area includes the following— <ul style="list-style-type: none"> • lot 1 on plan CWL1111 • lot 165 on plan CWL3150 • the part of lot 18 on plan NPW529 within the outer boundary shown on the plan.
Hull River FHA-046	The declared fish habitat area excludes the land within lot 113 on plan NPW631 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
<p>Jumpinpin–Broadwater FHA–021</p>	<p>The declared fish habitat area includes the following—</p> <p>(a) the esplanade surrounding lot 4 on plan WD2140;</p> <p>(b) the following lots—</p> <ul style="list-style-type: none"> • lot 6 on plan WD2107 • lot 4 on plan WD2140 • lot 10 on plan WD3007; <p>(c) the parts of the following lots that are within the outer boundary shown on the plan—</p> <ul style="list-style-type: none"> • lot 91 on plan WD3199 • lots 273 to 275 on plan WD131 • lots 264 and 266 on plan WD132 • lot 17 on plan SL8399 • lot 262 on plan W31252 • lot 271 on plan WD3598. <p>The declared fish habitat area excludes—</p> <p>(a) the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> • lot 408 on plan NPW645 • lot 1 on plan USL32128 • lot 3 on plan USL32129; and <p>(b) the following—</p> <ul style="list-style-type: none"> • lot 21 on W31475 • lots 243, 244 and 245 on plan WD31330 • lot 1 on plan AP7164 • the small parcels shown and described on the plan as ‘area A’ • the area, identified on the plan as ‘Exclusion for Access’, with a width of 50m and a length of 160m, running from the most northern tip of lot 10 on plan WD3007 along the north-eastern boundary of the lot.
<p>Kauri Creek FHA–055</p>	

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Kinkuna FHA-002	The declared fish habitat area excludes the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.
Kippa-Ring FHA-014	
Kolan River FHA-032	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land on lot 49 on CP844223 within the outer boundary shown on the fish habitat area plan for the area • lot 189 on plan CK3500. <p>The declared fish habitat excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> • lot 10 on plan USL43099 • lot 12 on plan USL43095 • lots 17, 19, 20 and 26 on plan USL38977 • lot 27 on plan USL43085 • lot 59 on CP892216 • lot 66 on plan CK2294 • lot 90 on plan C37415.
Maaroom FHA-056	
Margaret Bay (Wuthathi) FHA-070 (Revision 1)	
Maroochy FHA-008	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the parts of the road and esplanade that are north of Channel Island and within the outer boundary shown on the plan • the tidal land on lot 721 on plan CG5072 (Chambers Island).
Meunga Creek FHA-040	
Midge FHA-001	The declared fish habitat area excludes land on Gould Island, Midge Island, Cave Island and Pigeon Island, that is not tidal land.
Moreton Banks FHA-015	

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Murray River FHA-009	
Myora-Amity Banks FHA-017	The declared fish habitat area includes lot 152 on plan SL806436.
Noosa River FHA-051 (Revision 2)	<p>The declared fish habitat area includes the tidal land within the following lots—</p> <ul style="list-style-type: none"> • lot 35 on plan MCH4795 • lots 140 and 144 to 148 on plan MCH4796 • lot 168 on CP849516 • lot 307 on plan MCH4551 • lots 34 and 35 on plan MCH5214. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lots 55 and 386 on plan MCH1667 • the land within lot 21 on plan NPW659 and lot 3 on plan USL30873 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.
Palm Creek FHA-025	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lots 181 and 384 on plan CWL3001 • the bed and banks of the waterway on the part of lot 382 on SP136985 that is within the outer boundary shown on the plan.
Peel Island FHA-010	The declared fish habitat area excludes land within lot 12 on plan VCL32998 that is not tidal land.
Pimpama FHA-022	The declared fish habitat area includes lots 88 and 89 on plan WD6507.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Pumicestone Channel FHA-011	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area • the area at Ningi within 50m of the outer boundary, between the eastern boundary of lot 9 on RP161631 and the outer boundary shown on the plan as ‘208°abt880m’ • the area at Toorbul within 50m of the outer boundary, between the northern prolongation of the western side of Freeman Road and the eastern prolongation of the southern side of Karissma Drive • the area at Donnybrook within 50m of the outer boundary, between a prolongation of the eastern boundary of lot 39 on plan C31845 and a prolongation of the northern-most boundary of lot 3 on RP132579 • the area at Roys within the low water mark and the outer boundary, between 2 lines drawn parallel to and 500m either side of a prolongation of the western boundary of lot 2 on RP98188.
Repulse FHA-004	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area • the area within 200m of the outer boundary, between 200m north and 200m south of the main building of the Newry Island Resort on Newry Island • the area between the outer boundary and the midstream line of Victor Creek and points 200m either side of the boat ramp (near Seaforth) marked ‘A’ on the plan • the area within 200m of a line running north-west from the northernmost point of Skull Knob to the nearest point of the outer boundary then along the outer boundary at St. Helens Beach to a point 1km west of Carpet Snake Point.
Rodds Harbour FHA-036	
Sand Bay FHA-006	

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Seventeen Seventy–Round Hill FHA–018	
Starcke River (Ngulun) FHA–068	<p>The declared fish habitat area includes the land within lot 18 on SP104580 that is tidal land within the outer boundary shown on the fish habitat area plan for the area.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 7 on CP892329 • the 150m x 350m area at the mouth of the Starcke River shown and described on the plan as ‘Future Exclusion Area’.
Tallebudgera Creek FHA–019	The declared fish habitat area includes lot 94 on plan WD6256.
Tin Can Inlet FHA–064	
Trinity Inlet FHA–003 (Revision 2)	<p>The declared fish habitat area includes the following—</p> <p>(a) the following lots—</p> <ul style="list-style-type: none"> • lots 1 to 4 on plan C19823 • lot 51 on plan NR3159 • lot 92 on plan NR3051 • lot 155 on plan NR4561 • lot 153 on plan NR4373 • lot 36 on plan AP7416; <p>(b) the parts of the following lots that are within the outer boundary shown on the plan—</p> <ul style="list-style-type: none"> • lot 1 on RP736304 • lots 40, 41 and 771 on SP113657 • lot 14 on SP122867 • lot 2 on plan AP3510 • lot 12 on plan AP3442 • lot 146 on SP129134 • lot 45 on plan AP3448.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Trinity Inlet FHA-003 (Revision 2) (continued)	<p>The declared fish habitat area excludes—</p> <p>(a) the following—</p> <ul style="list-style-type: none"> • lot 1 on RP783634 • lot 1 on PER 5481 • the area within 10m of the centreline of the vehicular track from Airport Avenue to the Sand Stockpile on lot 1 on RP736304 • the Sand Stockpile on lot 1 on RP736304 • the area within 10m of the centre line of the vehicular track that crosses lot 151 on NR4172; and <p>(b) the following esplanades—</p> <ul style="list-style-type: none"> • the esplanade adjacent to lot 1 on RP736304 and Airport Avenue • the esplanade on the northern side of Pine Creek • the esplanade adjacent to lot 34 on plan USL9876 • the esplanade adjacent to lot 36 on plan AP7416 • the esplanade adjacent to part of lot 111 on plan NR7962 • the esplanade adjacent to lot 158 on plan NR5877; and <p>(c) the following roads—</p> <ul style="list-style-type: none"> • the roads surrounding Mackay Creek • the roads on the eastern and southern sides of Simmonds Creek • the road on the eastern side of Middle Creek.
Tully River FHA-045	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lots 116 on plan CWL2112 • that part of lot 234 on plan CWL1830 within the outer boundary show on the fish habitat area plan for the area.
Wreck Creek FHA-041	<p>The declared fish habitat area excludes the lands that are not tidal on lot 771 on plan NPW437 within the outer boundary shown on the fish habitat area plan for the area.</p>
Yorkey's Creek FHA-034	

Schedule 4 Declared diseases

section 622(1)

Part 1 Bacteria

bacterial kidney disease (*Renibacterium salmoninarum*)

enteric redmouth disease (*Yersinia ruckeri* Hagerman strain)

enteric septicaemia of catfish (*Edwardsiella ictaluri*)

furunculosis (*Aeromonas salmonicida* subsp *salmonicida*)

necrotising hepatopancreatitis

piscirickettsiosis (*Piscirickettsia salmonis*)

withering syndrome of abalone (*Candidatus* enohaliotis californiensis)

Part 2 Fungi

crayfish plague (*Aphanomyces astaci*)

Part 3 Parasites

bonamiosis (*Bonamia exitosus*)

bonamiosis (*Bonamia ostrea*)

bonamiosis (*Bonamia* sp.)

gyrodactylosis (*Gyrodactylus salaris*)

marteiliosis (*Marteilia refringens*)

mikrocytosis (*Mikrocytos mackini*)
MSX disease (*Haplosporidium nelsoni*)
perkinsosis (*Perkinsus marinus*)
SSO disease (*Haplosporidium costale*)
whirling disease (*Myxobolus cerebralis*)

Part 4 Pests

Asian bag mussel (*Musculista senhousia*)
Asian green mussel (*Perna viridis*)

Part 5 Viruses

akoya oyster disease
baculoviral midgut gland necrosis virus
channel catfish virus disease (CCVD)
epizootic haematopoietic necrosis virus (EHN)
infectious haematopoietic necrosis virus (IHN)
infectious hypodermal and hematopoietic necrosis virus (IHHNV)
infectious pancreatic necrosis virus (IPN)
infectious salmon anaemia virus (ISA)
iridovirosis
Oncorhynchus masou virus (OMV)
red sea bream iridoviral disease
spring viraemia of carp virus (SVC)

taura syndrome virus

tetrahedral baculovirosis (*Baculovirus penaei*)

viral haemorrhagic septicaemia virus (VHS)

Schedule 5 Glossary of scientific names for particular coral reef fin fish species

section 6(1), schedule 11, definitions *regulated cod or groper*, *regulated coral reef fin fish*, *regulated coral trout*, *regulated emperor*, *regulated parrotfish*, *regulated surgeonfish*, *regulated sweetlip*, *regulated tropical snapper or seaperch* and *regulated wrasse*

Part 1 Particular cods and groupers

column 1

Common name

areolate rockcod
barramundi cod
bar rockcod
blacksaddle rockcod
black-tipped rockcod
blue-lined rockcod
blue Maori
blue-spotted rockcod
brown-barred rockcod
camouflage rockcod
Chinaman rockcod
comet grouper
coral cod
coral rockcod
dothead rockcod
dwarf spotted rockcod (wire netting
rockcod)
eight bar grouper
flagtail rockcod

column 2

Scientific name

Epinephelus areolatus
Cromileptes altivelis
Epinephelus ergastularius
Epinephelus howlandi
Epinephelus fasciatus
Cephalopholis formosa
Epinephelus cyanopodus
Cephalopholis cyanostigma
Cephalopholis boenak
Epinephelus polyphekadion
Epinephelus rivulatus
Epinephelus morrhua
Cephalopholis miniata
Epinephelus corallicola
Cephalopholis microprion
Epinephelus merra
Epinephelus octofasciatus
Cephalopholis urodeta

column 1

Common name

flowery cod
 four-saddle rockcod
 greasy rockcod
 hapuku

 hexagon rockcod
 leopard rockcod
 longfin rockcod (honeycomb rockcod)
 Maori cod
 oblique-banded grouper
 peacock rockcod
 potato cod
 Queensland grouper
 redmouth rockcod
 six bar rockcod
 six spot rockcod
 snubnose rockcod
 speckled-fin rockcod
 speckled grouper
 strawberry rockcod
 thinspine rockcod
 tomato rockcod
 trout cod
 white-lined rockcod
 white-spotted rockcod

column 2

Scientific name

Epinephelus fuscoguttatus
Epinephelus spilotoceps
Epinephelus tauvina
Polyprion americanus and Polyprion oxygeneios

Epinephelus hexagonatus
Cephalopholis leopardus

Epinephelus quoyanus
Epinephelus undulatostratus
Epinephelus radiatus
Cephalopholis argus
Epinephelus tukula
Epinephelus lanceolatus
Aethaloperca rogaa
Epinephelus sexfasciatus
Cephalopholis sexmaculata
Epinephelus macrospilos
Epinephelus ongus
Epinephelus magniscuttis
Cephalopholis spiloparaea
Gracila albomarginata
Cephalopholis sonnerati
Epinephelus maculatus
Anyperodon leucogrammicus
Epinephelus caeruleopunctatus

Part 2 Particular coral trout

column 1 Common name	column 2 Scientific name
barred-cheek coral trout	<i>Plectropomus maculatus</i>
Chinese footballer (blue spot trout)	<i>Plectropomus laevis</i>
coral trout (leopard trout)	<i>Plectropomus leopardus</i>
coronation trout	<i>Variola louti</i>
highfin coral trout	<i>Plectropomus oligacanthus</i>
lyretail trout	<i>Variola albimarginata</i>
squaretail coral trout (passionfruit trout)	<i>Plectropomus areolatus</i>

Part 3 Particular emperors

column 1 Common name	column 2 Scientific name
big-eye bream	<i>Monotaxis grandoculis</i>
collared sea bream	<i>Gymnocranius audleyi</i>
gold-lined sea bream	<i>Gnathodentex aureolineatus</i>
Japanese sea bream	<i>Gymnocranius euanus</i>
lancer	<i>Lethrinus genivittatus</i>
long-nosed emperor	<i>Lethrinus olivaceus</i>
miscellaneous emperor, other than grass emperor (grass sweetlip)	<i>Lethrinus spp., other than Lethrinus laticaudis</i>
Mozambique large-eye bream	<i>Wattsia mossambica</i>
orange-striped emperor	<i>Lethrinus obsoletus</i>
pink-eared emperor	<i>Lethrinus lentjan</i>
red-eared emperor	<i>Lethrinus rubrioperculatus</i>

column 1	column 2
Common name	Scientific name
red throat emperor—see entry for sweetlip emperor (red throat emperor)	
Robinson's sea bream	<i>Gymnocranius grandoculis</i>
spangled emperor	<i>Lethrinus nebulosus</i>
spotted sea bream	<i>Gymnocranius</i> spp.
sweetlip emperor (red throat emperor)	<i>Lethrinus miniatus</i>
thumbprint emperor	<i>Lethrinus harak</i>
variegated emperor	<i>Lethrinus variegatus</i>
yellowlip emperor	<i>Lethrinus xanthochilus</i>
yellow-spotted emperor	<i>Lethrinus erythracanthus</i>
yellow-striped emperor	<i>Lethrinus ornatus</i>
yellow-tailed emperor	<i>Lethrinus atkinsoni</i>

Part 4 Fusiliers

column 1	column 2
Common name	Scientific name
fusiliers	<i>Caesio</i> spp. / <i>Pterocaesio</i> spp.

Part 5 Particular parrotfish

column 1

Common name

bicolour parrotfish
bumphead parrotfish
miscellaneous parrotfish

column 2

Scientific name

Cetoscarus bicolor
Bolbometopon muricatum
Calotomus spp., *Chlorurus* spp.,
Hipposcarus spp., *Leptoscarus* spp.
and *Scarus* spp.

Part 6 Particular surgeonfish

column 1

Common name

surgeonfishes

unicornfish

column 2

Scientific name

Acanthurus spp. and *Ctenochaetus*
spp.
Naso spp. and *Prionurus* spp.

Part 7 Particular sweetlips

column 1

Common name

miscellaneous sweetlips
painted sweetlips (slaty bream)

column 2

Scientific name

Plectorhinchus spp.
Diagramma spp.

Part 8 Particular tropical snappers and seaperches

column 1	column 2
Common name	Scientific name
bigeye seaperch	<i>Lutjanus lutjanus</i>
black and white seaperch	<i>Macolor niger</i>
black-spot snapper	<i>Lutjanus fulviflamma</i>
bluestripe seaperch	<i>Lutjanus kasmira</i>
brownstripe seaperch (brown hussar)	<i>Lutjanus vitta</i>
Chinamanfish	<i>Symphorus nematophorus</i>
crimson jobfish (rosy jobfish)	<i>Pristipomoides filamentosus</i>
crimson seaperch (small mouth nannygai)	<i>Lutjanus erythropterus</i>
dark-tailed seaperch	<i>Lutjanus lemniscatus</i>
five-lined seaperch	<i>Lutjanus quinquelineatus</i>
flame snapper	<i>Etelis coruscans</i>
goldband snapper	<i>Pristipomoides multidentis and Pristipomoides typus</i>
green jobfish	<i>Aprion virescens</i>
hussar (pink hussar)	<i>Lutjanus adetii</i>
lavender jobfish	<i>Pristipomoides sieboldii</i>
Maori seaperch	<i>Lutjanus rivulatus</i>
midnight seaperch	<i>Macolor macularis</i>
miscellaneous jobfishes	<i>Aphareus</i> spp., <i>Etelis</i> spp., <i>Parapristipomoides</i> spp., and <i>Pristipomoides</i> spp.
miscellaneous seaperches, other than mangrove jack and large-scale seaperch (fingermark)	<i>Lutjanus</i> spp., other than <i>Lutjanus argentimaculatus</i> and <i>Lutjanus johni</i> , and <i>Paracaesio</i> spp.
Moses perch	<i>Lutjanus russelli</i>
onespot seaperch	<i>Lutjanus monostigma</i>

column 1	column 2
Common name	Scientific name
paddletail	<i>Lutjanus gibbus</i>
red bass	<i>Lutjanus bohar</i>
red emperor	<i>Lutjanus sebae</i>
ruby snapper	<i>Etelis carbunculus</i>
saddletail seaperch (large mouth nannygai)	<i>Lutjanus malabaricus</i>
sailfin snapper	<i>Symphoricichthys spilurus</i>
small-toothed jobfish	<i>Aphareus furca</i>
Spanish flag (stripey)	<i>Lutjanus carponotatus</i>
yellow-margined seaperch	<i>Lutjanus fulvus</i>

Part 9 Particular wrasses

column 1	column 2
Common name	Scientific name
anchor tuskfish	<i>Choerodon anchorago</i>
blackspot tuskfish	<i>Choerodon schoenleinii</i>
blue tuskfish	<i>Choerodon cyanodus</i>
grass tuskfish (purple tuskfish)	<i>Choerodon cephalotes</i>
hogfish	<i>Bodianus</i> spp.
humphead Maori wrasse	<i>Cheilinus undulatus</i>
redbreasted Maori wrasse	<i>Cheilinus fasciatus</i>
triple tail Maori wrasse	<i>Cheilinus trilobatus</i>
Venus tuskfish	<i>Choerodon venustus</i>

Schedule 6 Glossary of scientific names for particular fish other than regulated coral reef fin fish

sections 6(2), 152(2), 623(1), 624(2) and 638(3)

Part 1 Noxious fish

column 1	column 2
Common name	Scientific name
airbreathing catfish (or walking catfish)	<i>family Clariidae</i>
bluegill	<i>Lepomis spp.</i>
candiru or parasitic or pencil catfish	<i>Family Trichomycteridae</i>
carp	<i>Cyprinus carpio</i> fish of the family <i>Characidae</i> (subfamily <i>Serrasalminae</i>), other than <i>Metynnis spp.</i> and <i>Myleus</i> <i>rubripinnis</i>
Chinese weatherfish (weatherloach)	<i>Misgurnus anguillicaudatus</i>
climbing perch	<i>Anabas testudineus</i>
electric eel	<i>Electrophorus electricus</i>
gambusia or mosquitofish	<i>Gambusia spp.</i>
grass carp	<i>Ctenopharyngodon idella</i>
largemouth bass	<i>Micropterus salmoides</i>
Nile perch	<i>Lates niloticus</i>
pike cichlid	<i>Crenicichla spp.</i> fish of the family <i>Serrasalmidae</i> (subfamilies <i>Myleinae</i> and <i>Serrasalminae</i>)
snakehead	<i>Channa spp.</i>
tiger catfish	<i>Pseudoplatystoma fasciatum</i>

column 1	column 2
Common name	Scientific name
tigerfish (African)	<i>Hydrocynus</i> spp., subfamilies <i>Hydrocinae</i> and <i>Alestinae</i>
tigerfish (South American) or trahira	<i>Erythrinus</i> , <i>Hoplerythrinus</i> and <i>Hoplias</i> spp.
tilapia	<i>Tilapia</i> , <i>Oreochromis</i> or <i>Sarotherodon</i> spp.

Part 2 Particular nonindigenous fish

column 1	column 2
Common name	Scientific name
African mono	<i>Monodactylus sebae</i>
angel fish	<i>Pterophyllum</i> spp.
archer fish	<i>Toxotes jaculatrix</i>
Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>
armoured (cory) catfish	<i>Corydoras</i> spp.
asoka barb	<i>Puntius asoka</i>
auratus	<i>Melanochromis auratus</i>
banded barb	<i>Barbodes pentazona</i>
banded leporinus	<i>Leporinus fasciatus</i>
betta	<i>Betta</i> spp.
big-spot rasbora	<i>Rasbora kalochroma</i>
bitterling	<i>Rhodeus amarus</i> and <i>Rhodeus sericeus</i>
black-banded headstander	<i>Chilodus punctatus</i>
black-banded osteochilus	<i>Osteochilus vittatus</i>
black-finned rummy-nose	<i>Petitella georgiae</i>
black ghost knife fish	<i>Apteronotus albifrons</i>
black-line silver hatchet fish	<i>Gasteropelecus</i> spp.

column 1	column 2
Common name	Scientific name
black phantom tetra	<i>Megalamphodus megalopterus</i>
black ruby barb	<i>Puntius nigrofasciatus</i>
black shark	<i>Morulius chrysophekadion</i>
black-spot filament barb	<i>Puntius filamentosus</i>
black-spotted upsidedown catfish	<i>Synodontis nigriventris</i>
black tetra	<i>Gymnocorymbus ternetzi</i>
blind cave tetra	<i>Astyanax mexicanus</i>
blue acara	<i>Aequidens pulchrus</i>
blue gourami	<i>Trichogaster trichopterus</i>
blue line rasbora	<i>Rasbora taeniata</i>
brichardi	<i>Lamprologus brichardi</i>
bumblebee fish	<i>Brachygobius</i> spp.
butterfly fish	<i>Pantodon buchholzi</i>
cardinal tetra	<i>Paracheirodon axelrodi</i>
celebes rainbow	<i>Telmatherina ladigesii</i>
chalinochromis	<i>Chalinochromis</i> spp.
checkerboard barb	<i>Capoeta oligolepis</i>
cherry barb	<i>Capoeta titteya</i>
Chinese algae eater	<i>Gyrinocheilus aymonieri</i>
chocolate gourami	<i>Sphaerichthys osphromenoides</i>
clown barb	<i>Barbodes everetti</i>
clown loach	<i>Botia macracantha</i>
Cochu's blue tetra	<i>Boehlkea fredcochui</i>
common brochis	<i>Brochis splendens</i>
Congo tetra	<i>Phenacogrammus interruptus</i>
copper striped rasbora	<i>Rasbora leptosoma</i>
croaking gourami	<i>Trichopsis vittatus</i>
Cumming's barb	<i>Puntius cummingi</i>
discus	<i>Symphysodon</i> spp.

column 1**Common name**

duboisii
 dusky krib
 dwarf cichlid
 dwarf flag cichlid
 dwarf gourami
 dwarf lattice cichlid
 dwarf loach
 elegant rasbora
 elephantnose
 elephantnose (Peter's)
 emperor tetra
 false magnificent rasbora
 flag cichlid
 flagtail porthole catfish
 flying fox
 freshwater flounder
 Frideric's leporinus
 giant danio
 glass barb
 glass bloodfin
 glass catfish
 glass fish
 gold-cheek krib
 golden dwarf cichlid
 goldfish
 gold line rasbora
 guppy
 hard lipped barb
 harlequin rasbora

column 2**Scientific name**

Tropheus duboisi
Pelvicachromis pulcher
Apistogramma spp.
Aequidens curviceps
Colisa lalia
Nannacara spp.
Botia sidthimunki
Rasbora elegans
Gnathonemus macrolepidotus
Gnathonemus petersii
Nematobrycon palmeri
Rasbora borapetensis
Cichlasoma festivum
Dianema urostriata
Epalzeorhynchus kalopterus
Trinectes maculatus
Leporinus friderici
Danio aequipinnatus
Puntius puellus
Prionobrama filigera
Kryptopterus bicirrhis
Chanda spp.
Pelvicachromis subocellatus
Nannacara anomala
Carassius auratus
Rasbora steineri
Poecilia reticulata
Osteochilus hasseltii
Rasbora heteromorpha

column 1	column 2
Common name	Scientific name
hatchetfish	<i>Carnegiella</i> and <i>Thoracocharax</i> spp.
headstander	<i>Abramites hypselonotus</i> and <i>Anostomus</i> spp.
hi-spot rasbora	<i>Rasbora dorsiocellata</i>
honey dwarf gourami	<i>Colisa chuna</i>
Indian hatchetfish	<i>Chela laubuca</i>
Javanese rice fish	<i>Oryzias javanicus</i>
julie	<i>Julidochromis</i> spp.
Kerr's danio	<i>Brachydanio kerri</i>
keyhole cichlid	<i>Aequidens maroni</i>
killie fish	<i>Aphyosemion</i> spp.
kissing gourami	<i>Helostoma temmincki</i>
kooli barb	<i>Puntius vittatus</i>
kuhli loach	<i>Acanthopthalmus kuhli</i>
latticed cichlid	<i>Limnotilapia dardennii</i>
leopard danio	<i>Brachydanio frankei</i>
lipstick leporinus	<i>Leporinus arcus</i>
little giant gourami	<i>Colisa fasciata</i>
long-band rasbora	<i>Rasbora einthoveni</i>
longfin barb	<i>Capoeta arulius</i>
long-finned African tetra	<i>Brycinus longipinnis</i>
Malayan flying barb	<i>Esomus malayensis</i>
Malayan halfbeak	<i>Dermogenys pusillus</i>
medaka	<i>Oryzias latipes</i>
melanochromis	<i>Melanochromis similis</i>
microbrycon	<i>Microbrycon fredcochui</i>
mono	<i>Monodactylus argenteus</i>
moonlight gourami	<i>Trichogaster microlepis</i>
moorii	<i>Tropheus moorii</i>

column 1	column 2
Common name	Scientific name
multi-banded leporinus	<i>Leporinus multifasciatus</i>
Myers's hillstream loach	<i>Pseudogastromyzon myersi</i>
neon tetra	<i>Paracheirodon innesi</i>
orange-finned rasbora	<i>Rasbora vaterifloris</i>
ornate pimelodus	<i>Pimelodus ornatus</i>
oscar	<i>Astronotus ocellatus</i>
panchax	<i>Aplocheilus and Epiplatys</i> spp.
paradise fish (only males)	<i>Macropodus opercularis</i>
pearl danio	<i>Brachydanio albolineatus</i>
pearl gourami	<i>Trichogaster leeri</i>
pencil fish	<i>Nannostomus and Poecilobrycon</i> spp.
penguin fish	<i>Thayeria</i> spp.
platy	<i>Xiphophorus maculatus</i>
platy variatus	<i>Xiphophorus variatus</i>
poorman's glass catfish	<i>Kryptopterus macrocephalus</i>
pristella	<i>Pristella maxillaris</i>
pygmy gourami	<i>Trichopsis pumilus</i>
rainbow fish	<i>Glossolepsis, Chilatherina, Melanotaenia</i> spp.
rainbow shark	<i>Labeo erythrurus</i>
ram	<i>Microgeophagus ramirezi</i>
red-finned black shark	<i>Labeo bicolor</i>
red-finned shark	<i>Labeo frenatus</i>
red line rasbora	<i>Rasbora pauciperforata</i>
red-striped barb	<i>Puntius bimaculatus</i>
rosy barb	<i>Puntius conchoniuis</i>
saddled hillstream loach	<i>Homaloptera orthogoniata</i>
sailfin molly	<i>Poecilia latipinna</i>
sarawak rasbora	<i>Rasbora sarawakensis</i>

column 1	column 2
Common name	Scientific name
scissortail rasbora	<i>Rasbora trilineata</i>
Siamese flying fox	<i>Epalzeorhynchus siamensis</i>
silver prochilodus	<i>Prochilodus insignis</i>
silver rasbora	<i>Rasbora argyrotaenia</i>
sphenops mollie	<i>Poecilia sphenops</i>
spiny eel	<i>Macrogathus aculeatus</i>
spot-tailed leporinus	<i>Leporinus melanopleura</i>
spot-tailed rasbora	<i>Rasbora caudimaculata</i>
spotted danio	<i>Brachydanio nigrofasciatus</i>
spotted leporinus	<i>Leporinus maculatus</i>
spotted rasbora	<i>Rasbora maculata</i>
striped barb	<i>Puntius lineatus</i>
striped kribensis	<i>Pelvicachromis taeniatus</i>
striped leporinus	<i>Leporinus striatus</i>
sucker catfish	<i>Otocinclus arnoldi</i>
Swegle's tetra	<i>Megalamphodus sweglesi</i>
swordtail	<i>Xiphophorus helleri</i>
tetra	<i>Hemigrammus, Hyphessobrycon and Moenkhausia</i> spp.
thick-lipped gourami	<i>Colisa labiosa</i>
thin-banded barb	<i>Capoeta semifasciolatus</i>
tic-tac-toe barb	<i>Puntius ticto</i>
tiger barb	<i>Capoeta tetrazona</i>
tricolor shark	<i>Balantiocheilos melanopterus</i>
twig catfish	<i>Farlowella acus</i>
variegated shark	<i>Labeo variegatus</i>
whiptail catfish	<i>Loricaria filamentosa</i>
white cloud mountain minnow	<i>Tanichthys albonubes</i>
yellow tail rasbora	<i>Rasbora dusonensis</i>

column 1	column 2
Common name	Scientific name
Yucatan mollie	<i>Poecilia velifera</i>
zebra danio	<i>Brachydanio rerio</i>

Part 3 **Particular freshwater fish**

column 1	column 2
Common name	Scientific name
Aggassiz's perchlet	<i>Ambassis agassizii</i>
Aru gudgeon	<i>Oxyeleotris aruensis</i>
Australian bass	<i>Macquaria novemaculeata</i>
banded grunter	<i>Amniataba percoides</i>
banded rainbowfish	<i>Melanotaenia trifasciata</i>
Barcoo grunter	<i>Scortum barcoo</i>
barramundi	<i>Lates calcarifer</i>
Berney's catfish	<i>Arius berneyi</i>
bigheaded gudgeon	<i>Philypnodon grandiceps</i>
blackbanded rainbowfish	<i>Melanotaenia nigrans</i>
Bloomfield River cod	<i>Guyu wujalwujalensis</i>
blueclaw crayfish (freshwater yabby)	<i>Cherax destructor</i>
bony bream	<i>Nematolosa erebi</i>
bug eyed goby	<i>Redigobius bikolanus</i>
Cairns rainbowfish	<i>Cairnsichthys rhombosomoides</i>
Celebes goby	<i>Glossogobius celebius</i>
chequered rainbowfish	<i>Melanotaenia splendida inornata</i>
cherabins	<i>Macrobrachium rosenbergii</i> or <i>Macrobrachium lar</i>
coal grunter	<i>Hephaestus carbo</i>

column 1	column 2
Common name	Scientific name
common archer fish	<i>Toxotes chatareus</i>
concave goby	<i>Glossogobius concavifrons</i>
Cooper Creek catfish	<i>Neosiluroides cooperensis</i>
crimson spotted rainbowfish	<i>Melanotaenia fluviatilis</i>
delicate blue-eye	<i>Pseudomugil tenellus</i>
desert goby	<i>Chlamydogobius eremius</i>
desert rainbowfish	<i>Melanotaenia splendida tatei</i>
Duboulay's rainbowfish	<i>Melanotaenia duboulayi</i>
dwarf goby	<i>Glossogobius</i> sp A
eastern rainbowfish	<i>Melanotaenia splendida splendida</i>
eel-tailed catfish	<i>Tandanus tandanus</i>
empire gudgeon	<i>Hypseleotris compressa</i>
fimbriate gudgeon	<i>Oxyeleotris fimbriatus</i>
firetail gudgeon	<i>Hypseleotris galii</i>
flag tailed perchlet	<i>Ambassis miops</i>
flathead goby	<i>Glossogobius giurus</i>
flyspecked hardyhead	<i>Craterocephalus stercusmuscarum</i>
fork-tailed catfish	family Ariidae
freshwater long tom	<i>Strongylura krefftii</i>
Gilbert's gunter	<i>Pingalla gilberti</i>
golden goby	<i>Glossogobius aureus</i>
golden perch (yellowbelly)	<i>Macquaria ambigua</i>
jungle perch	<i>Kuhlia rupestris</i>
khaki bream	<i>Hephaestus tulliensis</i>
Lake Eacham rainbowfish	<i>Melanotaenia eachamensis</i>
Lake's carp gudgeon	<i>Hypseleotris</i> sp B
leathery grunter	<i>Scortum hillii</i>
lesser salmon catfish	<i>Arius graeffei</i>
long-finned eel	<i>Anguilla reinhardtii</i>

column 1	column 2
Common name	Scientific name
Lorentz's grunter	<i>Pingalla lorentzi</i>
lungfish	<i>Neoceratodus forsteri</i>
mangrove jack	<i>Lutjanus argentimaculatus</i>
Marjorie's hardyhead	<i>Craterocephalus marjoriae</i>
Mary River cod	<i>Maccullochella peelii mariensis</i>
McCulloch's rainbowfish	<i>Melanotaenia maccullochi</i>
Midgley's carp gudgeon	<i>Hypseleotris</i> sp A
Mueller's perchlet	<i>Ambassis mulleri</i>
Mulgrave goby	<i>Glossogobius</i> sp B
Murray cod	<i>Maccullochella peelii peelii</i>
northern jungle perch—see entry for spotted flagtail	
northern saratoga	<i>Scleropages jardinii</i>
Obbes' catfish	<i>Porochilus obbesi</i>
ornate rainbowfish	<i>Rhadinocentrus ornatus</i>
Pacific blue-eye	<i>Pseudomugil signifer</i>
penny fish	<i>Denarius bandata</i>
poreless gudgeon	<i>Oxyeleotris nullipora</i>
purple spotted gudgeon	<i>Mogurnda adspersa</i>
redclaw crayfish (redclaw)	<i>Cherax quadricarinatus</i>
Rendahl's catfish	<i>Porochilus rendahli</i>
reticulated perchlet	<i>Ambassis macleayi</i>
river blackfish	<i>Gadopsis marmoratus</i>
roman nose goby	<i>Awaous crassilabrus</i>
sailfin perchlet	<i>Ambassis agrammus</i>
scaleless goby	<i>Schismatogobius</i> spp.
short-finned eel	<i>Anguilla australis</i>
shovel nosed catfish	<i>Arius midgleyi</i>
shrimp	<i>Macrobrachium australiensis</i>

column 1	column 2
Common name	Scientific name
silver perch	<i>Bidyanus bidyanus</i>
silver tandan	<i>Porochilus argenteus</i>
sleepy cod	<i>Oxyeleotris lineolatus</i>
small headed grunter	<i>Scortum parviceps</i>
smelt	<i>Retropinna semoni</i>
snakehead gudgeon	<i>Ophieleotris aporos</i>
snub-nosed garfish	<i>Arrhamphus sclerolepis</i> spp
sooty grunter	<i>Hephaestus fuliginosus</i>
southern saratoga	<i>Scleropages leichardti</i>
South Pacific eel	<i>Anguilla obscura</i>
spangled perch	<i>Leiopotherapon unicolor</i>
spiny crayfish	<i>Euastacus</i> spp.
spotted blue-eye	<i>Pseudomugil gertrudae</i>
spotted flagtail (northern jungle perch)	<i>Kuhlia marginata</i>
square blotch goby	<i>Glossogobius</i> sp C
strawman	<i>Quirichthys stramineus</i>
striped gudgeon	<i>Gobiomorphus australis</i>
threadfin rainbowfish	<i>Iriatherina werneri</i>
triangular shield catfish	<i>Arius leptaspis</i>
trout gudgeon	<i>Mogurnda mogurnda</i>
Welch's grunter	<i>Bidyanus welchi</i>
western carp gudgeon	<i>Hypseleotris klunzingeri</i>
yellowfin perchlet	<i>Ambassis elongatus</i>

Part 4**Particular fish found in the East Coast Trawl fishery area**

column 1	column 2
Common name	Scientific name
Balmain bug	<i>Ibacus</i> spp.
barking crayfish	<i>Linuparus trigonus</i>
bay prawn (greasy prawn)	<i>Metapenaeus bennettiae</i>
blue swimmer crab	<i>Portunus pelagicus</i>
bug	<i>Thenus orientalis</i> , <i>Thenus indicus</i>
cuttlefish	<i>Metasepia</i> spp., <i>Sepia</i> spp.
eastern king prawn	<i>Penaeus plebejus</i>
mantis shrimp	<i>Oratosquilla</i> spp., <i>Squilla</i> spp.
octopus	<i>Octopus</i> spp.
pinky	Family Nemipteridae
pipefish	<i>Solegnathus dunckeri</i> , <i>Solegnathus hardwickii</i>
prawn	Family Penaeidae
red spot crab (three spot crab)	<i>Portunus sanguinolentus</i>
red spot king prawn	<i>Penaeus longistylus</i>
saucer scallop	<i>Amusium japonicum balloti</i>
scallop	Family Pectinidae
squid	<i>Loliolus</i> , <i>Nototodarus</i> , <i>Photololigo</i> , <i>Sepioteuthis</i> spp.
tiger prawn	<i>Penaeus esculentus</i> , <i>Penaeus semisulcatus</i>
winter whiting	<i>Sillago maculata</i>

Part 5 Particular fish to which extended bag limits apply

column 1 Common name	column 2 Scientific name
black jewfish	<i>Protonibea diacanthus</i>
broad-barred or grey mackerel	<i>Scomberomorus semifasciatus</i>
cobia (black kingfish)	<i>Rachycentron canadum</i>
estuary cod	<i>Epinephelus coioides</i>
large-scale seaperch	<i>Lutjanus johni</i>
mulloway	<i>Argyrosomus hololepidotus</i>
pearl perch	<i>Glaucosoma scapulare</i>
Queensland school mackerel	<i>Scomberomorus queenslandicus</i>
snapper	<i>Pagrus auratus</i>
spanish mackerel or narrow-barred mackerel	<i>Scomberomorus commerson</i>
spotted mackerel	<i>Scomberomorus munroi</i>
teraglin jew	<i>Atractoscion aequidens</i>
wahoo	<i>Acanthocybium solandri</i>

Part 6 Other particular fish

column 1 Common name	column 2 Scientific name
albacore tuna	<i>Thunnus alalunga</i>
barracuda	<i>Agriposphyraena barracuda</i>
bar-tailed flathead	<i>Platycephalus indicus</i>
bigeye tuna	<i>Thunnus obesus</i>
billfish	families <i>Istiophoridae</i> and <i>iphiidae</i>
blacklip oyster	<i>Striostrea mytiloides</i>

column 1	column 2
Common name	Scientific name
black lipped pearl oyster	<i>Pinctada margaritifera</i>
black teatfish	<i>Holothuria nobilis</i>
Burnett salmon—see entry for king threadfin	
Cooktown salmon (blue threadfin or blue salmon)	<i>Eleutheronema tetradactylum</i>
clam	family Tridacnidae
deepwater redfish	<i>Actinopyga echinites</i>
dolphin-fish	<i>Coryphaena</i> spp.
European carp	<i>Cyprinus carpio</i>
fanfish	family Bramidae
freshwater cod	<i>Maccullochella</i> spp.
freshwater eel	<i>Anguilla</i> spp.
giant helmet shell	<i>Cassis cornuta</i>
giant trevally	<i>Caranx ignobilis</i>
golden gourami	<i>Trichogaster trichopterus</i>
golden lined whiting	<i>Sillago analis</i>
gold lipped pearl oyster	<i>Pinctada maxima</i>
grass emperor (grass sweetlip)	<i>Lethrinus laticaudis</i>
great white shark	<i>Carcharodon carcharias</i>
green snail	<i>Turbo marmoratus</i>
grey nurse shark	<i>Odontaspis ferox</i>
grunter—see entry for spotted grunter bream (grunter)	
helmet shell	<i>Cassis cornuta</i>
hi-spot rasbora	<i>Rasbora dorsiocellata</i>
jewel fish	<i>Nibea squamosa</i>
king threadfin	<i>Polydactylus macrochir</i> (previously <i>P. sheridani</i>)
lollyfish	<i>Holothuria atra</i>

column 1	column 2
Common name	Scientific name
luderick	<i>Girella tricuspidata</i>
malabar grouper	<i>Epinephelus malabaricus</i>
maray	<i>Etrumeus teres</i>
marine yabby	<i>Trypaea australiensis</i>
milky oyster	<i>Saccostrea cucullata</i>
mud crab	<i>Scylla</i> spp.
mud flathead	<i>Platycephalus fuscus</i>
northern bluefin tuna	<i>Thunnus orientalis</i>
opaline gourami	<i>Trichogaster trichopterus</i>
painted crayfish	<i>Panulirus ornatus</i>
pearl oyster—see entries for black lipped pearl oyster and gold lipped pearl oyster	
pikey bream	<i>Acanthopagrus berda</i>
pilchards	<i>Sardinops neopilchardus</i> or
	<i>Sardinops Sagax</i>
pomfret	family <i>Bramidae</i>
prickly redfish	<i>Thelenota ananus</i>
queenfish	<i>Scomberoides</i> spp.
sandfish	<i>Holothuria scabra</i>
sand flathead	<i>Platycephalus arenarius</i>
sand whiting	<i>Sillago ciliata</i>
sea mullet	<i>Mugil cephalus</i>
shark	Class <i>Elasmobranchii</i>
shark mackerel	<i>Grammatorcynus bicarinatus</i>
silver jewfish	<i>Nibea soldado</i>
silver teraglin	<i>Otolithes ruber</i>
skipjack tuna	<i>Katsuwonis pelamis</i>
slender barracuda	<i>Sphyraena jello</i>
slipper lobster	family <i>Scyllaridae</i>

column 1	column 2
Common name	Scientific name
small spotted grunter bream	<i>Pomadasys agenteus</i>
snub-nosed dart	<i>Trachinotus</i> spp.
southern bluefin tuna	<i>Thunnus maccoyii</i>
spanner crab	<i>Ranina ranina</i>
spotted grunter bream (grunter)	<i>Pomadasys kaakan</i>
tailor	<i>Pomatomus saltatrix</i>
tarwhine	<i>Rhabdosargus sarba</i>
three spot crab	<i>Portunus sanguinolentus</i>
tigerfish	family <i>Hydrocyninae</i> or <i>Erythrinidae</i>
tiger shovelnose catfish	<i>Pseudoplatystoma fasciatum</i>
trochus	<i>Trochus niloticus</i>
tropical spiny rock lobster	<i>Panulirus</i> spp.
trumpet shell	<i>Charonia tritonis</i>
white teatfish	<i>Holothuria fuscogilva</i>
yellow-finned bream	<i>Acanthopagrus australis</i>
yellowfin tuna	<i>Thunnus albacares</i>
yellowtail king-fish	<i>Seriola lalandi</i>

Schedule 7 Prescribed reference documents for scientific names for fish

sections 6(3) and 7

Part 1 General reference documents

Reference document	
1	Rees, A.J.J., Yearsley, G.K., and Gowlett-Holmes, K., 'Codes for Australian Aquatic Biota', CSIRO Marine and Atmospheric Research, World Wide Web electronic publications, 1999 onwards, available on the notification day at < www.marine.csiro.au/caab/ >
2	Froese, R. and Pauly, D., Editors, 2007, 'FishBase', World Wide Web electronic publication, available on the notification day at < www.fishbase.org/search.php >

Part 2 Reference documents for particular fish

Fish		Reference document
Noxious fish		
1	electric eel	Nelson, J.S., 1984, 'Fishes of the world', John Wiley & Sons, New York
2	tigerfish (African) or tigerfish (South American) or trahira	Gery, J., 1977, 'Characoids of the world', TFH Publications, Neptune City, New York and Nelson, J.S. 1984, Fishes of the world, John Wiley & Sons, New York
Nonindigenous fish		
3	nonindigenous fish	Axelrod, H. R., Burgess, W. E., Pronek, N. and Walls, J. G., 1997, 'Dr Axelrod's Atlas of Freshwater Aquarium Fishes', (9th edition), T.F.H. (Australia) Pty Ltd, Box 149, Brookvale, New South Wales
Coral reef fin fish		
4	bar rockcod, crimson seaperch (small mouth nannygai), goldband snapper, hapuku and saddletail seaperch (large mouth nannygai)	Yearsley, G.K., Last, P.R. and Ward, R.D. (eds), 1999, 'Australian Seafood Handbook, Domestic Species', CSIRO Marine Research, Melbourne, Victoria
5	eight-bar grouper	Heemstra, P.C. and Randall, J.E., 1993, 'FAO Species Catalogue', volume 16, 'Groupers of the world (family Serranidae, subfamily Ephinephelidae), an annotated and illustrated catalogue of the grouper, rockcod, hind, coral grouper and lyretail species known to date', FAO Fish. Synop., (125) 16:382p

Schedule 7

Fish		Reference document
6	Coral reef fin fish not mentioned in items 4 and 5, estuary cod, grass emperor (grass sweetlip) and malabar grouper	Randall, John E., Allen, Gerald R. and Steene, Roger C., 1997, 'The Complete Divers and Fishermen's Guide to Fishes of the Great Barrier Reef and Coral Sea', 2nd revised ed, Crawford House Publishing Pty Ltd, Bathurst, Australia
Freshwater fish		
7	cherabins, redclaw crayfish (redclaw) and blueclaw crayfish (freshwater yabby)	Horwitz, P., 1995, 'Preliminary key to the species of Decapoda (Crustacea; Malacostraca) found in Australian inland waters, Identification guide No. 5', Cooperative Research Centre for Freshwater Ecology, Albury
8	spotted flagtail (northern jungle perch)	Herbert, B. and Peeters, J., 1995, 'Freshwater fishes of far north Queensland', Information series Q195018, Queensland Department of Primary Industries, Brisbane
9	particular freshwater fish not mentioned in items 7 and 8	Allen, G.R., 1989, 'Freshwater fishes of Australia', T.F.H. (Australia) Pty Ltd, Brookvale, New South Wales
Particular fish found in the East Coast Trawl fishery area		
10	Balmain bugs, barking crayfish and bugs)	Holthuis, L.B., 1991, F.A.O. Species Catalogue V. 13. 'Marine Lobsters of the World', F.A.O., Rome
11	prawns, bay prawn (greasy prawn), tiger prawns, eastern king prawns and red spot king prawns.	Grey, L.G., Dall, W. and Baker, A., 1983, 'A Guide to the Australian Penaeid Prawns', A. B. Caudell, Government Printer of the Northern Territory, Darwin, Northern Territory
12	pinkies and pipefish	Allen, Gerald R., 1997, 'Marine Fishes of Tropical Australia and South-East Asia', 3rd revised edition, Western Australian Museum, Perth, Western Australia

Fish		Reference document
13	red spot crabs (three spot crabs), small spotted grunter bream, spotted grunter bream (grunter) and winter whiting	Grant, E.M., (1993), 'Grant's Guide to Fishes', (6th edition), EM Grant Pty Ltd, 19 Australia Court, Scarborough, Queensland
14	cuttlefish, octopuses and squid	Carpenter, K.E. and Volker, H.N., 1998, 'The Living Marine Resources of the Western Central Pacific'. Vol 2. Cephalopods, Crustaceans, Holothurians and Sharks. F.A.O., Rome
15	mantis shrimp	Mather, P. and Bennett, I., 1978, 'A Coral Reef Handbook', The Great Barrier Reef Committee, GBRC Handbook Series No. 1, Brisbane
16	scallops	Waller, T. R., 1991, 'Evolutionary Relationships among Commercial Scallops (Mollusca: Bivalvia: Pectinidae)', in Shumway, S.E., 1991, 'Scallops: Biology, Ecology and Aquaculture', Elsevier Science Publishers, Amsterdam, Holland
17	saucer scallops	Habe, T., 1964, 'Notes on the Species of the Genus Amusium (Mollusca)', Bulletin of the National Scientific Museum of Tokyo 7, 1-5
Other fish		
18	Particular regulated fish (other than coral reef fin fish, estuary cod, grass emperor (grass sweetlip), great white shark, grey nurse shark, malabar grouper, small spotted grunter bream and spotted grunter bream (grunter))	Grant, E. M., 2004, 'Guide to Fishes', (10th edition), E M Grant Pty Limited, 19 Australia Court, Scarborough, Queensland Kailola, P. J., Williams, M. J., Stewart P. C., Reichelt, R. E., McNee, A., Grieve, C., 1993, 'Fisheries Resources', Bureau of Resource Sciences, Department of Primary Industries and Energy and the Fisheries Research and Development Corporation, Canberra, Australian Capital Territory

Schedule 7

Fish		Reference document
19	maray	Hutchins, B. and Swainston, R., 1996, 'Sea Fishes of South Australia', (2nd edition), Swainston Publishing, Perth, Western Australia
20	pilchards	Yearsley, G.K., Last, P.R. and Ward, P.R. (eds), 1999, 'Australian Seafood Handbook, Domestic Species', CSIRO Marine Research, Melbourne, Victoria
21	great white shark and grey nurse shark	Last, P.R. and Stevens, J.D., 1994, 'Sharks and Rays of Australia', CSIRO Division of Fisheries, Australia
22	blacklip oyster and milky oyster	Lamprell, K. and Healy, J., 1998, 'Bivalves of Australia', vol 2, Backuys Publishers, Leiden
23	giant trevally	Randall, J. E., Allen, G. R. and Steene, R. C., 1997, 'The Complete Divers and Fishermen's Guide to Fishes of the Great Barrier Reef and Coral Sea', 2nd revised ed, University of Hawaii Press, United States of America

Schedule 8 Fees relating to development under Planning Act

sections 708, 709 and 710

Part 1 Resource allocation authorities

	\$
1 assessment of application for resource allocation authority relating to—	
(a) prescribed declared fish habitat area development	relevant assessment fee
(b) development mentioned in the Planning Act, schedule 8, part 2, table 1, item 3(d) or table 4, item 3(d) or (e)	412.60
(c) prescribed aquaculture development	relevant assessment fee
(d) development mentioned in the Planning Act, schedule 8, part 2, table 4, item 4(a)	412.60
2 assessment of application for renewal of resource allocation authority	412.60

Part 2 Fish movement exemption notices

	\$
1 assessment of application for fish movement exemption notice	relevant assessment fee

Part 3 Assessment of development application

		\$
1	assessment of development application for—	
	(a) development mentioned in the Planning Act, schedule 8, part 1, table 1, item 2 or table 4, item 7	relevant assessment fee
	(b) development mentioned in the Planning Act, schedule 8, part 1, table 2, item 8	relevant assessment fee
	(c) development mentioned in the Planning Act, schedule 8, part 1, table 4, item 6	relevant assessment fee
	(d) development mentioned in the Planning Act, schedule 8, part 1, table 4, item 8	relevant assessment fee

Part 4 Other fees relating to development applications

		\$
1	assessment of request to extend, under the Planning Act, section 3.5.22, a period mentioned in section 3.5.21 of that Act	412.60
2	assessment of request to change a development approval under the Planning Act, section 3.5.24 or 3.5.33	relevant assessment fee
3	for administering, as assessment manager, the application and notification stages of IDAS for a development application, other than assessing the application—	

(a) if there is no referral agency or only 1 referral agency for the application	1 270.80
(b) if there are 2 or more referral agencies for the application	2 435.60

Schedule 9 Other fees

sections 256(3), 711

Table 1—Fees for fishery symbols or authorities under regulation				
	Fishery symbol or authority	2008–2009 financial year	2009–2010 financial year	2010–2011 financial year and any later financial year
		\$	\$	\$
	Commercial harvest fisheries			
1	A1	215	250	290
2	A2	75	85	95
3	B1	7/unit	8/unit	10/unit
4	D	3/unit	4/unit	5/unit
5	F	75	85	95
6	G	75	85	95
7	H	75	85	95
8	J1 where a unit equals each whole 100kg entitled to be taken under the symbol	7/unit	8/unit	10/unit
9	JE	75	85	95
10	O	30/area	40/area	50/area
11	P	215	250	290

Table 1—Fees for fishery symbols or authorities under regulation				
	Fishery symbol or authority	2008–2009 financial year	2009–2010 financial year	2010–2011 financial year and any later financial year
		\$	\$	\$
12	W1	75	85	95
13	W2	75	85	95
14	Y	75	85	95
Commercial line fisheries				
1	L1	215	250	290
2	L2	215	250	290
3	L3	215	250	290
4	L4	660	755	850
5	L6	215	250	290
6	L7	215	250	290
7	L8	660	755	850
Commercial net fisheries				
1	K1	215	250	290
2	K2	215	250	290
3	K3	215	250	290
4	K4	215	250	290

Table 1—Fees for fishery symbols or authorities under regulation				
	Fishery symbol or authority	2008–2009 financial year \$	2009–2010 financial year \$	2010–2011 financial year and any later financial year \$
5	K5	215	250	290
6	K6	215	250	290
7	K7	215	250	290
8	K8	215	250	290
9	N1	215	250	290
10	N2	215	250	290
11	N5	215	250	290
12	N6	0	0	0
13	N7	215	250	290

Table 1—Fees for fishery symbols or authorities under regulation				
	Fishery symbol or authority	2008–2009 financial year	2009–2010 financial year	2010–2011 financial year and any later financial year
		\$	\$	\$
	Other commercial fisheries under regulation			
1	SM unit	.10	.10	.15
2	C1	215	250	290
3	R	215	250	290
4	T4	6760	7310	7850
5	Carrier boat licence	250	250	250
6	Charter fishing licence	250	250	250

Table 2—Fees for fishery symbols or authorities under management plans				
	Fishery symbol or authority	2008–2009 financial year	2009–2010 financial year	2010–2011 financial year and any later financial year
		\$	\$	\$
	Coral Reef Plan			
1	RQ	0	0	0

Table 2—Fees for fishery symbols or authorities under management plans				
	Fishery symbol or authority	2008–2009 financial year \$	2009–2010 financial year \$	2010–2011 financial year and any later financial year \$
2	CT line unit	.20	.25	.30
3	OS line unit	.10	.10	.15
4	RTE line unit	.10	.10	.15
East Coast Trawl Plan				
1	M1	0	0	0
2	M2	660	755	850
3	T1	0	0	0
4	T2	0	0	0
6	T5	215	250	290
7	T6	215	250	290
8	T7	215	250	290
9	T8	215	250	290
10	T9	215	250	290
11	‘T1’ effort unit	.20	.25	.30
12	‘T2’ effort unit	.20	.25	.30

Table 2—Fees for fishery symbols or authorities under management plans				
	Fishery symbol or authority	2008–2009 financial year \$	2009–2010 financial year \$	2010–2011 financial year and any later financial year \$
	Freshwater Plan			
1	E	75	85	95
	Gulf Plan			
1	N3	970	1020	1100
2	N9	14600	15100	15700
	Spanner Crab Plan			
1	C2	0	0	0
2	C3	215	250	290
3	ITQ unit	0.60	0.65	0.75

Table 3—Registration fees for particular licences				
	Licence	2008–2009 financial year \$	2009–2010 financial year \$	2010–2011 financial year and any later financial year \$
1	Buyer licence	250	250	250
2	Carrier boat licence	250	250	250
3	Charter fishing licence	250	250	250
4	Commercial fisher licence	250	250	250
5	Commercial fishing boat licence	250	250	250
6	Commercial harvest fishing licence	250	250	250

Table 4—Other fees		
		\$
1	for a general fisheries permit application	250
2	for a developmental fishing permit application	4700
3	for an indigenous fishing permit application	0

Table 4—Other fees		
		\$
4	for a stocked impoundment permit under the Freshwater Plan— (a) permit fee for 1 week (b) permit fee for 1 year for a person (an <i>eligible person</i>) who holds any of the following— (i) a Queensland Government seniors card; (ii) a pensioner concession card; (iii) a current Health Care Card; (iv) a Repatriation health card—for all conditions (gold card) (c) permit fee for 1 year for a person other than an eligible person	7 31.50 35
5	for another application for an authority other than an authority mentioned in items 1 to 4 of this table or in section 708	at reasonable cost, but no more than actual cost
6	for a request to amend a licence if the request is to replace a boat identified in the licence (Act, s 63)	125
7	to amend an authority at its holder’s request (Act, s 63(4)(d))	at reasonable cost, but no more than actual cost
8	for a fishery symbol movement application	125
9	for an application to register transfer of an authority (Act, s 65A)	125
10	for an application to register temporary transfer of an authority (Act, ss 65A and 65C)	25
11	for a replacement authority application (Act, s 71)	25

Table 4—Other fees		
		\$
12	for inspecting, or obtaining a copy of details in, the register (Act, s 73)	at reasonable cost, but no more than actual cost
13	for an application for a certificate under section 74 of the Act	125
14	for filing a notice of appeal (Act, s 197)	125

Schedule 10 Defined port areas

schedule 11, definition *defined port area*

1	2
Name	Description
Southport port area	the area within the following boundary— <ul style="list-style-type: none"> • from latitude 27°55.73' south, longitude 153°23.53' east to latitude 27°55.73' south, longitude 153°26.01' east • to latitude 27°59.47' south, longitude 153°26.01' east • to latitude 27°59.47' south, longitude 153°23.53' east • to latitude 27°55.73' south, longitude 153°23.53' east
Brisbane port area	the area within the following boundary— <ul style="list-style-type: none"> • from latitude 27°30.00' south, longitude 153°00.00' east to latitude 27°00.00' south, longitude 153° east • to latitude 27°00.00' south, longitude 153°12.00' east • to latitude 27°30.00' south, longitude 153°12.00' east • to latitude 27°30.00' south, longitude 153°00.00' east
Mooloolaba port area	the area within the following boundary— <ul style="list-style-type: none"> • from latitude 26°42.72' south, longitude 153°07.06' east to latitude 26°40.86' south, longitude 153°08.28' east • to latitude 26°40.54' south, longitude 153°06.27' east • to latitude 26°38.03' south, longitude 153°06.13' east • to latitude 26°38.07' south, longitude 153°03.68' east • to latitude 26°42.72' south, longitude 153°07.06' east
Tin Can Bay port area	the area within the following boundary— <ul style="list-style-type: none"> • from latitude 25°49.60' south, longitude 152°57.80' east to latitude 25°49.60' south, longitude 153°04.24' east • to latitude 25°59.89' south, longitude 153°04.24' east • to latitude 25°59.89' south, longitude 152°57.80' east • to latitude 25°49.60' south, longitude 152°57.80' east

Schedule 10

1	2
Name	Description
Urangan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 25°17.59' south, longitude 152°54.70' east to latitude 25°17.62' south, longitude 152°55.09' east • to latitude 25°18.02' south, longitude 152°54.91' east • to latitude 25°18.00' south, longitude 152°54.50' east • to latitude 25°17.59' south, longitude 152°54.70' east
Bundaberg port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 24°45.15' south, longitude 152°19.83' east to latitude 24°45.15' south, longitude 152°25.68' east • to latitude 24°52.49' south, longitude 152°25.68' east • to latitude 24°52.49' south, longitude 152°19.83' east • to latitude 24°45.15' south, longitude 152°19.83' east
Gladstone port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 23°49.67' south, longitude 151°14.24' east to latitude 23°49.67' south, longitude 151°15.24' east • to latitude 23°50.29' south, longitude 151°15.24' east • to latitude 23°50.29' south, longitude 151°14.24' east • to latitude 23°49.67' south, longitude 151°14.24' east
Rosslyn Bay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 23°09.54' south, longitude 150°47.00' east to latitude 23°09.54' south, longitude 150°47.44' east • to latitude 23°09.87' south, longitude 150°47.44' east • to latitude 23°09.87' south, longitude 150°47.00' east • to latitude 23°09.54' south, longitude 150°47.00' east
Mackay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 21°06.91' south, longitude 149°11.53' east to latitude 21°08.54' south, longitude 149°10.92' east • to latitude 21°09.01' south, longitude 149°13.38' east • to latitude 21°05.94' south, longitude 149°13.62' east • to latitude 21°06.91' south, longitude 149°11.53' east
Bowen port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 20°01.18' south, longitude 148°16.32' east to latitude 20°01.70' south, longitude 148°15.76' east • to latitude 20°01.46' south, longitude 148°14.81' east • to latitude 20°00.75' south, longitude 148°14.75' east • to latitude 20°01.18' south, longitude 148°16.32' east

1	2
Name	Description
Townsville port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 19°14.13' south, longitude 146°48.00' east to latitude 19°18.12' south, longitude 146°47.78' east • to latitude 19°16.63' south, longitude 146°50.55' east • to latitude 19°14.41' south, longitude 146°50.15' east • to latitude 19°14.13' south, longitude 146°48.00' east
Lucinda port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 18°29.72' south, longitude 146°19.09' east to latitude 18°32.89' south, longitude 146°19.28' east • to latitude 18°33.76' south, longitude 146°16.72' east • to latitude 18°29.80' south, longitude 146°14.95' east • to latitude 18°29.72' south, longitude 146°19.09' east
Mourilyan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 17°35.76' south, longitude 146°06.25' east to latitude 17°37.36' south, longitude 146°06.84' east • to latitude 17°36.34' south, longitude 146°08.07' east • to latitude 17°35.51' south, longitude 146°07.63' east • to latitude 17°35.76' south, longitude 146°06.25' east
Innisfail port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 17°30.00' south longitude 146°00.75' east to latitude 17°32.00' south, longitude 146°00.75' east • to latitude 17°32.00' south, longitude 146°04.75' east • to latitude 17°30.00' south, longitude 146°04.75' east • to latitude 17°30.00' south longitude 146°00.75' east
Cairns port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 16°54.00' south, longitude 145°44.50' east to latitude 17°00.00' south, longitude 145°44.50' east • to latitude 17°00.00' south, longitude 145°48.75' east • to latitude 16°54.00' south, longitude 145°48.75' east • to latitude 16°54'00' south, longitude 145°44.50' east
Port Douglas port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 16°28.50' south, longitude 145°27.00' east to latitude 16°29.50' south longitude 145°27.00' east • to latitude 16°29.50' south, longitude 145°28.00' east • to latitude 16°28.50' south, longitude 145°28.00' east • to latitude 16°28.50' south, longitude 145°27.00' east

Schedule 10

1	2
Name	Description
Cooktown port area	the area within the following boundary— <ul style="list-style-type: none">• from latitude 15°26.00' south, longitude 145°10.75' east to latitude 15°28.00' south longitude 145°10.75' east• to latitude 15°28.00' south, longitude 145°15.50' east• to latitude 15°26.00' south longitude 145°15.50' east• to latitude 15°26.00' south, longitude 145°10.75' east

Schedule 11 Dictionary

sections 4 and 562(3)

Part 1 Extended definitions

1 References to a commercial fishery *identified by a fishery symbol*

A commercial fishery is *identified by* a fishery symbol if the fishery symbol is a fishery symbol for the fishery.

2 References to *drainage divisions*

A reference to a *drainage division* of a particular name is a reference to the drainage division of that name under the Freshwater Plan, section 28 and schedule 5.

2A Meaning of *fishing line*

- (1) A *fishing line* means, generally, fishing apparatus consisting of a line that is hand-held or attached to a rod or reel.
- (2) However, a *fishing line* does not include the following—
 - (a) a bottom set line;
 - (b) a drop line;
 - (c) a drum line;
 - (d) a free-floating line;
 - (e) a set line.

3 Meaning of *length of a boat*

- (1) *Length*, of a boat, means the distance between the front and end tips of the boat.
- (2) However, the length does not include anything that does not increase the boat's effective length.

Examples of things that do not increase a boat's effective length—

- an anchor rail
- a bowsprit

Example of things that do increase a boat's effective length—

- additions to the boat's hull (whether fixed temporarily or permanently) that increase the boat's deck area

4 Meaning of *length* of a net other than an otter trawl net

- (1) ***Length***, of a cast net, means the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following—
 - (a) the net's lead line;
 - (b) the bottom of the net's lowest pocket.
- (2) ***Length***, of a net, other than a cast net or otter trawl net, means the distance between the outer ends of its mesh measured along the head or bottom rope, whichever rope is longer when taut.
- (3) ***Length***, of a net used with a separate back net, means the total length of the net and the back net in use.

5 References to measurements of size of fish

Unless otherwise provided, a reference to a measurement of size of a fish is a reference to the length of the fish.

Example—

A reference to the regulated minimum size of a fish as less than 38cm is a reference to a fish of the relevant species that is less than 38cm long.

6 Meaning of *mesh size* of a net

- (1) ***Mesh size***, of a net that is knotted, is the average distance, when the net is taut, between the inner edges of 2 diagonally opposite knots of each of 10 meshes at least 30cm from each other.
- (2) ***Mesh size***, of a net that is knotless, is the average distance, when the net is taut, between the inner edges of 2 diagonally

opposite corners of each of 10 meshes at least 30cm from each other.

7 References to *primary boat* and *tender boat* and related references

- (1) A *primary boat* is a boat identified in either of the following licences as the primary commercial fishing boat for the licence—
 - (a) a commercial fishing boat licence;
 - (b) a commercial harvest fishery licence for the shell fishery under chapter 7, part 4.
- (2) A *tender boat* is a boat, other than a primary boat, that may be used under section 246.
- (3) In a provision about a commercial fishing boat licence or commercial harvest fishery licence—
 - (a) a reference to the *primary boat* is a reference to the primary boat identified in the licence; and
 - (b) a reference to a *tender boat* is a reference to a tender boat that—
 - (i) under section 246(1)(c) may be used under the licence; and
 - (ii) has its boat mark placed in a way that complies with section 229.
- (4) A reference to a *primary boat's tender boat* is a reference to a tender boat that—
 - (a) under section 246, may be used under the commercial fishing boat licence in which the primary boat is identified; and
 - (b) has its boat mark placed in a way that complies with section 229.
- (5) A reference to a *tender boat's primary boat* is a reference to the primary boat identified in the commercial fishing boat licence under which the tender boat is being or may be used.

8 Meaning of *recreational fisher* and *recreational fishing*

- (1) A *recreational fisher* is a person who is carrying out recreational fishing.
- (2) A person is carrying out *recreational fishing* if the person takes or possesses fish, unless—
 - (a) the person takes or possesses the fish—
 - (i) for trade or commerce; or
 - (ii) in the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth); or
 - (b) the person is an Aborigine and takes or possesses the fish under Aboriginal tradition; or
 - (c) the person is a Torres Strait Islander and takes or possesses the fish under Island custom.
- (3) For subsection (2)(a)(i), trade or commerce does not include trade or commerce that is limited to conducting a charter fishing trip.
- (4) To remove any doubt, it is declared that the following persons may act as a recreational fisher—
 - (a) a person who holds an authority that authorises the person to take fish for trade or commerce; or
 - (b) a person who is, under this regulation or a management plan, authorised to take fish for trade or commerce under an authority mentioned in paragraph (a).
- (5) However, a person acting as a recreational fisher under subsection (4) is subject to any relevant prohibitions or restrictions under this regulation or a management plan.

Note—

If the person holds, or is acting under, an SM unit or line unit, fish taken by the person as a recreational fisher are included in the use of entitlements under relevant quotas under this regulation or the Coral Reef plan. See chapter 10, part 3 (Conditions for SM units) and the Coral Reef Plan, chapter 3, part 3, division 2, subdivision 4 (Line units).

9 References to *river basins*

A reference to a *river basin* of a particular name is a reference to the river basin of that name shown on the River basins map in the Freshwater Plan, schedule 8 and described in schedule 8, section 6 of that plan.

10 Meaning of *under direction* for an assistant fisher

- (1) This section states when an assistant fisher is *under direction* of a commercial fisher in a commercial fishery under this regulation or a management plan, other than the East Coast Trawl Plan.

Note—

For the east coast trawl fishery see the East Coast Trawl Plan, section 33 (Assistant fishers).

- (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 a commercial fishery; or
 - (ii) different fishing operations, 1 of which is in the crab fishery; and
 - (b) either—
 - (i) the assistant fisher and commercial fisher are at the same place, in the same vehicle or on the same commercial fishing boat; or
 - (ii) the assistant fisher and commercial fisher are not at the same place, in the same vehicle or on the same commercial fishing boat, but—
 - (A) they are no further apart than the distance authorised under a fishery provision about the commercial fishery; and
 - (B) the assistant fisher is following the commercial fisher's instructions.

- (3) However, in the commercial trawl fishery (fin fish) under chapter 11, part 3, 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.

11 Meaning of *whole weight* of spanish mackerel

- (1) The *whole weight* of whole spanish mackerel is the weight, in kilograms, of the spanish mackerel.
- (2) The *whole weight* of spanish mackerel that is filleted, gilled and gutted or trunked is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

WW is the whole weight, in kilograms, of the spanish mackerel.

W is the weight, in kilograms, of the spanish mackerel.

CF is—

- (a) for filleted spanish mackerel—1.61; or
 - (b) for gilled and gutted spanish mackerel—1.05; or
 - (c) for trunked spanish mackerel—1.18.
- (3) The *whole weight* of a number of the spanish mackerel mentioned in subsection (2) is the weight worked out by using the following formula—

$$WW = N \times 7.25$$

where—

WW is the whole weight, in kilograms, of the spanish mackerel, worked out under subsection (2).

N is the number of spanish mackerel.

Part 2 Other definitions

7n mile line means a line parallel to the territorial sea baseline and 7n miles out to sea.

25n mile line means a line parallel to the territorial sea baseline and 25n miles out to sea.

activity involving regulated fish see section 140.

administrative conditions, for chapter 6, part 4, see section 255.

AIVR system see section 669.

annual, in relation to a quota, means the period from 1 January to 31 December.

assistant fisher see section 233(1).

authorised boat—

- (a) for chapter 5, part 6, division 2, see section 227; or
- (b) for chapter 10, part 3, see section 565; or
- (c) for chapter 14, part 2, see section 644.

authorised person, for chapter 6, part 6, see section 262.

back net means a net, or part of a net, supported by no more than 12 stakes, used as an artificial shore when fishing with a ring or seine net.

boat communication notice see section 678(1).

boat mark, for an authorised boat, see section 228.

boat mark notice see section 227(b).

bottom set line means a line, to which hooks are attached, that is anchored to the bed of a body of water in which the line is being used.

buyer licence means a buyer licence issued under chapter 5.

canister trap means a trap consisting of a bucket with perforations in the bottom and sides or a similar type of device.

carrier boat licence means a carrier boat licence issued under chapter 5.

cast net means a circular net that is—

- (a) weighted around its outside; and
- (b) has a rope attached to its centre to allow the net to be cast and retrieved.

charter fishing licence means a charter fishing licence issued under chapter 5.

charter fishing trip means a trip on a boat, during which a person uses a boat (the **charter boat**) to take paying passengers to fish, as recreational fishers, from, or by otherwise using, the charter boat.

Examples of using a boat to fish—

- 1 using the boat to tow a tender that is being used for fishing
- 2 using the boat as a platform for spearfishing or to fish on a reef or sandbank

coastal 500m line, around the mainland or an island, means the line worked out as follows—

- (a) for any part of the mainland or island where there is a coral reef within 100m of the mainland or island—the line every point of which is 500m seaward from the seaward edge of the reef at low water mark;
- (b) for any other part of the mainland or island—the line every point of which is 500m seaward from the shore of the mainland or island at low water mark.

collapsible trap means a trap made of rigid material, with 1 or more collapsible sides.

commercial carrier, for chapter 14, part 5, division 2, see section 662(1)(a).

commercial fisher see section 15.

commercial fisher licence means a commercial fisher licence issued under chapter 5.

commercial fishery means a fishery provided for under chapters 7 to 10 or a management plan.

commercial fishing apparatus means fishing apparatus other than recreational fishing apparatus.

commercial fishing boat means a primary boat or a tender boat.

commercial fishing boat licence means a commercial fishing boat licence issued under chapter 5.

commercial fishing net means a net of a type that is commercial fishing apparatus.

commercial harvest fishery licence means a commercial harvest fishery licence issued under chapter 5.

consignor—

(a) for chapter 14, part 5, division 2, see section 662(1)(b);
or

(b) for chapter 14, part 5, division 3, see section 665.

Coral Reef Plan means the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

crab apparatus, for chapter 11, part 1, see section 596(1).

crab fishery means the commercial crab fishery under chapter 11, part 1.

crab pot means fishing apparatus consisting of a cage with a round opening in the top, or an elongated opening (parallel to the base) in the side, for trapping crabs.

CT line unit means a CT line unit under the Coral Reef Plan.

defined port area means any of the areas described in schedule 10, column 2.

department's website means the department's website on the internet.

Editor's note—

On the notification day, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

developmental fishing permit means a developmental fishing permit issued under chapter 5.

diameter, of monofilament of a net, means the average diameter of the monofilament of 10 meshes of the net, each of which is at least 30cm from the other 9.

dilly means fishing apparatus consisting of a frame and a net that hangs below the frame's horizontal plane when the apparatus is in use.

drainage division see section 2 of this schedule.

drop line means a weighted line, to which hooks are attached, that is vertical while it is being used in water.

drum line means a line, to which a hook is attached, that is suspended from a float anchored to the bed of a body of water in which the line is being used.

east coast trawl fishery area means the tidal waters east of longitude 142°31.89' east.

Note—

See the East Coast Trawl Plan, section 2 (What is the east coast trawl fishery).

East Coast Trawl Plan means the *Fisheries (East Coast Trawl) Management Plan 1999*.

effort unit means an effort unit under the East Coast Trawl Plan.

entitlement, under an SM unit, see section 557(2).

extended licensed charter fishing trip means a charter fishing trip conducted under a charter fishing licence for an uninterrupted period of at least 48 hours.

F, for schedule 2, see schedule 2, section 1.

F[↑]B sign means a sign with the marking F[↑]B on it, erected or displayed by the chief executive.

fin fish means a fish that has a fin at any stage of its life cycle.

first licence, for chapter 6, part 4, see section 256(1)(a).

fisheries regulated waters plan means a plan held by the chief executive and mentioned in section 28.

fisher PIN means—

-
- (a) for line units, the 4-digit identity number issued for the units under section 61A or 80A of the Coral Reef Plan; or
 - (b) for SM units—
 - (i) the fisher PIN for the units continued under section 725; or
 - (ii) the 4-digit identity number issued for the units under section 587(2); or
 - (iii) if the fisher PIN for the units is changed under section 589, the fisher PIN as changed.

fishery area, of a commercial fishery, means an area stated in a fishery provision about the commercial fishery as a fishery area of the commercial fishery.

fishery period, for a commercial fishery, see section 268(1).

fishery provision, for a provision about a commercial fishery, means a provision of chapters 7 to 11 or of a management plan, about the fishery.

fishery symbol, for a commercial fishery, means a symbol stated in a fishery provision about the fishery as a fishery symbol for the fishery.

fishery symbol movement application means an application under section 256.

fish habitat area plan see section 615(1).

fishing line see section 2A of this schedule.

fix, a net, includes hold the net in a way that sets the net.

Flat Rock (grey nurse shark protection area—western zone) means the waters west of longitude 153°33.07' east that are within a 1.2km radius of latitude 27°23.41' south, longitude 153°33.07' east.

former Authority means—

- (a) the former Queensland Fisheries Management Authority under the Act; or

- (b) the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982*.

free-floating line means a line—

- (a) with or without a float; and
(b) to which is attached a hook; and
(c) that is not fixed.

freshwater fish means a fish that at any stage of its life cycle is found in waters that are not tidal.

Freshwater Plan means the *Fisheries (Freshwater) Management Plan 1999*.

funnel trap means a mesh trap consisting of a rigid frame with funnel-shaped entrances or a similar device.

G, for schedule 2, see schedule 2, section 1.

general fisheries permit means a general fisheries permit issued under chapter 5.

gill net means a mesh net designed to entrap fish by entanglement.

guidelines means guidelines under chapter 14, part 8.

Gulf of Carpentaria waters means the regulated waters of that name mentioned in schedule 1.

Gulf Plan means the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999*.

hand pump means a hand-operated pump used for taking bait.

haul seine net means a seine net that is hauled, without the use of a boat, to complete the taking of fish.

hook includes—

- (a) a hook with more than 1 prong, including, for example, fishing apparatus known as a treble hook; and
(b) a device consisting of more than 1 hook attached to a fishing line at a single point, including, for example, a fishing apparatus known as a gang hook.

IDAS means the system detailed in the Planning Act, chapter 3, for integrating State and local government assessment and approval processes for development.

identified by, in the context of a commercial fishery identified by a fishery symbol, see section 1 of this schedule.

indigenous fishing permit means an indigenous fishing permit issued under chapter 5.

information notice, about a decision, means a notice stating each of the following—

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

inverted dilly means fishing apparatus consisting of a frame and a net with a float attached so the net is above the frame's horizontal plane when the apparatus is in use.

Example of an inverted dilly—

fishing apparatus known as a suicide dilly or witch's hat

ITQ unit means an ITQ unit under the Spanner Crab Plan.

juvenile eel means an elver or a glass eel.

land, a boat, includes—

- (a) landing a person or thing that is on the boat; and
- (b) moving a person or thing that is on land to the boat.

landing period, for chapter 10, part 3, see section 565.

landing place, for chapter 10, part 3, see section 565.

length—

- (a) of a commercial fishing boat—see section 3 of this schedule; or
- (b) of an otter trawl net—see section 613(3); or
- (c) of a net, other than an otter trawl net—see section 4 of this schedule.

licence holder, for chapter 14, part 7, see section 676.

line fishery area, for chapter 10, part 1, see section 546.

line fishery symbol, for chapter 10, part 1, see section 546.

line unit means a line unit under the Coral Reef Plan.

lure means an artificial bait with 1 or more hooks attached to it.

malfunction, of VMS equipment, means a failure of the equipment to work entirely or to perform any of the functions of VMS equipment.

management A area means an area within a declared fish habitat area identified by the words ‘management A’ on the fish habitat area plan mentioned in schedule 3 for the declared fish habitat area.

management B area means an area within a declared fish habitat area identified by the words ‘management B’ on the fish habitat area plan mentioned in schedule 3 for the declared fish habitat area.

mesh net means a net that can be used for taking fish, including, for example, as a gill net, ring net, seine net, set mesh net or net that is neither fixed nor hauled.

mesh size, of a net, see section 6 of this schedule.

minor impact works code means the code for the Planning Act, published by the department, called ‘Code for self-assessable development—Minor impact works in a declared fish habitat area or involving the removal, destruction or damage of marine plants’, number MP06.

monofilament, of a net, means a single continuous filament or strand of synthetic fibre, joined, knitted or woven into meshes.

Moreton Bay (whole) waters means the regulated waters of that name mentioned in schedule 1.

N, for schedule 2, see schedule 2, section 1.

national park land means land that is dedicated under the *Nature Conservation Act 1992* as any type of national park, a conservation park, or a resources reserve.

net that is neither fixed nor hauled means a net that, while it is being used for taking fish, is—

- (a) allowed to move freely in the water; and
- (b) is not fixed or anchored at a place, or otherwise restricted in its movement by the person using the net.

n mile means nautical mile.

notification day means the day this regulation was notified in the gazette.

ocean beach fishery means a commercial fishery mentioned in chapter 9, part 1.

ocean beach fishery flag see section 234.

ocean beach net area see section 234.

offshore provision see section 96, table, entry for rivers and creeks east of longitude 142°09' east.

offshore waters are waters that are—

- (a) at least 2m deep; and
- (b) not in a waterway or on a foreshore.

OS line unit means an OS line unit under the Coral Reef Plan.

otter trawl net means a trawl net with its mouth kept open by otter boards and the force of water.

prescribed barramundi waterway means any of the following waters, or waterways upstream of the following waters—

- Awoonga Dam
- Burdekin Falls Dam
- Callide Dam
- East Leichhardt Dam
- Eungella Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Kinchant Dam
- Koombooloomba Dam

- Lake Belmore
- Lake Corella
- Lake Julius
- Lake Moondarra
- Lenthalls Dam
- Peter Faust Dam
- Teemburra Dam
- Tinaroo Dam
- Wuruma Dam.

prescribed commercial catch, for a species of fish, means the total weight of fish of the species taken by all commercial fishers that is—

- (a) calculated periodically by the chief executive from the end of 30 April last preceding to the day the calculation is made; and
- (b) published by the chief executive in a form that is likely to be accessible for commercial fishers.

Examples of a form of publication for paragraph (b)—

a recorded message on the AIVR system or a notice on the department's website

prescribed development purpose, for a declared fish habitat area, see section 214.

prescribed jobfish means any of the following species—

- (a) crimson jobfish (rosy jobfish);
- (b) flame snapper;
- (c) goldband snapper;
- (d) green jobfish;
- (e) lavender jobfish;
- (f) ruby snapper;
- (g) small-toothed jobfish.

prescribed numerical code, for chapter 10, part 3, see section 565.

prescribed person, for chapter 10, part 3, see section 565.

prescribed reason—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 14, part 7, division 4, see section 684.

prescribed reference document see section 6(3).

prescribed way, for chapter 14, part 7, see section 676.

primary boat see section 7 of this schedule.

prior notice, for chapter 10, part 3, see section 565.

prior notice area, for chapter 10, part 3, see section 565.

prior notice deadline, for chapter 10, part 3, see section 565.

prior notice particulars, for chapter 10, part 3, see section 565.

process, in relation to fish, includes freezing, packing, refrigerating, sorting or thawing the fish.

prohibited activity means—

- (a) for chapter 2, an activity that is prohibited or otherwise regulated under a regulating provision under the chapter; or
- (b) for chapter 3, an activity mentioned in section 141.

purse seine net means a seine net that is used to trap fish by drawing together or pursuing the lower edge of the net with a drawstring attached to the edge.

quota authority means an authority of a type mentioned in chapter 5, part 2, division 1, subdivision 2.

ready to fish, for chapter 5, part 7, division 2, see section 235.

recreational fisher see section 8(1) of this schedule.

recreational fishing see section 8(2) of this schedule.

recreational fishing apparatus means any of the following fishing apparatus that may be used or possessed by a

recreational fisher under a regulated fishing apparatus declaration—

- (a) a canister trap;
- (b) a cast net;
- (c) a collapsible trap;
- (d) a crab pot;
- (e) a dilly;
- (f) a fishing line;
- (g) a fork;
- (h) a funnel trap;
- (i) a hand pump;
- (j) an inverted dilly;
- (k) a round trap;
- (l) a scoop net;
- (m) a seine net;
- (n) a shell dredge;
- (o) a spear;
- (p) a spear gun;
- (q) a set line.

redclaw crayfish waters see schedule 2, entry for redclaw crayfish, column 4.

referral agency see the Planning Act, schedule 10.

regulated by form, for fish, means fish identified in schedule 2, column 1, for which a regulated form is stated in schedule 2, column 3.

regulated by gender, for fish, means fish identified in schedule 2, column 1, for which a regulated gender is stated in schedule 2, column 3.

regulated by number, for fish, means fish identified in schedule 2, column 1, for which a regulated number is stated in schedule 2, column 3.

regulated by reproductive capacity, for fish, means fish identified in schedule 2, column 1, for which a reproductive capacity is described in schedule 2, column 3.

regulated by size, for fish, means fish identified in schedule 2, column 1, for which a regulated minimum size or a regulated maximum size is stated in schedule 2, column 3.

regulated by volume, for fish, means fish identified in schedule 2, column 1, for which a volume is stated in schedule 2, column 3.

regulated by weight, for fish, means fish identified in schedule 2, column 1, for which a weight is stated in schedule 2, column 3.

regulated cod or grouper means any of the species of fish identified in schedule 5, part 1, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated coral reef fin fish means any of the species of fish identified in schedule 5, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated coral trout means any of the species of fish identified in schedule 5, part 2, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated emperor means any of the species of fish identified in schedule 5, part 3, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated form, for fish, see section 131(1)(b).

regulated gender, for fish, see section 132(1)(b).

regulated maximum size, for fish, see section 135(3).

regulated minimum size, for fish, see section 135(2).

regulated number—

- (a) for fish identified in schedule 2, part 2, column 1, see section 133(1)(b); or
- (b) for fish identified in schedule 2, part 3, column 1, see section 134(1)(b).

regulated parrotfish means any of the species of fish identified in schedule 5, part 5, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated period see section 10(1).

regulated person, for any of chapter 2, parts 4 to 12, see section 142.

regulated reproductive capacity, for fish, see section 132(1)(b).

regulated surgeonfish means any of the species of fish identified in schedule 5, part 6, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated sweetlip means any of the species of fish identified in schedule 5, part 7, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated tropical snapper or seaperch means any of the species of fish identified in schedule 5, part 8, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated volume, for fish, see section 136(1)(b).

regulated waters—

- (a) generally—means the waters declared to be regulated waters under section 27; or
- (b) if specifically referred to by name or description—see section 9.

regulated weight, for fish, see section 137(1)(b).

regulated wrasse means any of the species of fish identified in schedule 5, part 9, whether by express mention or by reference to another taxonomic grouping of the fish.

regulating provision, for chapter 2, see section 31.

relevant assessment fee, for schedule 8, see section 709(1).

relevant authority, for chapter 14, part 2, see section 644.

relevant boat, for chapter 14, part 7, see section 675(2).

relevant fishery, for chapter 6, part 6, see section 263(1).

relevant period—

- (a) for chapter 14, part 2, division 2, see section 645(b); or
- (b) for chapter 14, part 2, division 3, see section 649(b).

relevant person, for chapter 14, part 2, division 3, see section 649(c).

relevant quantity particulars see section 654.

resource allocation authority means a resource allocation authority issued under chapter 5, part 3.

ring net means a net shot to encircle fish by hauling 1 end around the other to make a figure '6'.

river basin see section 9 of this schedule.

round trap means a mesh trap supported by a rigid cylindrical frame.

RTE line unit means an RTE line unit under the Coral Reef Plan.

S, for schedule 2, see schedule 2, section 1.

sale docket, see section 655(1).

second licence, for chapter 6, part 4, see section 255.

seine net means a net, with or without a pocket, that can be used as a beach seine net or a haul seine net by being shot in a way to partly encircle fish.

set, a net, means fix the net or part of it in a way that it can trap fish.

set line means a line used to take fish that is attached to—

- (a) a boat; or
- (b) something else outside, but not floating on, the water in which it is being used.

Example for paragraph (b)—

a line used to take fish that is attached to a branch of a tree growing in the water in which the line is being used if the attachment is at a point above the surface of the water

set mesh net means a net used to take fish by anchoring or fixing it at more than 1 place.

SF \hat{A} B sign means a sign with the marking SF \hat{A} B on it, erected or displayed by the chief executive.

shell dredge means a rigid device that is used for gathering shells as it is dragged along the substrate.

shoot a net, means place or spread the net, or part of it, in a way that it can trap fish.

SM fishery licence means a licence under the Act with the fishery symbol 'SM' written on it.

SM (Flat Rock) fishery licence means an SM fishery licence—

- (a) on which is written the fishery symbols 'L1', 'L6' or 'L7'; and
- (b) under which fish may be taken by surface trolling in the Flat Rock (grey nurse shark protection area—western zone) under conditions imposed by the chief executive.

SM unit means an SM unit continued under section 723.

SM unit certificate means—

- (a) an SM unit certificate continued under section 724; or
- (b) if the certificate is replaced under section 71 of the Act, or changed or replaced under section 585(2), the certificate as replaced or changed.

SM unit holder means a holder of an SM unit.

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

Spanner Crab Plan means the *Fisheries (Spanner Crab) Management Plan 1999*.

spear gun includes a bow for propelling a spear.

species, of fish, for chapter 1, part 2, division 3, see section 5.

structure includes a barrage, boat ramp, bridge, bund, dam wall, harbour breakwater, jetty, mooring, power pole, silt curtain, storm water outlet, weir and wreck.

surface trolling means using a fishing line from a moving boat so that no part of the line, including a lure or hook used with the line, is more than 2m below the surface of the water.

T1 effort unit means a T1 effort unit under the East Coast Trawl Plan.

T2 effort unit means a T2 effort unit under the East Coast Trawl Plan.

tender boat see section 7 of this schedule.

territorial sea baseline means the baseline adjacent to the coast of the State as for the time being decided under the *Seas and Submerged Lands Act 1973* (Cwlth), section 7(2)(b).

Note—

See the proclamation in Gazette No. S 29 (Cwlth) dated 9 February 1983 at pages 2 to 14 as amended by proclamation in Gazette No. S 57 (Cwlth) dated on 31 March 1987 at page 35.

the licence, for a fishery provision, see section 16.

the State, for chapter 14, part 5, division 1, see section 659.

threshold percentage, for saucer scallop less than the regulated minimum size, means the percentage worked out under section 167.

transaction number, for a transaction carried out using the AIVR system, see section 670(1)(b).

transhipment notice, for chapter 10, part 3, see section 565.

transport vessel, for chapter 10, part 3, see section 565.

trunked, for a fish, means the fish has had its head or tail removed.

tunnel net means a net, supported by stakes, in which there is an opening so fish trapped by the net can enter a trough or tunnel formed by the net.

unallocated State land see the *Land Act 1994*, schedule 6.

under direction, for an assistant fisher, see section 10 of this schedule.

unit PIN, for SM units, means—

- (a) the unit PIN for the units continued under section 726; or
- (b) if the unit PIN for the units is changed under section 588, the unit PIN as changed.

unload, for fish, means—

- (a) if the fish have been taken by a commercial fisher and are on a commercial fishing boat—
 - (i) moving the fish from the boat, or a transport vessel to which the fish have been transferred, to a vehicle or a place; or

Examples of a place for subparagraph (i)—

a wharf, an enclosed part of Queensland waters used to keep live fish, a place on land

- (ii) moving the boat while the fish are on the boat to a place on land; or
- (b) if the fish have been taken by a recreational fisher and are on a boat—
 - (i) moving the fish from the boat to a vehicle or a place on land; or
 - (ii) moving the boat while the fish are on the boat to a place on land.

unloaded fish notice, for chapter 10, part 3, see section 565.

unloading area, for chapter 10, part 3, see section 565.

unloading particular, for chapter 10, part 3, see section 565.

unnotifiable landing notice, for chapter 10, part 3, see section 565.

unused entitlement, for SM units, see section 558(2).

use a net, includes setting and shooting the net.

used, for an entitlement under an SM unit, see section 558(1).

V, for schedule 2, see schedule 2, section 1.

VMS equipment requirement means a requirement under chapter 14, part 7, division 2 or 3.

VMS exemption notice see section 685(1).

VMS exemption period see section 685(1)(a).

W, for schedule 2, see schedule 2, section 1.

warehouse keeper, for chapter 14, part 5, division 3, see section 665.

waters other than the Gulf of Carpentaria waters means the regulated waters of that name mentioned in schedule 1.

whole weight, for an amount of spanish mackerel, see section 11 of this schedule.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 June 2008. Future amendments of the Fisheries Regulation 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 April 2008	
1A	2008 SL No. 156	13 June 2008	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Fisheries Regulation 2008 SL No. 83

made by the Governor in Council on 27 March 2008

notfd gaz 28 March 2008 pp 1721–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Notes— (1) The expiry date may have changed since this reprint was published.
See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Fisheries Amendment Regulation (No. 2) 2008 SL No. 156

notfd gaz 13 June 2008 pp 948–51

commenced on date of notification

7 List of annotations

Scientific names for species of fish

s 6 amd 2008 SL No. 156 s 3

CHAPTER 2—REGULATED WATERS DECLARATIONS

PART 4—DECLARATIONS ABOUT TAKING ANY FISH

Division 3—Taking any fish in particular shark protection areas

Subdivision 3—Exceptions for division 3

sdiv hdg amd 2008 SL No. 156 s 4

PART 5—DECLARATIONS ABOUT TAKING OR POSSESSING PARTICULAR FISH

Division 4—Regulated coral reef fin fish

Subdivision 2—Exceptions for division 4

sdiv hdg amd 2008 SL No. 156 s 5

Regulated waters for sdiv 3

s 80 amd 2008 SL No. 156 s 2 sch

Regulated waters for div 2

s 87 amd 2008 SL No. 156 s 2 sch

Prohibited activities

s 96 amd 2008 SL No. 156 s 6

Prohibited activities

s 109 amd 2008 SL No. 156 s 7

Prohibited activities—using mesh nets generally

s 110A ins 2008 SL No. 156 s 8

Prohibited activities—using set mesh net offshore or net neither fixed nor hauled

s 112 sub 2008 SL No. 156 s 9

Prohibited activities

s 114 sub 2008 SL No. 156 s 10

Prohibited activities

s 116 amd 2008 SL No. 156 s 11

Using mesh nets in offshore waters

s 119 amd 2008 SL No. 156 s 2 sch

Using a mesh, ring or seine net

s 123 amd 2008 SL No. 156 s 2 sch

Using fishing lines and hooks

s 189 amd 2008 SL No. 156 s 12

Using seine nets

s 193 amd 2008 SL No. 156 s 13

Using spears or spear guns

s 194 amd 2008 SL No. 156 s 14

Authorisations subject to regulation, management plans and authorities

s 208 amd 2008 SL No. 156 ss 15, 2 sch

What fish may be taken

s 460 amd 2008 SL No. 156 s 2 sch

What fish may be taken

s 471 amd 2008 SL No. 156 s 2 sch

Permitted ways of taking fish

s 472 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in and near Hervey Bay

s 476 amd 2008 SL No. 156 s 2 sch

Use of mesh or seine nets south of Baffle Creek

s 477 amd 2008 SL No. 156 s 2 sch

Use of mesh or seine nets north of Baffle Creek

s 478 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in offshore waters of Keppel Bay

s 479 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in offshore waters

s 480 amd 2008 SL No. 156 s 2 sch

Use of mesh or seine nets in rivers and creeks

s 481 amd 2008 SL No. 156 s 2 sch

Marking nets

s 492 amd 2008 SL No. 156 s 2 sch

Endnotes

What fish may be taken

s 496 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in offshore waters between Baffle Creek and Cape Flattery

s 500 amd 2008 SL No. 156 s 2 sch

What fish may be taken

s 511 amd 2008 SL No. 156 s 2 sch

Permitted ways of taking fish

s 512 amd 2008 SL No. 156 s 2 sch

Use of mesh or seine nets in the fishery area

s 513 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in offshore waters

s 514 amd 2008 SL No. 156 s 2 sch

Use of mesh or seine nets in rivers and creeks

s 515 amd 2008 SL No. 156 s 2 sch

Use of mesh nets in and near Hervey Bay

s 516 amd 2008 SL No. 156 s 2 sch

Marking nets

s 525 amd 2008 SL No. 156 s 2 sch

What fish may be taken

s 529 amd 2008 SL No. 156 s 2 sch

What fish may be taken

s 539 amd 2008 SL No. 156 s 2 sch

Permitted ways of taking fish

s 540 amd 2008 SL No. 156 s 2 sch

Entitlement under SM unit

s 557 amd 2008 SL No. 156 s 2 sch

CHAPTER 17—AMENDMENT OF PLANS AND REGULATIONS

ch 17 (ss 728–746) om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE 1—REGULATED WATERS

PART 2—WATERS NAMED BY REFERENCE TO LOCATION

amd 2008 SL No. 156 s 2 sch

SCHEDULE 2—REGULATED FISH DECLARATIONS

PART 1—PRELIMINARY

s 1 (prev s 747) renum 2008 SL No. 156 s 16(1)

PART 2—FISH REGULATED SEPARATELY

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**SCHEDULE 6—GLOSSARY OF SCIENTIFIC NAMES FOR PARTICULAR FISH
OTHER THAN REGULATED CORAL REEF FIN FISH**

PART 6—OTHER PARTICULAR FISH

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SCHEDULE 11—DICTIONARY

PART 1—EXTENDED DEFINITIONS

Meaning of “fishing line”

s 2A ins 2008 SL No. 156 s 18(1)

PART 2—OTHER DEFINITIONS

def “**bottom set line**” sub 2008 SL No. 156 s 18(2)–(3)

def “**drop line**” sub 2008 SL No. 156 s 18(2)–(3)

def “**drum line**” ins 2008 SL No. 156 s 18(3)

def “**fishing line**” sub 2008 SL No. 156 s 18(2)–(3)

def “**free-floating line**” ins 2008 SL No. 156 s 18(3)

def “**mesh net**” sub 2008 SL No. 156 s 18(2)–(3)

def “**net that is neither fixed nor hauled**” ins 2008 SL No. 156 s 18(3)

def “**recreational fishing apparatus**” amd 2008 SL No. 156 s 18(4)

def “**seine net**” sub 2008 SL No. 156 s 18(2)–(3)

def “**set line**” ins 2008 SL No. 156 s 18(3)

def “**set mesh net**” sub 2008 SL No. 156 s 18(2)–(3)