



*Fisheries Act 1994*

# **Fisheries (Commercial Fisheries) Regulation 2019**

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Queensland

# Fisheries (Commercial Fisheries) Regulation 2019

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# Fisheries (Commercial Fisheries) Regulation 2019

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Fisheries (Commercial Fisheries) Regulation 2019*.

### 2 Commencement

This regulation commences on 1 September 2019.

### 3 Interpretation

- (1) The dictionary in schedule 11 defines particular words used in this regulation.
- (2) Subject to subsection (1), and unless this regulation provides otherwise, terms used in it have the meaning given under the *Fisheries (General) Regulation 2019*.
- (3) Subsection (2) is not limited to a term defined under the *Fisheries (General) Regulation 2019* but also applies to a provision of the regulation that aids the interpretation of a term mentioned in the regulation.

*Note—*

See, for example—

- 1 sections 14 and 15 of that regulation for the interpretation of references to periods and times; and
- 2 schedule 7 of that regulation for the interpretation of references to, or relating to, fish; and
- 3 schedule 8 of that regulation for the interpretation of references to, or relating to, waters or areas; and

- 4 schedule 9 of that regulation for the interpretation of references to, or relating to, boats; and
- 5 schedule 10 of that regulation for the interpretation of references to, or relating to, fishing apparatus.

## **Chapter 2      Commercial fisheries**

### **Part 1            General**

#### **4            Commercial fisheries**

- (1) Each fishery named and described in schedules 1 to 8 is a commercial fishery.
- (2) Schedules 1 to 8 state the following for each commercial fishery—
  - (a) the fishery symbol;
  - (b) the fishery area;
  - (c) matters about what is authorised under a licence on which the fishery symbol for the fishery is written, including, for example—
    - (i) fish that may be taken in the fishery; and
    - (ii) the way in which fish may be taken in the fishery; and
    - (iii) any other restrictions on a person's authorisation to take fish in the fishery;
  - (d) if applicable, the permitted distance for an assistant fisher to be under direction of a commercial fisher for the fishery;

- (e) conditions about carrying out activities in the fishery applying to a licence on which the fishery symbol for the fishery is written;
  - (f) if fish may be taken in the fishery only under a quota authority, conditions about carrying out activities in the fishery applying to—
    - (i) the quota authority; or
    - (ii) a commercial fisher licence held by a person acting under the quota authority.
- (3) A condition mentioned in subsection (2)(e) or (f) may restrict the carrying out of an activity, or the way an activity may be carried out, in a commercial fishery that is otherwise authorised under subsection (2)(c).

## **5 Management and operation of commercial fisheries**

- (1) This section states, for information purposes only, some general matters about the management and operation of commercial fisheries.
- (2) A person may take fish for trade or commerce in the fishery area of a commercial fishery under a licence on which the fishery symbol for the fishery is written.
- (3) A fishery symbol for a commercial fishery may be written only on a commercial fishing boat licence or commercial harvest fishery licence.
- (4) The *Fisheries (General) Regulation 2019* together with this regulation provide for—
  - (a) restrictions on the issue of commercial fishing boat licences and commercial harvest fishery licences; and
  - (b) restrictions on writing fishery symbols on commercial fishing boat licences and commercial harvest fishery licences; and

- (c) what is authorised under a commercial fishing boat licence or commercial harvest fishery licence on which a fishery symbol is written; and
- (d) conditions applying to a commercial fishing boat licence or commercial harvest fishery licence on which a fishery symbol is written.

## 6 References in fishery provisions

In a fishery provision about a commercial fishery—

- (a) a reference to a commercial fisher is a reference to a commercial fisher acting under a commercial fishing boat licence on which a fishery symbol for the fishery is written; and
- (b) a reference to the licence is a reference to a commercial harvest fishery licence or commercial fishing boat licence on which a fishery symbol for the fishery is written.

# Part 2 Authorisation for commercial fisheries

## Division 1 Restrictions on authorisation in fishery provisions

### 7 Purpose of this division

This division states particular matters about what a person (the *authorised person*) acting under a licence on which a fishery symbol for a commercial fishery is written is authorised to do in the fishery under the licence.

## **8 Where fish may be taken**

- (1) The authorised person may take fish only in a fishery area of the commercial fishery.
- (2) However, if a fishery provision about the commercial fishery states that fish may be taken only in an area stated on the licence and an area is stated on the licence, the authorised person may take fish only in the area stated on the licence.
- (3) Also, if a fishery provision about the commercial fishery states that fish may be taken only in a particular area within the fishery's fishery area, the authorised person may take fish only in the area stated in the fishery provision.

## **9 What fish may be taken**

The authorised person may take only fish that a fishery provision about the commercial fishery states may be taken by the person in the fishery.

## **10 Way fish may be taken**

- (1) If a fishery provision about the commercial fishery states that fish may be taken in the fishery only in a stated way, the authorised person may take fish in the fishery only in the stated way.

*Examples of stated ways—*

- by using only stated fishing apparatus
  - by using stated fishing apparatus only in a stated way
  - by using only a stated number of stated fishing apparatus
- (2) If a particular type of fishing apparatus is authorised to be used to take fish in the commercial fishery and there is no fishery provision about the fishery stating the number of items of that type of fishing apparatus that may be used for taking fish in the fishery, no more than 1 item of the type may be used at the same time for taking fish in the fishery.

- (3) Subsection (2) applies even if more than 1 person is acting under the licence.

### **10A Restriction on possessing, selling or processing fish**

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

### **10B Restriction on possessing commercial fishing apparatus**

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

## **11 Additional restrictions on authorisation**

- (1) This section applies if a fishery provision about the commercial fishery states any of the following (each a *restriction*)—
  - (a) fish may be taken in the fishery only if there is an unused quota entitlement for the licence;
  - (b) a maximum amount of fish that may be taken in the fishery;
  - (c) a period during which fish may be taken in the fishery;
  - (d) a stated activity must not be carried out in a stated area of the fishery.
- (2) The authorised person may take fish in the commercial fishery only in accordance with the restriction.

## **12 Restriction on authorisation may apply in more than 1 way**

A restriction under this division may apply to the authorised person in more than 1 way.

*Example—*

An authorised person may be authorised to take fish in a commercial fishery only in a particular area within the fishery's fishery area, using only a particular type of fishing apparatus, and only during a particular period.

## **Division 2 Other restrictions on authorisation**

### **13 Restriction on taking fish in more than 1 commercial fishery**

- (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 is not authorised to take fish in more than 1 commercial fishery at the same time.
- (2) However, if 1 of the fishery symbols is 'C1', 'C2' or 'C3', the person may take crabs in the fishery to which the fishery symbol relates and fish in 1 other commercial fishery at the same time.
- (3) Also, subsection (1) does not apply to a person taking any of the following fish at the same time—
  - (a) spanish mackerel under the fishery symbol 'SM';
  - (b) regulated coral reef fin fish under the fishery symbol 'RQ';
  - (c) fin fish, other than spanish mackerel or regulated coral reef fin fish, under the fishery symbol 'L1', 'L2', 'L3' or 'L8';
  - (d) shark under the fishery symbol 'S'.
- (4) Further, subsection (1) does not apply to a person taking the following fish at the same time—

- (a) fin fish, other than regulated coral reef fin fish and spanish mackerel, under the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' or 'K9';
  - (b) shark under the fishery symbol 'S'.
- (5) In addition, subsection (1) does not apply to a person taking fish under the fishery symbol 'A1' and the fishery symbol 'D' at the same time.

#### **14 Restriction on taking fish in commercial fisheries having same fishery symbol**

- (1) This section applies if a fishery symbol written on a commercial fishing boat licence is the fishery symbol for more than 1 commercial fishery.
- (2) A person acting under the licence is not authorised to take fish or use fishing apparatus in more than 1 of the fisheries at the same time.

*Example—*

The fishery symbol 'N4' is written on a licence authorising use of a net in offshore waters in the net fishery (east coast no. 3) and use of a net in nearshore waters in the net fishery (east coast no. 1). A person acting under the licence must not use the nets in the fisheries at the same time.

#### **15 Restriction on 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.
- (2) The person is not authorised 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.

### **15A Restriction on retaining fish**

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

### **15B Restriction on transshipping fish**

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

## **Part 3 Fishing priority**

### **Division 1 Interpretation**

#### **16 Definitions for part**

In this part—

*ocean beach fishery* means a commercial fishery mentioned in schedule 4, part 1.

*ocean beach fishery flag* means a flag that—

- (a) is orange; and
- (b) has an area of at least 1m<sup>2</sup>; 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 identified by the flag;
  - (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 the straight line between the ocean beach fishery flags, extending from the point that is 500m seaward of 1 of the flags to the point that is 500m landward of that 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 to the point that is 500m landward of the other 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).

## 17 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 authorised to be used in the area; and
  - (ii) if a fishery provision about the commercial fishery states that fish may be taken only if a minimum number of assistant fishers is present—the minimum number of assistant fishers present; and
- (b) there is, on the boat, a net authorised to be used to take fish in the area.

## **Division 2                      Fishing priorities**

### **18            Fishing priority—ocean beach fisheries**

- (1) This section applies—
- (a) to each commercial fisher acting under a commercial fishing boat licence; and
  - (b) for using a net in an ocean beach fishery.
- (2) Each of the commercial fishers is authorised under the licence to use a net—
- (a) in the ocean beach net area identified by the fisher; and
  - (b) in the order in which the fishers are ready to fish with the nets in the area.

### **19            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.
- (2) Each of the commercial fishers is authorised under the licence to use a net—

- (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.

## **20 Duration of fishing priority**

An authorisation for a commercial fisher to use nets in an area of a commercial fishery under section 18 or 19 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.

## **21 Joint fishers taken to be 1 fisher**

If 2 or more commercial fishers mentioned in section 18 or 19 jointly use nets, they are taken to be 1 commercial fisher.

# **Division 3 Offences relating to fishing priorities**

## **22 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 16, 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.

## 23 Obstructing exercise of a fishing priority

A person must not obstruct a commercial fisher in exercising a fishing priority under division 2, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

# Part 4 Conditions on authorities relating to boat marks

## Division 1 Preliminary

### 24 Application of part

This part applies to an authority that authorises the use of a boat (an *authorised boat*) in a commercial fishery if—

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

### 25 Reference to a *boat mark* for a boat

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

- (a) for a primary boat or another boat identified in the authority—the sequence of letters or numbers for the boat stated on the authority or boat mark notice issued for the boat; or
- (b) for a tender boat or another boat not identified in the authority—the sequence of letters or numbers for the boat stated on the authority or a boat mark notice followed by—

- (i) a dash; and
- (ii) a number, chosen by the holder of the authority, that is not the same as the number for any other boat of a type mentioned in this paragraph that is used under the authority.

## **Division 2                    Condition about fixing boat mark**

### **26            Boat mark must be fixed on authorised boat**

- (1) It is a condition of the authority that the holder of the authority must ensure the boat mark for the authorised boat is fixed to the boat in a way that complies with this division.
- (2) It is a condition of the authority that the boat mark must not be removed, or replaced with another boat mark, during a fishing trip on the boat.

### **27            Colour and placement**

- (1) The boat mark must be written in black on a yellow background.
- (2) The boat mark must be—
  - (a) fixed to each side of the boat's hull; and
  - (b) fixed to the following surface in a way that allows the boat mark to be viewed from above—
    - (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) otherwise—a flat surface on the boat.
- (3) The boat mark must not—
  - (a) be fixed below the water line of the boat; or
  - (b) otherwise be obscured from view.

## **28 Size of boat mark**

- (1) 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
  - (b) each stroke or serif of the letter or number must have a width of at least 2cm but no more than 2.5cm.
- (2) 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.
- (3) 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.

## **Division 3 Other conditions**

### **29 Authorised boat must not be used without boat mark**

It is a condition of the authority that a person in control of the 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 fixed to, and remains on, the boat in compliance with division 2.

### **30 Requirement to remove boat mark**

- (1) It is a condition of the authority that the holder of the authority must remove the boat mark from the authorised boat if—
  - (a) the boat is replaced; or





## **Chapter 3      Licences**

### **Part 1              Commercial fisher licence**

#### **Division 1          Authorisation**

##### **32      Authorisation—commercial fisher**

- (1) The holder of a commercial fisher licence may do any of the following under the licence—
  - (a) buy commercial fishing apparatus;
  - (b) possess commercial fishing apparatus;
  - (c) use commercial fishing apparatus, but only while using a commercial fishing boat under a commercial fishing boat licence authorising the use of the apparatus;
  - (d) take fish for trade or commerce, but only while using a commercial fishing boat under a commercial fishing boat licence;
  - (e) possess the fish;
  - (f) sell the fish;
  - (g) process the fish.
- (2) However, if a fishery provision about a commercial fishery states that commercial fishing apparatus may be possessed in the fishery area for the fishery, or fish taken in the fishery area may be possessed, sold or processed, only in stated circumstances or in a stated way, the holder may possess the apparatus, or possess, sell or process the fish, only in the stated circumstances or stated way.

### **33 Authorisation—assistant fisher**

- (1) Subject to subsections (2) to (4), the holder of a commercial fisher licence may authorise someone else (an *assistant fisher*) to do a thing under the licence that the commercial fisher may do under section 32.
- (2) An assistant fisher may do a thing mentioned in section 32(b) to (d) under a commercial fisher licence only if the assistant fisher is acting under direction of the commercial fisher.
- (3) An assistant fisher may do a thing mentioned in section 32(e) to (g) under a commercial fisher licence on a boat only if the assistant fisher is acting under direction of the commercial fisher.
- (4) An assistant fisher may do a thing mentioned in section 32(a), (b), (e), (f) or (g) under a commercial fisher licence, other than on a boat, only if the assistant fisher complies with the commercial fisher's instructions.

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

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

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

### **35 Meaning of *under direction*—east coast trawl fishery**

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

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

### **36 Meaning of *under direction*—other commercial fisheries**

- (1) This section states when an assistant fisher is *under direction* of a commercial fisher for a commercial fishery other than a commercial fishery mentioned in section 34 or 35.
- (2) The assistant fisher is *under direction* of the commercial fisher if—
  - (a) the assistant fisher and commercial fisher are engaged in—
    - (i) the same fishing operation in the commercial fishery; or
    - (ii) different fishing operations, if 1 of them is in the crab fishery; and
  - (b) either—
    - (i) the assistant fisher and commercial fisher are at the same place, on the same reef, 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, on the same reef, in the same vehicle or on the same commercial fishing boat, but—
      - (A) they are no further apart than the permitted distance under a fishery provision about the commercial fishery; and
      - (B) the assistant fisher is following the commercial fisher’s instructions.

## **Division 2 Conditions**

### **37 Application of division**

This division prescribes conditions for a commercial fisher licence.

**38 Fish may not be taken under more than 1 licence in the same fishery—particular fisheries**

- (1) This section applies to a commercial fisher acting under an M1, M2, T1, T2, T4, T5, T6, T7, T8 or T9 licence.
- (2) The commercial fisher must not take fish in the same commercial fishery under more than 1 commercial fishing boat licence at the same time.

**39 Fish may not be taken under more than 1 licence in the same fishery—other fisheries**

- (1) This section applies to a commercial fisher acting under a commercial fishing boat licence, other than a licence mentioned in section 38(1).
- (2) The commercial fisher must not take fish in the same commercial fishery using—
  - (a) if the commercial fisher is directing an assistant fisher acting under a commercial fishing boat licence in the commercial fishery at the same time as the commercial fisher—more than 2 commercial fishing boat licences at the same time; or
  - (b) otherwise—using more than 1 commercial fishing boat licence at the same time.

**40 Commercial fisher to display notice**

- (1) This section applies to a commercial fisher who is acting under a commercial fishing boat licence from land.
- (2) The commercial fisher must display a notice—
  - (a) adjacent to the place on the land from which the fisher is acting under the licence; and
  - (b) stating the type of licence the fisher is acting under and the licence number.
- (3) For the notice—

- (a) each letter or number must have a height of at least 20cm; and
- (b) each stroke or serif of the letter or number must have a width of at least 2cm.

## **Part 2                      Commercial fishing boat licence**

### **Division 1                  Authorisation**

#### **41                      Authorisation under a commercial fishing boat licence**

- (1) The holder of 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 each 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 to be used as if it were the primary commercial fishing boat identified in the licence if—
    - (i) the holder, or another person acting under the licence, has notified the chief executive, in a way nominated by the chief executive and published on the department’s website, that the tender boat is being used as if it were the primary boat under this paragraph; and
    - (ii) the primary boat is not also being used to take fish for trade or commerce; and
    - (iii) 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 lawfully taken in a commercial fishery;
  - (e) sell the fish;
  - (f) process the fish;
  - (g) buy, sell and possess commercial fishing apparatus.
- (2) However, if a fishery provision about a commercial fishery states that fish taken in the fishery area for the fishery may be possessed, sold or processed, or commercial fishing apparatus may be possessed in the fishery area, only in stated circumstances or in a stated way, the holder may possess, sell or process the fish, or possess the apparatus, only in the stated circumstances or stated way.
- (3) 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.
- (4) A tender boat may be used under subsection (1)(b) or (c) only if a primary commercial fishing boat has been identified in the licence.
- (5) For subsection (1)(c)(ii), 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.
- (6) While a tender boat is being used under subsection (1)(c), the provisions of this regulation apply to the boat as if it were a primary boat.
- (7) The primary boat and any of its tender boats may be used in the N11 fishery to take N11 fish without the N11 fishery symbol being written on the licence if the boat and the taking of the fish complies with schedule 4, part 7.
- (8) The holder of a commercial fishing boat licence may authorise another person to do any thing the holder may do under this section.
- (9) A person authorised, under subsection (8), by the holder of a commercial fishing boat licence to do a thing may do the thing under the licence.

## **Division 2                    Conditions**

### **Subdivision 1            General conditions**

#### **42            General conditions of a commercial fishing boat licence**

- (1) This section prescribes conditions for a commercial fishing boat licence.
- (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) If the primary boat or any of its tender boats is used to take N11 fish, the N11 fish may be sold only if the N11 fishery symbol is written on the licence.
- (4) The primary boat may be used in a commercial fishery only if its length is no more than—
  - (a) if a fishery provision about the fishery states that a primary boat longer than a stated length must not be used in the fishery—the stated length; or
  - (b) otherwise—25m.
- (5) A tender boat may be used in a commercial fishery only if—
  - (a) its primary boat—
    - (i) may be used in the fishery; and
    - (ii) is not being used in another commercial fishery; and
  - (b) the tender boat's length is no more than 10m.
- (6) Subsection (5)(a)(ii) does not apply in relation to the use of a tender boat in a commercial fishery if the other commercial fishery in which the primary boat is being used is a crab fishery.
- (7) In this section—

*N11 fish* means fish that may, under schedule 4 be taken in the N11 fishery.

## **Subdivision 2 Additional conditions about boat modification and replacement for east coast trawl fishery**

### **43 Modifying boats**

- (1) This section prescribes a condition for an M1, M2, T1 or T2 licence.
- (2) The holder of the licence may modify the boat identified in the licence only if—
  - (a) the modification does not change the number of hull units for the boat; or
  - (b) the modification is of a kind allowed under section 44 or 45.

### **44 Amending or replacing particular licences to allow boat modification or replacement**

The chief executive may amend or replace an M1, T1 or T2 licence to allow the boat identified in the licence to be modified or replaced only if the modification or replacement does not result in—

- (a) the hull units for the boat being more than 70; or
- (b) the boat's main engine power being more than 300 maximum continuous brake kW.

### **45 Amending or replacing M2 licences to allow boat modification or replacement**

The chief executive may amend or replace an M2 licence to allow the boat identified in the licence to be modified or replaced only if—



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

#### **46 Modifying boats**

- (1) This section prescribes conditions for a T5, T6, T7, T8 or T9 licence.
- (2) The holder of the licence may modify the boat identified in the licence only if—
  - (a) the modification does not change the boat's main engine power or its length; or
  - (b) the modification is of a kind allowed under section 47.

#### **47 Amending or replacing particular licences to allow boat modification or replacement**

The chief executive may amend or replace a T5, T6, T7, T8 or T9 licence to allow the boat identified in the licence to be modified or replaced only if—

- (a) the primary boat identified in the licence is no longer than 14m; and
- (b) the modification or replacement of the boat will not result in the boat's main engine power being more than 300 maximum continuous brake kW.

## **Part 3                      Commercial harvest fishery licence**

### **Division 1                Authorisation**

#### **48            Authorisation—holder**

- (1) The holder of a commercial harvest fishery licence may do any of the following under the licence—
  - (a) buy and possess commercial fishing apparatus;
  - (b) use commercial fishing apparatus for fishing in a commercial fishery identified in the licence;
  - (c) take fish for trade or commerce in a commercial fishery identified in the licence;
  - (d) use a boat to take the fish and to carry the fish;
  - (e) possess the fish;
  - (f) sell the fish;
  - (g) process the fish.
- (2) However, if a fishery provision about a commercial fishery states that fish taken in the fishery area for the fishery may be possessed, sold or processed only in stated circumstances or in a stated way, the holder may possess, sell or process the fish only in the stated circumstances or stated way.
- (3) For subsection (1)(b) and (c), a commercial fishery is identified in the licence only if the fishery symbol for the fishery is written on the licence.

#### **49            Authorisation—other persons**

- (1) The holder of a commercial harvest fishery licence may authorise any of the following persons to do a thing the holder may do under section 48—

- (a) a person nominated by the holder under section 50;
  - (b) a person the chief executive has approved as the holder's approved nominee under section 51;
  - (c) another person that a fishery provision about a commercial fishery states is authorised to do the thing in the fishery.
- (2) A person authorised, under subsection (1), by the holder of a commercial harvest fishery licence to do a thing may do the thing under the licence.
- (3) However—
- (a) a person may be authorised under subsection (1), and is authorised under subsection (2), to take fish in a commercial fishery only if a fishery provision about the fishery states the person may take the fish; and
  - (b) a person may be authorised under subsection (1), and is authorised under subsection (2), to sell fish taken in a commercial fishery only if a fishery provision about the fishery states the person may sell the fish; and
  - (c) a person may be authorised under subsection (1), and is authorised under subsection (2), to process fish in a commercial fishery only if a fishery provision about the fishery states the person may process the fish.

## **50 Holder may nominate persons to take or sell fish**

- (1) The holder of a commercial harvest fishery licence on which the fishery symbol 'A1', 'B1', 'D', 'J1', 'JE', 'O', 'W1', 'W2' or 'Y' is written may nominate a total of no more than 3 persons to take fish under the licence.
- (2) Also, the holder of a commercial harvest fishery licence on which the fishery symbol 'A1', 'B1', 'D', 'W1', 'W2' or 'Y' is written may nominate a total of no more than 3 persons to sell fish under the licence.

- (3) The holder of the licence must give written notice to the chief executive of the nomination of each nominee under subsection (1) or (2).

## **51 Chief executive may approve nominee for eel fishery**

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

## **Division 2 Conditions**

### **52 Licence holder to display notice**

- (1) This section prescribes a condition for a commercial harvest fishery licence that applies to the holder of the licence if the holder is acting under the licence from land.
- (2) The holder must display a notice—
  - (a) adjacent to the place on the land from which the holder is acting under the licence; and
  - (b) stating the type of licence the holder is acting under and the licence number.
- (3) For the notice—

- (a) each letter or number must have a height of at least 20cm; and
- (b) each stroke or serif of the letter or number must have a width of at least 2cm.

## **Part 4                      Fishery symbols**

### **Division 1                      Writing fishery symbols on licences**

#### **53                      Fishery symbol may only be written on commercial fishing boat licence or commercial harvest fishery licence**

- (1) The chief executive may write a fishery symbol only on a commercial fishing boat licence or commercial harvest fishery licence.
- (2) The chief executive may write—
  - (a) a fishery symbol for a commercial fishery under schedule 1 only on a commercial harvest fishery licence; and
  - (b) a fishery symbol for a commercial fishery under schedules 2 to 8 only on a commercial fishing boat licence.

#### **54                      Restriction on writing particular fishery symbols unless primary commercial fishing boat identified**

The chief executive may write a fishery symbol, other than a fishery symbol for a commercial fishery under schedule 1, on a commercial fishing boat licence only if a primary commercial fishing boat is identified in the licence.

## **55 General restriction on writing fishery symbols**

- (1) The chief executive may write a fishery symbol on a commercial fishing boat licence or commercial harvest fishery licence only if—
  - (a) the chief executive has, under section 63, 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 or commercial harvest fishery licence on which the symbol was written.
- (2) However, the chief executive may write the fishery symbol ‘E’ on a commercial harvest fishery licence only if the licence is a replacement of a commercial harvest fishery licence on which the symbol was written.

*Note—*

Under the *Fisheries (General) Regulation 2019*, section 38, E licences are not transferable.

## **56 Restriction on writing multiple fishery symbols**

The chief executive must not write the same fishery symbol, other than the fishery symbol ‘C1’, ‘C3’, ‘N3’ or ‘T4’, more than once on a licence.

## **57 Restrictions on writing fishery symbols ‘N3’, ‘N12’ and ‘N13’**

- (1) The chief executive must not write the fishery symbol ‘N3’ on a licence on which the fishery symbol ‘N12’ or ‘N13’ is written.
- (2) The chief executive must not write the fishery symbol ‘N12’ on—
  - (a) a licence on which the fishery symbol ‘N3’ or ‘N13’ is written; or
  - (b) more than 3 commercial fishing boat licences.

- (3) The chief executive must not write the fishery symbol ‘N13’ on a licence on which the fishery symbol ‘N3’ or ‘N12’ is written.

**58 Restrictions on writing particular east coast trawl fishery symbols**

- (1) The chief executive must not write—
- (a) the ‘M2’ fishery symbol on a licence on which the fishery symbol ‘M1’, ‘T1’ or ‘T2’ is written; or
  - (b) the ‘T2’ fishery symbol on a licence on which the fishery symbol ‘M1’ or ‘T1’ is written; or
  - (c) the ‘M1’ fishery symbol on a licence on which the fishery symbol ‘T1’ is not written.

**59 Restrictions on writing particular east coast trawl fishery symbols on licences allowing the use of boats of particular types**

- (1) The chief executive must not—
- (a) write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a licence allowing the use of a boat for which—
    - (i) the hull units are more than 70; or
    - (ii) the main engine is more than 300 maximum continuous brake kW; or
  - (b) write a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ fishery symbol on a licence allowing the use of a boat if—
    - (i) the boat is longer than 14m; or
    - (ii) the boat’s main engine is more than 300 maximum continuous brake kW; or
  - (c) write an ‘M2’ fishery symbol on a licence allowing the use of a boat if the hull units of the boat are more than the hull units for a boat that may be used under the licence from which the fishery symbol is being moved.

- (2) Subsection (1)(c) does not apply if the holder of the licence surrenders another M2 licence.

## 60 Restrictions on writing fishery symbols on licences allowing the use of boats of particular lengths

- (1) 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.
- (2) However, the chief executive may write a fishery symbol on a licence (other than a licence on which the fishery symbol ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ is written) (the *second licence*) allowing the use in a commercial fishery of a boat that is longer than the length permitted under the fishery provision about the fishery if—
- (a) a person has applied, under section 62, to move the fishery symbol from another licence (the *first licence*) to the second licence; and
- (b) the boat to be used under the second licence is no longer than the lesser of the following—
- (i) 20m;
- (ii) the length of a boat that is allowed to be used under the first licence.

## Division 2 Moving fishery symbols

### 61 Definitions for division

In this division—

*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.



*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 the *Fisheries (General) Regulation 2019*, section 35.

*first licence* see section 62(1)(a).

*second licence* see section 62(1)(b).

## **62 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 part, 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 tender boat number for the symbol from the first licence to the second licence.
- (3) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by—
    - (i) the fee prescribed under the *Fisheries (General) Regulation 2019*, schedule 6; 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, an application can not be made by a person who holds a licence because of a temporary transfer.

### **63 Deciding application**

- (1) The chief executive may—
  - (a) approve the application, with or without conditions; or
  - (b) refuse the application.
- (2) The chief executive is not required to consider an application that, if approved, would result in the writing or removal of a fishery symbol on a licence that is not permitted under division 1.

### **64 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 the *Fisheries (General) Regulation 2019*, section 35; 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) The actions required to be taken by the chief executive under subsection (2)(a) and (b) for a licence may be done automatically for the licence by an online system established by the chief executive for that purpose.

## **65 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.

# **Chapter 4 Quota authorities**

## **Part 1 Effort units**

### **Division 1 Interpretation**

#### **66 Meaning of *effort year***

*Effort year* means the period from midday on 1 January to midday on 1 January in the next year.

## **67 Reference to a day**

- (1) In this part, a reference to a day is—
  - (a) the period of 24 hours from midday to midday; or
  - (b) if the chief executive is given at least 24 hours notice that a different period is to apply under subsection (2) or (3) for a day—the period of 24 hours stated in the notice.
- (2) The holder of a T1 or T2 licence in relation to which effort units are to be used may notify the chief executive that the day is to be the period of 24 hours from midnight to midnight.
- (3) Also, the holder of a T1 licence that is also an M1 licence in relation to which T1 effort units are to be used may notify the chief executive that the day is to be the period of 24 hours from 6p.m. to 6p.m.
- (4) In this section—

*notice* includes a notice given by facsimile, radio or telephone.

## **Division 2 Entitlement**

### **68 Purpose of this division**

This division states the quota entitlement for effort units.

### **69 Entitlement under effort units**

- (1) The holder of T1 effort units may, in an effort year, use, or allow someone else to use, the boat identified in a T1 licence also held by the holder—
  - (a) until all the effort units for the year have been used; and
  - (b) for 4 additional days (each a *steaming day*).
- (2) The holder of T2 effort units may, in an effort year use the boat identified in a T2 licence also held by the holder—

- (a) until all the effort units for the year have been used; and
  - (b) for 4 additional days (each a *steaming day*).
- (3) The authorisation under this section for an effort year—
- (a) is the holder's *entitlement* under the holder's effort units for the year; and
  - (b) imposes a quota on the entitlement for the effort year.

## 70 When effort units entitlement is *used* for an effort year

- (1) The entitlement under effort units is *used* for an effort year—
- (a) when the holder of, or a person acting under, the effort units has used all the effort units for the year and used a boat identified in a T1 or T2 licence for all the steaming days for the units; or
  - (b) section 71 applies.
- (2) Effort units are used when the holder, or anyone else allowed by the holder, has used a boat identified in a T1 or T2 licence on a day.
- (3) The number of effort units used on the day is worked out by applying the following formula—

$$EU = 1 \times EUCF$$

where—

*EU* means the number of effort units used on the day.

*EUCF* means the effort unit conversion factor for the boat used stated in schedule 10 opposite the number of hull units for the boat.

- (4) If the boat is used in any part of a day, the boat is taken to have been used for the whole of the day.
- (5) If because of a notice given under section 67, the period of a day changes, the use of the boat at any time must not be

counted twice in working out whether the boat has been used on a day.

*Example—*

The day applying to the holder of effort units, under section 67, is midday to midday (the *existing 24-hour period*). The holder gives the chief executive 24 hours notice, under section 67(2), to change the day applying to the holder to be midnight to midnight (the *new 24-hour period*). The boat is used in the 24 hours leading up to the first midnight of the new 24-hour period. The use of the boat during those 24 hours may be counted only for the existing 24-hour period, even if the boat is used after midday.

- (6) The *unused entitlement* under effort units for an effort year is the number of effort units and the steaming days that have not been used for the effort year under any T1 or T2 licence held by the holder of the effort units.

## 71 No carrying forward of unused entitlement

- (1) This section applies if, in an effort year, the holder of effort units uses a boat for a number of days that is less than the entitlement under the holder's effort units.
- (2) The holder is taken, at the end of the effort year, to have used all the entitlement under the effort units held by the holder for the effort year.

## Division 3 Usage notices for T1 effort units

### 72 Chief executive to give usage notice

- (1) This section applies if the chief executive becomes aware that the total entitlement under all the T1 effort units for a particular effort year—
  - (a) has been used; or
  - (b) is likely to be used in the next month.
- (2) The chief executive must immediately give each holder of a T1 licence a written notice (a *usage notice*) stating—

- (a) if the total entitlement has been used—
  - (i) the day the total entitlement was used; and
  - (ii) the day the regulated period starts under the *Fisheries Declaration 2019*, section 92(3); or
- (b) if the total entitlement is likely to be used in the next month—that the total entitlement is likely to be used in the next month.

### **73 Obligations of T1 licence holders under usage notice**

- (1) This section prescribes a condition for a T1 licence that applies if the holder of the licence is given a usage notice.
- (2) The holder of the T1 licence must ensure that every person acting under the licence is aware of the matters mentioned in the usage notice.
- (3) Subsection (4) applies if the usage notice states that the total entitlement is likely to be used in the next month.
- (4) A person in control of a relevant boat under the T1 licence must use the AIVR system, on each day the boat is to be used to take fish under the licence, to obtain the following information before any person starts taking fish from the boat on that day—
  - (a) whether the total entitlement has been used;
  - (b) if the person finds out by using the AIVR system that the total entitlement has been used on that day or an earlier day—the day the regulated period will start under the *Fisheries Declaration 2019*, section 92(3).
- (5) A person in control of a relevant boat under the T1 licence complies with subsection (4) if another person obtains the information, in compliance with that subsection, for the person in control of the boat.
- (6) In this section—

*relevant boat*, under a T1 licence, means a boat that is to be used to take fish under the licence from the reef world heritage area regulated waters.

## **Division 4                    Evidentiary aids for use of entitlement**

### **Subdivision 1            Evidentiary aids for when location detected or reported**

#### **74            Location detected or reported**

- (1) This section applies if the boat identified in a T1 or T2 licence is detected by vessel tracking equipment or manually reported at any time during a day (the *relevant day*) within the following area—
  - (a) for a boat identified in a T1 licence—
    - (i) generally—the T1 area; and
    - (ii) if the licence also has an ‘M1’ fishery symbol written on it—the M1 and M2 area;
  - (b) for a boat identified in a T2 licence—the T2 area.
- (2) The detection or manual report is evidence that the holder of the licence has used the boat for a whole day for—
  - (a) if the licence is a T1 licence—T1 effort units; or
  - (b) if the licence is a T2 licence—T2 effort units.
- (3) However, subsection (2) does not apply if—
  - (a) an exception stated in this subdivision applies for the relevant day; or
  - (b) the chief executive decides on information provided by the holder of the licence that the boat was not used on the relevant day.



- (4) As soon as practicable after making a decision under subsection (3)(b), the chief executive must give each person to whom the decision relates an information notice about the decision.

## **75 Exception—movement only at travelling speed**

- (1) It is an exception if, during the whole of the relevant day, the boat is detected by vessel tracking equipment or manually reported as—
- (a) not having moved; or
  - (b) having moved at a speed of at least 5 knots.
- (2) For subsection (1)(b), if a boat is detected by vessel tracking equipment or manually reported as having moved continuously during a period, the first or last time the boat is detected or manually reported during the period must be disregarded if, at the time, the boat is detected or manually reported as moving at a speed of less than 5 knots.

## **76 Exception—minimum boat movement**

It is an exception if, during the whole of the relevant day, the boat is detected by vessel tracking equipment or manually reported as—

- (a) not having moved; or
- (b) having moved no more than the following distance from where the boat was first detected on the day—
  - (i) if the boat is detected or manually reported as being in the deep water net area during any part of the day—1,000m;
  - (ii) otherwise—250m.

## **77 Exception—moving boat without fishing**

- (1) It is an exception if—

- (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
- (a) the movement is, or is part of, any of the following journeys—
    - (i) from a defined port area to another defined port area;
    - (ii) from a defined port area to a place outside the fishery area of the east coast trawl fishery;
    - (iii) from a place outside the fishery area of the east coast trawl fishery to a defined port area;
    - (iv) from a place outside the fishery area of the east coast trawl fishery to another place outside the fishery area of the east coast trawl fishery;
  - (b) the holder of the licence or person in control of the boat gave the chief executive notice of the following about the journey before it started—
    - (i) the date and time the journey will start;
    - (ii) the place the journey will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) if the movement involves entering or leaving the fishery area of the east coast trawl fishery—each entry or leaving;
    - (vi) the reason for the journey;
  - (c) if any fish taken outside the fishery area of the east coast trawl fishery are on board the boat—the holder of the licence or person in control of the boat gave the chief

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- executive notice of the number or weight of each species of permitted fish before the fish were brought into the area;
- (d) the journey complies, or substantially complies, with the journey stated in the notice;
  - (e) during the whole of the journey—
    - (i) no fish taken by the use of a trawl net in the fishery area of the east coast trawl fishery are on board the boat; and
    - (ii) section 80 of the Act is complied with for the boat; and
    - (iii) all trawl nets on board the boat are stored inboard the boat and are not suspended from a mast or boom.
- (3) Subsection (2)(e)(iii) does not apply if the journey is from a defined port area to the nearest northerly or southerly defined port area.
- (4) Also—
- (a) the holder of the licence or person in control may, during the journey, by notice to the chief executive (*amendment notice*), amend a detail given under subsection (2)(b)(iii), (iv) or (v); and
  - (b) from the giving of the amendment notice, the condition mentioned in subsection (2)(d) is complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.
- (5) In this section—
- permitted fish* see schedule 2, section 4.

## 78 Exception—moving boat to test fishing apparatus

- (1) It is an exception if—

- (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
- (a) the movement is, or is part of, a journey for the sole purpose of testing the operation of fishing apparatus;
  - (b) the destination for the journey is no more than 1n mile from where the journey started;
  - (c) the holder of the licence or person in control of the boat gave, at least 24 hours before the journey, the chief executive notice of the following about the journey—
    - (i) the date and time the journey will start;
    - (ii) the place the journey will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) the reason for the journey;
  - (d) the journey complies, or substantially complies, with the journey stated in the notice;
  - (e) during the whole of the journey—
    - (i) no fish are taken by the use of a trawl net in the fishery area of the east coast trawl fishery; and
    - (ii) the cod ends of each trawl net on or attached to the boat are open; and
    - (iii) section 80 of the Act is complied with for the boat.

**79 Exception—acting exclusively under authority other than an ‘M1’, ‘T1’ or ‘T2’ fishery symbol**

- (1) It is an exception if—

- (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
- (a) the boat is being used during the journey other than under an ‘M1’, ‘T1’ or ‘T2’ fishery symbol;
  - (b) the movement is, or is part of, a journey that started from a defined port area;
  - (c) the holder of the licence or person in control of the boat gave the chief executive notice of the following about the journey before it started—
    - (i) the date and time the journey will start;
    - (ii) where the journey will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) each authority or fishery symbol under which the boat will be used during the journey;
    - (vi) the activities for which the boat will be used during the journey;
    - (vii) the date and time the use of the boat under the authority or fishery symbol mentioned in subparagraph (v) will stop;
  - (d) the journey complies, or substantially complies, with the journey stated in the notice;
  - (e) during the whole of the journey—
    - (i) section 80 of the Act is complied with for the boat; and

- (ii) if the boat is being used under an authority that does not permit the use of trawl nets to take fish in the fishery area of the east coast trawl fishery—there are no trawl nets, or fish taken by the use of a trawl net in the fishery area of the east coast trawl fishery, on board the boat.
- (3) Also—
- (a) the holder of the licence or person in control may, during the journey, by notice to the chief executive (***amendment notice***), amend a detail given under subsection (2)(b)(iii), (iv), (v) or (vi); and
- (b) from the giving of the amendment notice, the condition mentioned in subsection (2)(c) is complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

## **80 Exception—detection in particular regulated waters**

It is an exception if the detection by vessel tracking equipment or manual reporting is within 1 or more of the following—

- (a) the southern offshore trawl region and southern inshore trawl region in the regulated period under the *Fisheries Declaration 2019*, section 86(3);
- (b) the Swain Reefs and Hydrographers Passage regulated waters in the regulated period under the *Fisheries Declaration 2019*, section 87(2);
- (c) the following regulated waters—
- Currumbin Beach
  - Moreton Bay outside the M1 and M2 area
  - Moreton Bay (including The Broadwater)
  - Maroochy River and ocean foreshores (netting)
  - Laguna Bay area

- Rainbow Beach
- Wide Bay Bar
- Hook Point to Taleerba Creek, Fraser Island
- Hervey Bay (commercial netting)
- Gladstone offshore area
- Yeppoon offshore area
- Keppel Bay near Middle Island Observatory
- Swain Reefs
- Shoalwater Bay
- Grasstree Island area
- Pioneer River mouth
- Egremont Pass Closure
- Refuge Bay on Scawfell Island
- Pioneer Bay
- Hook Island (fishing)
- Bowen to Cairns offshore area
- Townsville Harbour and Cleveland Bay
- Rollingstone Creek
- Townsville to Cape York Peninsula offshore area
- Yanks Jetty at Orpheus Island
- Herbert River
- Hinchinbrook Channel (all nets)
- Mission Beach
- Etty Bay area
- Fitzroy Island–High Island
- Mission Bay
- Trinity Bay

- Yorkeys Knob to Simpson Point
- Island Point to the Daintree River
- Grave Point to Indian Head
- Cape Bedford to Murray Reefs
- Cape Flattery to Lookout Point
- Lookout Point to Baron Reef
- Barrow Point to Bizant River
- Marrett River to Rocky River
- Rocky River to latitude 13°08.91' south
- Round Point to Fly Point near Cape York Peninsula
- tip of Cape York Peninsula
- latitude 13°08.91' south to Thorpe Point.

## **81 Notices to chief executive under subdivision**

- (1) This section applies for a notice to the chief executive under this subdivision.
- (2) The notice may relate to a continuous period of more than 1 day.
- (3) The notice may be given to the chief executive by—
  - (a) telephone to a telecommunications service provider, for the chief executive, published on the department's website; or
  - (b) using vessel tracking 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.



- (4) The chief executive may make guidelines for how to give the notice under subsection (3)(b).
- (5) The notice is taken to have been given under subsection (3)(b) if, to the extent they are relevant, the guidelines are complied with.

## **Subdivision 2      Other evidentiary aids**

### **82      Location not detected or reported**

- (1) This section applies if at any time during a day (the *relevant time*)—
  - (a) section 80 of the Act applied to the use of a boat identified in a T1 or T2 licence within the following area—
    - (i) for a boat identified in a T1 licence—
      - (A) generally—the T1 area; and
      - (B) if the licence also has an ‘M1’ fishery symbol written on it—the M1 and M2 area;
    - (ii) for a boat identified in a T2 licence—the T2 area; and
  - (b) the boat is not detected by vessel tracking equipment anywhere; and
  - (c) the boat’s location is not manually reported.
- (2) The absence of the detection or manual report is evidence that the boat was used at the relevant time for—
  - (a) if the licence is a T1 licence—T1 effort units; or
  - (b) if the licence is a T2 licence—T2 effort units.

*Note—*

Under section 70(4), a boat used in any part of a day is taken to be used for the whole of the day for working out usage of effort units.

- (3) However, subsection (2) does not apply if the chief executive decides on information provided by the holder of the licence that the boat was not used in the area mentioned in subsection (1)(a) at the relevant time.
- (4) As soon as practicable after making a decision under subsection (3), the chief executive must give each person to whom the decision relates an information notice about the decision.

## Part 2 SM units

### Division 1 Interpretation

#### 83 Meaning of *SM year*

*SM year* means a period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

#### 84 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.

## Division 2 Entitlement

### 85 Purpose of division

This division states the quota entitlement for SM units.

### 86 Entitlement under SM unit

- (1) The holder of, or a person acting under, an SM unit may take, in an SM year, the weight of spanish mackerel worked out by dividing the total quota entitlement for spanish mackerel for the SM year by the total number of SM units that have been issued.
- (2) The authorisation for an SM year under subsection (1)—
  - (a) is the holder's ***entitlement*** under the SM unit for the SM year; and
  - (b) imposes a quota on the entitlement for the SM year.
- (3) However, the entitlement applies only while the holder holds an SM licence that is in force.

(4) In this section—

*total quota entitlement*, for spanish mackerel, for an SM year, means the total quota entitlement stated for spanish mackerel in the quota declaration for the spanish mackerel fishery for the SM year.

## **87 When SM unit entitlement is *used* for an SM year**

(1) The entitlement under an SM unit is *used* for an SM year—

(a) when the holder of, or a person acting under, the SM unit, has taken, in the SM year under any SM licence held by the holder, an amount of (whole weight) spanish mackerel for the SM unit equalling the entitlement under the SM unit; or

(b) if section 88 applies.

(2) The *unused entitlement* under an 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 licence held by the holder of the SM unit.

## **88 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 of, or a person acting under, SM units 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 3                      Evidentiary aids for use of entitlement**

### **89            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 section 84(2).
- (4) In this section—  
*unloaded fish notice* see schedule 5, section 28(2).

## **Part 3                              Line units**

### **Division 1                      Interpretation**

#### **90            Meaning of *line year***

*Line year* means a period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

**91 Meaning of *whole weight* of regulated coral reef fin fish**

- (1) The *whole weight* of regulated coral reef fin fish that is filleted is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

*WW* is the whole weight, in kilograms, of the fish.

*W* is the weight, in kilograms, of the filleted fish.

*CF* is—

- (a) for filleted regulated coral trout—2; or
  - (b) for filleted regulated cod or grouper—2.1; or
  - (c) for filleted goldband snapper—2.3; or
  - (d) for filleted rosy snapper or lavender snapper—2.1; or
  - (e) for filleted regulated tropical snapper or seaperch not mentioned in paragraph (c) or (d)—2.6; or
  - (f) for filleted regulated emperor—2.5; or
  - (g) for any other regulated coral reef fin fish or fish not identified as a particular species—2.
- (2) The *whole weight* of regulated coral reef fin fish that is gilled and gutted is the weight worked out using the following formula—

$$WW = W \times 1.1$$

where—

*WW* is the whole weight, in kilograms, of the fish.

*W* is the weight, in kilograms, of the gilled and gutted fish.

- (3) The *whole weight*, in kilograms, of a number of regulated coral reef fin fish is the number of the fish.

- (4) The *whole weight* of regulated coral reef fin fish to which subsections (1) to (3) do not apply is the weight, in kilograms, of the fish.

## Division 2 Entitlement

### 92 Purpose of division

This division states the quota entitlement for line units.

### 93 Entitlement under line unit

- (1) The holder of, or a person acting under, a CT line unit may take, in a line year, the weight of regulated coral trout worked out by dividing the total quota entitlement for regulated coral trout for the line year by the total number of CT line units that have been issued.
- (2) The holder of, or a person acting under, a RTE line unit may take, in a line year, the weight of redthroat emperor worked out by dividing the total quota entitlement for redthroat emperor for the line year by the total number of RTE line units that have been issued.
- (3) The holder of, or a person acting under, an OS line unit may take, in a line year, the weight of other regulated coral reef fin fish worked out by dividing the total quota entitlement for other regulated coral reef fin fish for the line year by the total number of OS line units that have been issued.
- (4) The authorisation for a line year under subsection (1), (2) or (3)—
- (a) is the holder's *entitlement* under the line unit for the line year; and
  - (b) imposes a quota on the entitlement for the line year.
- (5) However, the entitlement applies only while the holder holds an RQ licence that is in force.

(6) In this section—

*total quota entitlement*, for regulated coral trout, redthroat emperor or other regulated coral reef fin fish, for a line year, means the total quota entitlement stated for the fish in the quota declaration for the reef line commercial fishery for the line year.

#### **94 When line unit entitlement is *used* for a line year**

- (1) The entitlement under a line unit held by a person is *used* for a line year—
  - (a) when the holder of, or a person acting under, the line unit has taken in the line year, under any RQ licence held by the holder, an amount (in whole weight) of the prescribed coral reef fin fish for the line unit equalling the holder's entitlement under the line unit; or
  - (b) if section 95 applies.
- (2) The *unused entitlement* under a line unit for a line year is the amount (in whole weight) of the prescribed coral reef fin fish for the line unit that has not been taken, for the line year, under any RQ licence held by the holder of the line unit.

#### **95 No carrying forward of unused entitlement**

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



## Division 3                      Evidentiary aids for use of entitlement

### 96            Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder of a line unit, or a person acting for the holder, gives the chief executive an unloaded fish notice for prescribed coral reef fin fish for the line unit.
- (2) The notice is evidence that the holder has taken, under the line unit, the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice is—
  - (a) for an amount stated for whole regulated coral reef fin fish—the amount stated; or
  - (b) for an amount stated for regulated coral reef fin fish that is not whole—the amount calculated in the way stated in section 91(1), (2) or (4) that applies to the fish.
- (4) In this section—  
*unloaded fish notice* see schedule 6, section 29(2).

## Part 4                              C2-ITQ units

### Division 1                      Interpretation

#### 97            Meaning of *C2-ITQ year*

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

*Note—*

See, however, section 167.

## Division 2 Entitlement

### 98 Purpose of division

This division states the quota entitlement for C2-ITQ units.

### 99 Entitlement under C2-ITQ unit

- (1) The holder of, or a person acting under, a C2-ITQ unit may take in a C2-ITQ year the weight of spanner crabs worked out by dividing the total quota entitlement for the year by the total number of C2-ITQ units that have been issued.
- (2) The authorisation for a C2-ITQ year under subsection (1)—
  - (a) is the holder's *entitlement* under the C2-ITQ unit for the C2-ITQ year; and
  - (b) imposes a quota on the entitlement for the C2-ITQ year.
- (3) However, the entitlement applies only while the holder holds a C2 licence.
- (4) In this section—

*total quota entitlement*, for spanner crabs, for a C2-ITQ year, means the total quota entitlement stated for spanner crabs in the quota declaration for the commercial spanner crab fishery (managed area A) for the C2-ITQ year.

### 100 When C2-ITQ unit entitlement is *used* for a C2-ITQ year

- (1) The entitlement under a C2-ITQ unit is *used* for a C2-ITQ year—
  - (a) when the holder of, or a person acting under, the unit has taken in the year under any C2 licence held by the holder an amount of spanner crab equalling the holder's entitlement under the C2-ITQ unit; or
  - (b) if section 101 applies.

- (2) The *unused entitlement* under a C2-ITQ unit for a C2-ITQ year is the amount of (whole weight) spanner crab for the C2-ITQ unit that has not been taken for the C2-ITQ year under any C2 licence held by the holder of the C2-ITQ units.
- (3) In this section—  
*(whole weight) spanner crab* means the weight of an entire intact spanner crab.

### **101 No carrying forward of unused entitlement**

- (1) This section applies if, in a C2-ITQ year, the holder of, or a person acting under, C2-ITQ units takes an amount of spanner crab under the C2-ITQ units that is less than the total entitlements under the C2-ITQ units.
- (2) The holder of the C2-ITQ units is taken at the end of the C2-ITQ year to have used all the entitlements under the C2-ITQ units held by the holder for the C2-ITQ year.

## **Part 5 T4-ITQ units**

### **Division 1 Interpretation**

#### **102 Meaning of *T4-ITQ year***

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

### **Division 2 Entitlement**

#### **103 Purpose of division**

This division states the quota entitlement for T4-ITQ units.

## 104 Entitlement under T4-ITQ unit

- (1) The holder of, or a person acting under, a T4-ITQ unit may take in a T4-ITQ year the weight of prescribed whiting worked out by dividing the total quota entitlement for the year by the total number of T4-ITQ units that have been issued.
- (2) The authorisation for a T4-ITQ year under subsection (1)—
  - (a) is the holder's *entitlement* under the T4-ITQ unit for the T4-ITQ year; and
  - (b) imposes a quota on the entitlement for the T4-ITQ year.
- (3) However, the entitlement applies only while the holder holds a T4 licence.
- (4) In this section—

*total quota entitlement*, for prescribed whiting, for a T4-ITQ year, means the total quota entitlement stated for prescribed whiting in the quota declaration for the commercial trawl fishery (fin fish) for the T4-ITQ year.

## 105 When T4-ITQ unit entitlement is *used* for a T4-ITQ year

- (1) The entitlement under a T4-ITQ unit is *used* for a T4-ITQ year—
  - (a) when the holder of, or a person acting under, the unit has taken in the year under any T4 licence held by the holder an amount of prescribed whiting equalling the holder's entitlement under the unit; or
  - (b) if section 106 applies.
- (2) The *unused entitlement* under a T4-ITQ unit for a T4-ITQ year is the amount of (whole weight) whiting for the T4-ITQ unit that has not been taken for the T4-ITQ year under any T4 licence held by the holder of the T4-ITQ unit.
- (3) In this section—

*(whole weight) whiting* means the weight of prescribed whiting in kilograms.

## 106 No carrying forward of unused entitlement

- (1) This section applies if, in a T4-ITQ year, the holder of, or a person acting under, T4-ITQ units takes an amount of prescribed whiting under the T4-ITQ unit that is less than the total entitlements under the holder's T4-ITQ units.
- (2) The holder of the T4-ITQ units is taken at the end of the T4-ITQ year to have used all the entitlements under the T4-ITQ units held by the holder for the T4-ITQ year.

# Part 6 Common provisions about quota authorities

## Division 1 Interpretation

### 107 Definitions for part

In this part—

*quota units* means—

- (a) effort units; or
- (b) SM units; or
- (c) line units; or
- (d) C2-ITQ units; or
- (e) T4-ITQ units.

*quota year* means—

- (a) for effort units—an effort year; or
- (b) for SM units—an SM year; or
- (c) for line units—a line year; or
- (d) for C2-ITQ units—a C2-ITQ year; or
- (e) for T4-ITQ units—a T4-ITQ year.

## Division 2                      Unused entitlement notices

### 108      Particular notice is evidence of unused entitlement

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

## Division 3                      Quota authority certificates

### 109      Application of division

- (1) This division applies to the following certificates (each a *quota authority certificate*)—
  - (a) an effort unit certificate;
  - (b) an ITQ unit certificate;
  - (c) a line unit certificate;
  - (d) an SM unit certificate;
  - (e) a T4-ITQ unit certificate.
- (2) In this section—

*effort unit certificate* means—

  - (a) a certificate issued by the chief executive under the Act to a person who holds effort units; or
  - (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.

*ITQ unit certificate* means—

- (a) a certificate issued by the chief executive under the Act to a person who holds ITQ units; or
- (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.

*line unit certificate* means—

- (a) a certificate issued by the chief executive under the Act to a person who holds line units; or
- (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.

*SM unit certificate* means—

- (a) a certificate issued by the chief executive under the Act to a person who holds SM units; or
- (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.

*T4-ITQ unit certificate* means—

- (a) a certificate issued by the chief executive under the Act to a person who holds T4-ITQ units; or
- (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.

## **110 Content of quota authority certificates**

A quota authority certificate must state each of the following—

- (a) the certificate number;

- (b) the name of the person who holds the quota units mentioned in the certificate;
- (c) the number of quota units held by the person;
- (d) if the chief executive has imposed conditions on the quota units—the conditions;
- (e) if the chief executive or a court has suspended any of the quota units—
  - (i) the number of quota units suspended; and
  - (ii) the period of the suspension.

### **111 Only 1 line unit certificate to be issued for line units**

Only 1 line unit certificate may be issued to the holder of line units for all line units held by the holder.

### **112 Evidentiary provision for quota authority certificates**

- (1) A quota authority certificate is evidence of the following matters stated in the certificate—
  - (a) the number of quota units held by the holder of the units at the relevant time;
  - (b) the conditions, if any, imposed on the quota units.
- (2) In this section—

*relevant time*, for a quota authority certificate, means—

  - (a) when the certificate was issued; or
  - (b) if the certificate has been changed or replaced—when the certificate was changed or replaced.



## **Division 4                      Unit PINS**

### **113      Change of unit PIN**

- (1) The holder of line units, SM units or T4-ITQ units may, by written notice, ask the chief executive to change the unit PIN for the line units, SM units or T4-ITQ 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.

## **Division 5                      Fisher PINS**

### **114      Change of fisher PIN**

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

## **Division 6                      Transfers of quota authorities**

### **Subdivision 1                When quota authority not transferable**

#### **115      Purpose of subdivision**

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

#### **116      Only whole quota units may be transferred**

A part of a quota unit may not be transferred.

#### **117      Eligibility of transferee for particular quota units**

- (1) An SM unit may be transferred only to a person, other than the transferor, who holds an SM licence.
- (2) A line unit may be transferred only to a person, other than the transferor, who holds an RQ licence.
- (3) A T1 effort unit may be transferred only to a person, other than the transferor, who holds a T1 licence.
- (4) A T2 effort unit may be transferred only to a person, other than the transferor, who holds a T2 licence.
- (5) However, the holder of a T2 licence may transfer half of the holder's T2 effort units to the holder of a T1 licence if the holder of the T2 licence gives the chief executive notice that the holder of the T2 licence surrenders—
  - (a) the T2 licence; and
  - (b) the other half of the holder's T2 effort units.

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## **Subdivision 2 Requirements after transfer**

### **118 Quota authority certificate changes required**

- (1) This section applies if, under section 65B of the Act, the chief executive registers the transfer of quota units.
- (2) The chief executive must give effect to the transfer by doing any of the following—
  - (a) changing, cancelling or replacing the transferor's and transferee's current quota authority certificates for the quota units transferred;
  - (b) issuing the transferee a new quota authority certificate for the quota units transferred.

### **119 Entitlement of transferee**

- (1) The entitlement of the transferee under quota units transferred in a quota year is as follows—
  - (a) for that part of the quota year after registration of the transfer—the entitlement of the transferor under the quota units immediately before the registration;
  - (b) for a later quota year—the entitlement the transferor would have had under the quota units at the beginning of the quota year, as if the quota units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred quota unit has been used, the whole entitlement of the transferee under the transferred quota unit is taken to have been used.
- (3) However, the transfer of effort units only includes an entitlement of the transferor to use a boat on a steaming day if the transferor's former licence to which the effort units related was also transferred to the transferee.
- (4) Subsection (4) does not affect the transferee's entitlement to use a boat on a steaming day under other effort units.

## **120 Issue of fisher PIN for particular transferees**

- (1) This section applies if—
  - (a) the chief executive registers the transfer of line units, SM units or T4-ITQ units; and
  - (b) the transferee did not hold any units of the same type immediately before the transfer.
- (2) The chief executive must, immediately after the transfer is registered, issue the transferee a 4-digit identity number (a *fisher PIN*) for the line units, SM units or T4-ITQ units.

# **Chapter 7 Transitional provisions**

*Note—*

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

## **Part 1 Provisions for SL No. 178 of 2019**

### **166 Nominees under particular authorities continue**

- (1) This section applies if—
  - (a) the holder of a licence gave the chief executive a notice nominating a person to act under the licence under the expired *Fisheries Regulation 2008*; and
  - (b) the notice is still in effect.
- (2) The notice is taken to have been given to the chief executive under this regulation.

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**167 C2-ITQ year before 1 July 2021**

The C2-ITQ years leading up to 1 July 2021 are as follows—

- (a) 1 June 2019 to 31 May 2020;
- (b) 1 June 2020 to 30 June 2021.

*Note—*

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

**Part 2 Provisions for Fisheries  
Legislation Amendment  
Regulation 2020**

**Division 1 Amendments commencing on  
notification of amendment  
regulation**

**168 Existing primary boats for commercial fishing boat  
licences**

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

**169 Bigeyes that are recognised BRDs**

- (1) This section applies in relation to trawling in a fishing operation that started before, but has not ended, on the commencement.

- (2) During trawling in the fishing operation—
  - (a) schedule 2, section 153(4), as in force immediately before the commencement, continues to apply in relation to an opening, commonly known as a bigeye, on an otter trawl net used to trawl for prawns; and
  - (b) schedule 2, section 161(4), as in force immediately before the commencement, continues to apply in relation to an opening, commonly known as a bigeye, on a beam trawl net.

### **170 Requirement to check crab apparatus**

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

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# Schedule 1      Commercial harvest fisheries

section 4

## Part 1      Aquarium fish fishery

### Division 1      Fishery, fishery symbols and fishery area

#### 1      Aquarium fish fishery

The aquarium fish fishery is the activity of fishing for the fish mentioned in section 6 in the fishery area, as provided under this part.

#### 2      Fishery symbols

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

#### 3      Fishery area

- (1) The fishery area consists of the area of the following waters—
- (a) tidal waters within the Moreton Bay Marine Park;
  - (b) tidal waters north of Cape Moreton and south of latitude 26°18' south, other than waters within the Moreton Bay Marine Park;
  - (c) tidal waters west of longitude 151°08' east and between latitude 23°15' south and latitude 23° south;
  - (d) tidal waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;
  - (e) tidal waters within the following boundary—
    - (i) from the intersection of latitude 17°08' south with the mainland shore to latitude 17°08' south, longitude 146°12' east;

- (ii) to latitude 16°51' south, longitude 146°28' east;
  - (iii) to latitude 15°55' south, longitude 145°51' east;
  - (iv) along latitude 15°55' south to the mainland shore;
  - (v) 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* (Cwlth) prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.

## **Division 2                    Authorisation**

### **Subdivision 1            Authorisation generally**

#### **4            Application of subdivision**

This subdivision applies in relation to an A1 or A2 licence.

#### **5            Where fish may be taken**

Fish may be taken—

- (a) from the waters mentioned in section 3(1)(a) to (e) if the waters are stated on the licence; or
- (b) from the waters mentioned in section 3(1)(f).

#### **6            What fish may be taken**

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



- 
- (a) barramundi;
  - (b) sea cucumber;
  - (c) shell grit;
  - (d) star sand;
  - (e) any species of coral, oyster, pearl oyster or trochus.
- (2) In this section—
- sea cucumber* does not include fish of the following species—
- (a) *Bohadschia graeffei*;
  - (b) *Calachrius crassus*;
  - (c) *Cucmaria miniata*;
  - (d) *Euapta godeffroyi*;
  - (e) *Holothuria edulis*;
  - (f) *Holothuria hilla*;
  - (g) *Opheodesoma* spp.;
  - (h) *Pentacta anceps*;
  - (i) *Pentacta lutea*;
  - (j) *Pseudocolchirus violaceus*;
  - (k) *Stichopus noctivagus*;
  - (l) *Synapta maculata*.

## 7 Way fish may be taken

Fish may be taken only by—

- (a) 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 mesh nets under this subdivision.

**8 Use of fishing lines**

A fishing line may be used only if it has a single barbless hook.

**9 Use of cast nets**

A cast net may be used only if the net—

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

**10 Use of scoop nets**

A scoop net may be used only if the net—

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

**11 Use of mesh nets**

(1) A mesh net may be used only if the net—

- (a) is no longer than 16m; and
- (b) has—
  - (i) a mesh size of no more than 28mm; and
  - (ii) a drop of no more than 3m.

(2) A person using the net must be within 100m of it.

**12 Selling fish**

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

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

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

## **Subdivision 2      Persons authorised to take or sell fish under A1 licences**

### **13      Application of subdivision**

This subdivision applies in relation to an A1 licence.

### **14      Who may take fish**

- (1) Fish may be taken by—
- (a) the holder of the licence; or
  - (b) a nominee of the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) No more than 3 persons may take fish at the same time.

### **15      Who may sell fish**

Fish taken under the licence may be sold by—

- (a) the holder of the licence; or
- (b) a nominee of the holder.

## **Subdivision 3      Persons authorised to take fish under A2 licences**

### **16      Application of subdivision**

This subdivision applies in relation to an A2 licence.

### **17      Who may take fish**

- (1) Fish may be taken by—

- (a) the holder of the licence; or
  - (b) another person in the presence of the holder.
- (2) No more than 3 persons may take fish at the same time.
- (3) A person taking fish must not take or possess—
- (a) more than 10 fish; or
  - (b) more than 2 fish of the same species.

### **Division 3                      Conditions for A1 licences and A2 licences**

#### **18            Purpose of division**

This division prescribes conditions for an A1 or A2 licence.

#### **19            Fish must not be taken for human consumption**

Fish must not be taken for human consumption.

#### **20            Number of boats that may be used**

Only the boat identified in the licence and 1 other boat may be used to take fish in the same location.

## **Part 2                              Sea cucumber fishery (east coast)**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **21            Sea cucumber fishery (east coast)**

The sea cucumber fishery (east coast) is the activity of fishing for sea cucumber in the fishery area, as provided under this part.

**22 Fishery symbol**

The fishery symbol for the fishery is 'B1'.

**23 Fishery area**

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

**Division 2 Authorisation****24 What fish may be taken**

Sea cucumber may be taken under the licence.

**25 Way fish may be taken**

- (1) Sea cucumber may be taken only by hand.
- (2) Underwater breathing apparatus may also be used when taking sea cucumber.

**26 Who may take fish**

- (1) Sea cucumber may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) No more than 10 persons may take sea cucumber at the same time.

**27 Who may sell fish**

Sea cucumber taken under the licence may be sold by—

- (a) the holder of the licence; or
- (b) a nominee of the holder.

**28 Annual quota entitlement**

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

**Division 3 Conditions**

**29 Purpose of division**

This division prescribes conditions for the licence.

**30 Conditions for licence**

- (1) Only the boat identified in the licence and 4 other boats may be used to take sea cucumber in the same location.
- (2) A boat, other than the boat identified in the licence, must not be longer than 7m.

**Part 3 Coral fishery**

**Division 1 Fishery, fishery symbol and fishery area**

**31 Coral fishery**

The coral fishery is the activity of fishing for the fish mentioned in section 35 in the fishery area, as provided under this part.

**32 Fishery symbol**

The fishery symbol for the fishery is 'D'.

**33 Fishery area**

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

**Division 2 Authorisation****34 Where fish may be taken**

Fish may be taken only from the area, within the fishery area, stated on the licence.

**35 What fish may be taken**

The following fish may be taken under the licence—

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

**36 Way fish may be taken**

- (1) Fish may be taken only by—
  - (a) hand; or
  - (b) using hand-held implements that are not mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking fish.

**37 Who may take fish**

- (1) Fish may be taken by—
  - (a) the holder of the licence; or

- (b) a nominee of the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) No more than 3 persons may take fish at the same time.

**38 Who may sell fish**

Fish taken under the licence may be sold by—

- (a) the holder of the licence; or
- (b) a nominee of the holder.

**39 Annual quota entitlement**

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

**Part 4 Eel fishery**

**Division 1 Fishery, fishery symbol and fishery area**

**40 Eel fishery**

The eel fishery is the activity of fishing for the eels mentioned in section 43 in the fishery area, as provided under this part.

**41 Fishery symbol**

The fishery symbol for the fishery is 'E'.

**42 Fishery area**

The fishery area consists of either or both of the following—

- (a) waters in an impoundment formed by a dam stated on the licence;



- 
- (b) waters in a privately owned artificially created impoundment within a river basin stated on the licence.

## **Division 2                      Authorisation**

### **43            What fish may be taken**

Longfin eels and Southern shortfin eels may be taken under the licence.

### **44            Way fish may be taken**

- (1) A person may take eels only by using an eel trap or a round eel trap.
- (2) A person may use an eel trap or round eel trap only if—
  - (a) the trap complies with division 3; and
  - (b) the use of the trap complies with division 4.

### **45            Who may take eels**

- (1) Eels may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder.
- (2) However, only 1 person may take eels under the licence at the same time.

### **46            Processing and selling eels**

- (1) Eels taken under the licence may be processed or sold by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder.
- (2) The eels may be sold to anyone, whether or not the buyer holds an authority that allows the sale.

## **Division 3                      Eel traps and round eel traps**

### **47            Application of division**

This division applies to an eel trap or a round eel trap.

### **48            Trap entrance and trap pocket entrance**

- (1) The trap must have only—
  - (a) 1 entrance into the trap itself (the *trap entrance*); and
  - (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
- (2) The trap entrance must not be extended by attaching wings.
- (3) The aperture of the trap pocket entrance must be at least 20cm in any dimension.

### **49            Trap mesh size**

- (1) The trap, other than its pocket, must have a mesh size of at least 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be at least 22mm in any dimension.

### **50            Trap frame**

The trap when set must have a frame made of rigid material.

### **51            Dimensions**

The trap when set must have the following dimensions—

- (a) for an eel trap, a frame that is—
  - (i) no longer than 2m; and
  - (ii) no wider than 0.6m; and
  - (iii) no deeper than 0.6m;
- (b) for a round eel trap—

- (i) a diameter no more than 1m; and
- (ii) a height of no more than 0.6m.

## **52 Trap pocket**

- (1) The pocket of the trap must—
  - (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and
  - (b) have rings that are—
    - (i) made of rigid material; and
    - (ii) no more than 1m apart; and
    - (iii) at least 20cm in any dimension.
- (2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
- (3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.

## **53 Trap float**

The trap must have attached to it a float that is—

- (a) light coloured and clearly visible on the surface of the water; and
- (b) at least 15cm in any dimension; and
- (c) marked with—
  - (i) the number of the licence under which the trap is being used; and
  - (ii) the first name and surname of the holder of the licence.

## **Division 4                    Use of eel traps and round eel traps**

### **54            Restriction on trapping times**

- (1) This section applies to an eel trap or a round eel trap in waters in the fishery area, other than waters—
  - (a) in a privately owned impoundment; or
  - (b) to which the public does not have access.

*Example for paragraph (b)—*

waters in a balancing storage, including, for example, the Bullyard Creek Balancing Storage

- (2) The trap must not be used on—
  - (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or
  - (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- (3) However, the trap may remain in the water if it is not baited and its pocket is open.
- (4) In this section—

*long weekend* means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.

*ordinary weekend* means a weekend other than a long weekend.

### **55            Number of traps that may be used**

No more than the number of eel traps or round eel traps stated on the licence may be used at the same time at any 1 place stated on the licence.

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**Division 5**                      **Condition****56**      **Purpose of division**

This division prescribes a condition for the licence.

**57**      **Checking traps**

An eel trap or a round eel trap that is in use must be checked within 24 hours after being set.

**Part 5**                              **Shell fishery****Division 1**                      **Fishery, fishery symbol and fishery area****58**      **Shell fishery**

The shell fishery is the activity of fishing for the molluscs mentioned in section 61 in the fishery area, as provided under this part.

**59**      **Fishery symbol**

The fishery symbol for the fishery is 'F'.

**60**      **Fishery area**

The fishery area consists of the area of all tidal waters and foreshores.

## **Division 2                      Authorisation**

### **61            What fish may be taken**

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

### **62            Way fish may be taken**

- (1) Broken remnants of molluscs may be taken only by—
  - (a) 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 be taken only by—
  - (a) hand, without using digging or sieving implements; or
  - (b) if stated on the licence, using shell dredges.

### **63            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.

### **64            Who may take fish**

Molluscs may be taken by—

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

## **Division 3                      Condition**

### **65            Purpose of division**

This division prescribes a condition for the licence.

**66 Use of primary boats**

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

**Part 6 Shell grit fishery****Division 1 Fishery, fishery symbol and fishery area****67 Shell grit fishery**

The shell grit fishery is the activity of fishing for shell grit in the fishery area, as provided under this part.

**68 Fishery symbol**

The fishery symbol for the fishery is 'G'.

**69 Fishery area**

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

**Division 2 Authorisation****70 Where fish may be taken**

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

**71 What fish may be taken**

Shell grit may be taken under the licence.

**72 Way fish may be taken**

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.

**73 Who may take fish**

Shell grit may be taken only by the holder of the licence.

**Part 7 Star sand fishery**

**Division 1 Fishery, fishery symbol and fishery area**

**74 Star sand fishery**

The star sand fishery is the activity of fishing for star sand in the fishery area, as provided under this part.

**75 Fishery symbol**

The fishery symbol for the fishery is 'H'.

**76 Fishery area**

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

**Division 2 Authorisation**

**77 Where fish may be taken**

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



**78 What fish may be taken**

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

**79 Way fish may be taken**

Star sand may be taken only by—

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

**80 Who may take fish**

Star sand may be taken only by the holder of the licence.

**Part 8 Trochus fishery (east coast)****Division 1 Fishery, fishery symbol and fishery area****81 Trochus fishery (east coast)**

The trochus fishery (east coast) is the activity of fishing for trochus in the fishery area, as provided under this part.

**82 Fishery symbol**

The fishery symbol for the fishery is 'J1'.

**83 Fishery area**

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

## **Division 2                      Authorisation**

### **84            What fish may be taken**

Trochus may be taken under the licence.

### **85            Way fish may be taken**

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

### **86            Who may take fish**

- (1) Trochus may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) No more than the number of persons stated on the licence may, at the same time, take trochus under the licence.

### **87            Quantity of fish that may be taken**

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

## **Division 3                      Conditions**

### **88            Purpose of division**

This division prescribes conditions for the licence.

**89 Conditions for licence**

- (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.

**Part 9 Juvenile eel fishery****Division 1 Fishery, fishery symbol and fishery area****90 Juvenile eel fishery**

The juvenile eel fishery is the activity of fishing for the juvenile eels mentioned in section 94 in the fishery area, as provided under this part.

**91 Fishery symbol**

The fishery symbol for the fishery is 'JE'.

**92 Fishery area**

The fishery area consists of Queensland waters.

**Division 2 Authorisation****93 Where particular fish may be taken**

Elver and glass eels may be taken only in the area, within the fishery area, stated on the licence.

**94 What fish may be taken**

Juvenile eels of the genus *Anguilla* may be taken under the licence.

**95 Way fish may be taken**

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

**96 Who may take fish**

- (1) Juvenile eels may be taken by—
  - (a) the holder of the licence; or
  - (b) a person nominated by the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) 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 at the same time.

**Part 10 Oyster fishery**

**Division 1 Fishery, fishery symbol and fishery area**

**97 Oyster fishery**

The oyster fishery is the activity of fishing for oysters mentioned in section 101, in the fishery area, as provided under this part.

**98 Fishery symbol**

The fishery symbol for the fishery is ‘O’.

**99 Fishery area**

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

**Division 2 Authorisation****100 Where fish may be taken**

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

**101 What fish may be taken**

The following oysters may be taken under the licence—

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

**102 Way fish may be taken**

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

**103 Who may take fish**

- (1) Oysters may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder; or
  - (c) another person in the presence of the holder or nominee.
- (2) If the licence states the number of persons that may take oysters, no more than the stated number of persons may take oysters at the same time.

## **Part 11**                      **Pearl fishery**

### **Division 1**                      **Fishery, fishery symbol and fishery area**

#### **104**      **Pearl fishery**

The pearl fishery is the activity of fishing for live pearl oysters in the fishery area, as provided under this part.

#### **105**      **Fishery symbol**

The fishery symbol for the fishery is 'P'.

#### **106**      **Fishery area**

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

### **Division 2**                      **Authorisation**

#### **107**      **What fish may be taken**

Live pearl oysters may be taken under the licence.

#### **108**      **Way fish may be taken**

- (1) Live pearl oysters may be taken only by—
  - (a) hand; or
  - (b) using hand-held implements.
- (2) Underwater breathing apparatus may also be used when taking live pearl oysters.

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**Division 3**                      **Condition****109**    **Purpose of division**

This division prescribes a condition for the licence.

**110**    **Selling fish**

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

**Part 12**                      **Beachworm fishery****Division 1**                      **Fishery, fishery symbol and fishery area****111**    **Beachworm fishery**

The beachworm fishery is the activity of fishing for beachworms in the fishery area, as provided under this part.

**112**    **Fishery symbol**

The fishery symbol for the fishery is 'W1'.

**113**    **Fishery area**

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

## **Division 2                      Authorisation**

### **114      Where fish may be taken**

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

### **115      What fish may be taken**

Beachworms may be taken under the licence.

### **116      Way fish may be taken**

Beachworms may be taken only by hand.

### **117      Who may take fish**

- (1) Beachworms may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder.
- (2) No more than 1 person may take beachworms at the same time.

## **Part 13                      Bloodworm fishery**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **118      Bloodworm fishery**

The bloodworm fishery is the activity of fishing for bloodworms in the fishery area, as provided under this part.

#### **119      Fishery symbol**

The fishery symbol for the fishery is ‘W2’.



**120 Fishery area**

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

**Division 2 Authorisation****121 What fish may be taken**

Bloodworms may be taken under the licence.

**122 Way fish may be taken**

- (1) Bloodworms may be taken only by hand or by using hand held forks.
- (2) Bloodworms may be taken by digging up an area if, immediately after the worms are taken, the person taking the worms puts any seagrass disturbed or removed by the digging in an upright position in the same location from which the seagrass was disturbed or removed.

**123 Who may take fish**

- (1) Bloodworms may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder.
- (2) No more than 1 person may take bloodworms at the same time.

## **Part 14 Marine yabby fishery**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **124 Marine yabby fishery**

The marine yabby fishery is the activity of fishing for marine yabbies in the fishery area, as provided under this part.

#### **125 Fishery symbol**

The fishery symbol for the fishery is 'Y'.

#### **126 Fishery area**

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

### **Division 2 Authorisation**

#### **127 Where fish may be taken**

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

#### **128 What fish may be taken**

Marine yabbies may be taken under the licence.

#### **129 Way fish may be taken**

Marine yabbies may be taken only by using—

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

**130 Who may take fish**

- (1) Marine yabbies may be taken by—
  - (a) the holder of the licence; or
  - (b) a nominee of the holder.
- (2) No more than 1 person may take marine yabbies at the same time.

## Schedule 2 East coast trawl fishery

section 4

### Part 1 Fishery, fishery symbols and fishery area

#### 1 East coast trawl fishery

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

#### 2 Fishery symbols

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

#### 3 Fishery area

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

### Part 2 Authorisation

#### 4 What fish may be taken

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

- (a) any of the following fish (each a *principal fish*)—
  - (i) prawns;
  - (ii) scallops;
  - (iii) bugs other than Balmain bugs (each a *principal bug*);

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

## **5 Who may take fish**

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

## **6 Fish may be taken only with unused effort unit entitlements**

Permitted fish may be taken in an effort year under a T1 or T2 licence only if the fish are taken under effort units with unused entitlements for the effort unit year.

## **6A Possessing particular fishing apparatus**

- (1) A person may possess, on a boat in the fishery area, a beam, otter board or trawl sled used with a net only if—
  - (a) the trawl shoe of the beam, otter board or trawl sled is flat and smooth; and



*Examples of modes that may be nominated—*

a facsimile, mobile phone, radiophone or satellite phone

- (3) More than 1 mode may be nominated.
- (4) The holder may change the nominated mode by giving notice of a new nominated mode to the chief executive.
- (5) However, the new nominated mode must not be used until the chief executive has advised the holder that the notice of the change has been received by the chief executive.

## **9 Obligation to ensure communication with person in control**

The holder of the licence and the person in control of the primary boat identified in the licence must take all reasonable steps to ensure the chief executive or an inspector is, whenever the person is on the boat, able to communicate with the person by using a mode of communication nominated for the boat under section 8.

# **Part 4 Conditions for particular licences**

## **Division 1 Descriptions of particular areas**

### **10 Purpose of division**

This division describes particular areas within the fishery area.

### **14 Meaning of *central area***

The *central area* means waters within the following boundary—

- from the intersection of latitude 22°00.00' south with the mainland shore at high water mark (approximately latitude 22°00.00' south, longitude 149°29.68' east)

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- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point, southern boundary of Llewellyn Bay)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point, northern boundary of Llewellyn Bay)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east



- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the mainland shore to latitude 16°00.00' south
- to latitude 16°00.00' south, longitude 146°42.122' east
- to latitude 18°19.889' south, longitude 148°20.043' east
- to latitude 18°44.900' south, longitude 152°35.040' east
- to latitude 21°09.053' south, longitude 154°00.873' east
- to latitude 21°08.978' south, longitude 152°48.000' east
- to latitude 21°20.000' south, longitude 152°48.100' east
- to latitude 22°00.00' south, longitude 152°56.579' east
- to latitude 22°00.00' south, longitude 149°29.680' east.

**15 Meaning of *Cleveland Bay area***

*Cleveland Bay area* means Cleveland Bay, near Townsville, south of a line from Cape Pallarenda to Cape Cleveland.

**16 Meaning of *Comboyuro Point to Caloundra Head area***

*Comboyuro Point to Caloundra Head area* means waters within the following boundary—

- from Comboyuro Point, Moreton Island, to the NW2 special mark beacon at the entrance to the North West Channel near Caloundra
- to Caloundra Head
- along the shore to 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 the eastern shore of Bribie Island to Skirmish Point
- to Comboyuro Point.

**17 Meaning of *deep water net area***

The *deep water net area* means waters within the following boundary—

- from latitude 28°03.48' south, longitude 153°47.06' east to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east
- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 26°29.90' south, longitude 153°34.06' east
- to latitude 26°19.90' south, longitude 153°40.76' east
- to latitude 26°09.90' south, longitude 153°50.06' east
- to latitude 24°59.90' south, longitude 153°35.06' east
- to latitude 24°29.90' south, longitude 153°20.06' east

- to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea Spit light, off the northern tip of Fraser Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
- to latitude 22°34.40' south, longitude 151°56.06' east
- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°19.18' south, longitude 153°00.32' east
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east

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- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°29.91' south, longitude 149°49.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°45.64' south, longitude 148°09.21' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°14.91' south, longitude 147°24.27' east
- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°09.91' south, longitude 147°10.86' east
- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 17°45.36' south, longitude 146°48.82' east
- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east

- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 18°19.91' south, longitude 148°20.06' east
- to latitude 18°44.91' south, longitude 152°35.06' east
- to latitude 22°14.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°22.06' east
- to latitude 27°57.90' south, longitude 154°00.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east.

## 18 Meaning of *Facing Island area*

*Facing Island area* means waters within the following boundary—

- from latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point) to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- to latitude 23°45.25' south, longitude 151°19.93' east (North Point, Facing Island)
- along the western shore to latitude 23°52.85' south, longitude 151°22.44' east (Gatcombe Head)

- to latitude 23°53.33' south, longitude 151°30.88' east (Fairway Buoy (Wild Cattle Cutting))
- to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east.

## 19 **Meaning of *Fisherman Island area***

*Fisherman Island area* means—

- (a) waters upstream of a line between—
  - (i) the northern tip of the northernmost wharf on Fisherman Island; and
  - (ii) the mainland, passing through the rear (seaward) lead of the Lytton Rocks Reach about 900m downstream from Luggage Point; and
- (b) 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 Island.

## 20 **Meaning of *Fitzroy River mouth area***

*Fitzroy River mouth area* means Keppel Bay and adjoining rivers and creeks, south and west of the following line—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet
- along the western shore of Curtis Island to the southern bank of Barker Creek
- across The Narrows to the southern bank of Deception Creek at Division Point.

## 21 **Meaning of *Great Sandy Strait area***

*Great Sandy Strait area* means the Great Sandy Strait between the following lines—

- a line from the F<sup>↑</sup>B sign at the mouth of Pulgul Creek to the F<sup>↑</sup>B sign at the southern tip of Big Woody Island, and then to the F<sup>↑</sup>B sign at Blackfellow Point, Fraser Island
- a line from the F<sup>↑</sup>B sign at North Head, Mary River to the F<sup>↑</sup>B sign at North White Cliffs, Fraser Island.

## 22 Meaning of *Hervey Bay area*

*Hervey Bay area* means Hervey Bay between latitude 25°04.90' south and a line—

- from longitude 152°49.40' east on the mainland shore (the eastern tip of Point Vernon, approximately latitude 25°14.72' south, longitude 152°49.40' east)
- to latitude 25°13.05' south, longitude 152°59.05' east (Sandy Point, Fraser Island).

## 23 Meaning of *Keppel Bay area*

*Keppel Bay area* means Keppel Bay within the following boundary—

- from latitude 23°30.90' south, longitude 150°59.64' east (an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet) along the shore to latitude 23°28.76' south, longitude 150°59.48' east (Warner Point)
- to latitude 23°24.97' south, longitude 150°51.15' east (Quartz Rock)
- to latitude 23°25.98' south, longitude 150°49.80' east
- to latitude 23°28.77' south, longitude 150°52.38' east (Cattle Point)
- to latitude 23°30.90' south, longitude 150°59.64' east.

## 24 Meaning of *Laguna Bay area*

*Laguna Bay area* means waters within the following boundary—

- from the intersection of latitude 26°15.90' south with the mainland shore (near Teewah at approximately latitude 26°15.90' south, longitude 153°04.20' east)
- to latitude 26°22.54' south, longitude 153°06.98' east (eastern tip of Noosa Head)
- then along the mainland shore to its intersection with latitude 26°15.90' south.

## 27 Meaning of *M1 and M2 area*

The *M1 and M2 area* means Moreton Bay (trawling) within the following boundary—

- from latitude 27°04.93' south on Bribie Island's western shore (approximately latitude 27°04.93' south, longitude 153°09.48' east) to latitude 27°09.19' south, longitude 153°03.91' east (the special mark flashing yellow light beacon off the Caboolture River)
- to latitude 27°10.97' south, longitude 153°06.14' east (the special mark yellow flashing light beacon No. 1 at the entrance of the Scarborough Boat Harbour)
- to latitude 27°11.03' south, longitude 153°07.97' east (the North Reef flashing green light beacon)
- to latitude 27°14.51' south, longitude 153°07.40' east (the Garnet Rock flashing green light beacon off Margate)
- to latitude 27°16.51' south, longitude 153°06.75' east (the Otter Rock flashing green light beacon off Woody Point)
- to latitude 27°15.99' south, longitude 153°06.12' east
- to latitude 27°19.44' south, longitude 153°06.44' east (the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek)



- to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel)
- to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°20.07' south, longitude 153°11.62' east (the Eastern Coffee Pot flashing red light beacon)
- to latitude 27°21.64' south, longitude 153°10.53' east (the east inner bar flashing red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°22.19' south, longitude 153°14.18' east (the north cardinal beacon north of St Helena Island)
- to latitude 27°24.34' south, longitude 153°14.50' east (the south cardinal light beacon south-east of St Helena Island)
- to latitude 27°24.86' south, longitude 153°14.56' east (the red light beacon north-east of Green Island)
- to latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point)
- to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)
- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)

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- to latitude 27°35.65' south, longitude 153°23.83' east (the south cardinal beacon at the southern tip of the Pelican Banks)
- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)
- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western shore (approximately latitude 27°30.14' south, longitude 153°24.08' east)
- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty at One Mile Anchorage)
- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)
- to latitude 27°27.25' south, longitude 153°19.98' east (the green light beacon that flashes every 6 seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)

- to latitude 27°25.31' south, longitude 153°18.26' east (the flashing green light beacon north of Chain Banks)
- to latitude 27°24.22' south, longitude 153°20.10' east (the northernmost red lateral beacon at the entrance to Rous Channel)
- to latitude 27°18.70' south, longitude 153°23.10' east (the northernmost green lateral beacon at the entrance to Fraser's Gutter)
- to latitude 27°15.90' south, longitude 153°23.06' east
- east along latitude 27°15.90' south to latitude 27°15.90' south, longitude 153°23.61' east (Moreton Island's western shore)
- along Moreton Island's western shore to latitude 27°03.68' south (Comboyuro Point approximately latitude 27°03.68' south, longitude 153°21.71' east)
- to latitude 27°05.08' south on Bribie Island's eastern shore (Skirmish Point approximately latitude 27°05.08' south, longitude 153°12.43' east)
- along Bribie Island's eastern, southern and western shores to latitude 27°04.93' south on Bribie Island's western shore.

## 28 Meaning of *Moreton Bay (trawling)*

*Moreton Bay (trawling)* means waters within the following boundary, other than waters in the Fisherman Island area—

- from the F↑B sign at the south-eastern tip of Toorbul Point to the 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

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- 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.

## 29 Meaning of *northern area*

The *northern area* means waters within the following boundary—

- from the intersection of latitude 16°00.00' south with the mainland shore at high water mark (approximately latitude 16°00.00' south, longitude 145°26.091' east)
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 16°00.00' south, longitude 146°42.122' east
- to latitude 16°00.00' south, longitude 145°26.091' east.

**30 Meaning of *Repulse Bay area***

*Repulse Bay area* means Repulse Bay, near Proserpine, within the following boundary—

- from Rocky Point along the shore to the northern bank of the O'Connell River
- east for 2n miles
- to Rocky Point.

**32 Meaning of *T1 area***

The *T1 area* means waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke Island to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke Island to latitude 27°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)
- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)
- to latitude 27°05.08' south, longitude 153°12.43' east (Skirmish Point)

Schedule 2

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- along the eastern shore of Bribie Island to latitude 26°50.05' south, longitude 153°07.78' east
- to latitude 26°48.38' south, longitude 153°08.36' east (southern end of Kings Beach)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.68' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
- along the eastern shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)
- to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
- along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)
- to latitude 24°44.83' south, longitude 152°23.84' east
- along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
- to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)
- along the shore to latitude 24°00.50' south, longitude 151°36.22' east
- to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
- along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)
- to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)

- along the shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- to latitude 23°59.38' south, longitude 151°25.67' east
- along the shore to latitude 23°56.23' south, longitude 151°21.42' east
- to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
- along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
- to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
- to latitude 23°28.77' south, longitude 150°52.38' east
- along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (southern tip of Rosslyn Bay breakwall)
- to latitude 23°09.52' south, longitude 150°47.10' east (northern end of Rosslyn Bay breakwall)
- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)

Schedule 2

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- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
- to latitude 22°23.01' south, longitude 149°48.55' east (Charon Point)
- along the shore to latitude 22°20.90' south, longitude 149°41.53' east
- to latitude 22°00.00' south, longitude 149°29.68' east
- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)



- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east

- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 18°19.91' south, longitude 148°20.04' east
- to latitude 18°44.90' south, longitude 152°35.04' east
- to latitude 22°14.90' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

### **33 Meaning of *T2 area***

The *T2 area* means waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke Island to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke Island to latitude 27°26.06' south, longitude 153°32.78' east (Point Lookout)
- to latitude 27°01.67' south, longitude 153°28.09' east (Cape Moreton)
- to latitude 26°48.15' south, longitude 153°09.03' east (Caloundra Head)

- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.62' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
- along the eastern shore of Fraser Island to latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape)
- to latitude 24°44.83' south, longitude 152°23.84' east (Burnett Heads)
- along the shore to latitude 24°21.40' south, longitude 151°58.66' east
- to latitude 24°21.40' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

### 34 Meaning of *T5 area*

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

- (2) The ***Brisbane River–Victoria Bridge to Juno Point area*** means Brisbane River between the Victoria Bridge and a line from the F<sup>↑</sup>B sign at Juno Point to the tip of the eastern bank of the river.
- (3) The ***Brisbane River mouth area*** means tidal waters within the following boundary—
- from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east)
  - to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
  - to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot beacon)
  - to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
  - to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
  - to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot beacon)
  - to latitude 27°21.74' south on the mainland shore.
- (4) The ***Logan River area*** means Logan River and adjoining waterways, upstream of the line—
- from the intersection of the mainland shore with longitude 153°19.20' east (at approximately latitude 27°40.50' south) to latitude 27°40.40' south, longitude 153°19.50' east
  - to latitude 27°41.50' south, longitude 153°21.10' east
  - to the intersection of the mainland shore with longitude 153°21.10' east (at approximately latitude 27°41.90' south).

**35 Meaning of T6 area**

The *T6 area* means all tidal waters of the following—

- (a) the Great Sandy Strait area;
- (b) the Hervey Bay area;
- (c) rivers and creeks between Double Island Point and the northern bank of the Burrum River.

**36 Meaning of T7 area**

(1) The *T7 area* means all tidal waters of the following—

- (a) the Moore Park beach area described in subsection (2);
- (b) rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).

(2) The *Moore Park beach area* means tidal waters within the following boundary—

- from latitude 24°44'11" south, longitude 152°22'00" east on the mainland shore
- to latitude 24°40'52" south, longitude 152°22'00" east
- to latitude 24°40'58" south, longitude 152°19'10" east
- to latitude 24°36'47" south, longitude 152°13'43" east
- to latitude 24°35'28" south, longitude 152°10'44" east
- to latitude 24°30'00" south, longitude 152°06'31" east
- to latitude 24°30'01" south, longitude 152°02'33" east
- along the mainland shore to latitude 24°44'11" south, longitude 152°22'00" east.

**37 Meaning of T8 area**

The *T8 area* means all tidal waters of the following—

- (a) the Facing Island area;
- (b) the Keppel Bay area;
- (c) the Fitzroy River mouth area;

- (d) rivers and creeks between Richards Point (Rodds Peninsula) and Reef Point, south of Townshend Island.

### 38 Meaning of *T9 area*

- (1) The *T9 area* means all tidal waters of the following—
- (a) the Llewellyn Bay area described in subsection (2);
  - (b) the Repulse Bay area;
  - (c) the Sinclair Bay area described in subsection (3);
  - (d) the Cleveland Bay area;
  - (e) rivers and creeks that are part of the fishery area of the east coast trawl fishery between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.
- (2) The *Llewellyn Bay area* means Llewellyn Bay, near Sarina, west of a line—
- from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
  - to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).
- (3) The *Sinclair Bay area* means Sinclair Bay, near Bowen, within the following boundary—
- from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude 20°06.80' south, longitude 148°26.81' east on the shore
  - along the shore to latitude 20°09.54' south, longitude 148°25.36' east.

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**Division 2**                      **Conditions for M1 licences and M2 licences****39**      **Purpose of division**

This division prescribes conditions for an M1 or M2 licence.

**40**      **Where permitted fish may be taken**

Permitted fish may be taken only in the M1 and M2 area.

**41**      **Taking permitted fish**

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

**42**      **Net length**

A net must be no longer than—

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

**43**      **Net mesh size**

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

**44**      **Length of sweeps of net**

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

**45 Covering net**

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

**46 Use of chains for net**

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

**47 Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 42.

**48 Use of crab bag**

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



**49 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**50 Requirement to use BRD**

A net, other than a try net, must include or be used with a BRD.

**51 Requirement to use TED**

A net, other than a try net, must include or be used with a TED.

**53 Use of primary boats**

A primary boat longer than 14m must not be used.

**Division 3 Conditions for T1 licences****54 Purpose of division**

This division prescribes conditions for a T1 licence.

**55 Where permitted fish may be taken**

Permitted fish may be taken only in the T1 area.

**56 Taking permitted fish**

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

**57 Net and head rope lengths**

- (1) In the following areas, a beam trawl net must be no longer than 10m and an otter trawl net must be no longer than 32.5m—
  - (a) the Comboyuro Point to Caloundra Head area;
  - (b) the Hervey Bay area;
  - (c) the Facing Island area;
  - (d) the Keppel Bay area;
  - (e) the Repulse Bay area;
  - (f) the Cleveland Bay area.
- (2) A net used in the Laguna Bay area must be no longer than 18.6m and have a head rope that is no longer than 8m.
- (3) A net used in the following waters must be no longer than 39m—
  - (a) waters within the following boundary—
    - (i) from latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton), along the mainland shore to latitude 16°28.93' south, longitude 145°28.00' east (Island Head Point);

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- (ii) to latitude 16°43.75' south, longitude 145°40.71' east (Double Island);
    - (iii) to latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton);
  - (b) Etty Bay area regulated waters, within the following boundary—
    - (i) from latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point);
    - (ii) along the shore of Etty Bay to latitude 17°33.33' south, longitude 146°05.42' east;
    - (iii) to latitude 17°33.33' south, longitude 146°05.76' east;
    - (iv) to latitude 17°33.72' south, longitude 146°05.85' east;
    - (v) to latitude 17°33.72' south, longitude 146°05.61' east;
    - (vi) along the shore of Etty Bay to latitude 17°35.47' south, longitude 146°07.62' east (near Mourilyan Harbour);
    - (vii) to latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point).
  - (4) A beam trawl net used in an area other than an area mentioned in subsection (1), (2) or (3) must be no longer than 40m.
  - (5) An otter trawl net must—
    - (a) for a net used in the deep water net area—be no longer than 184m; or
    - (b) for a net used in an area other than the deep water net area or an area mentioned in subsection (1), (2) or (3)—
      - (i) for the primary purpose of taking principal bugs or scallops—be no longer than 109m; or
      - (ii) for the primary purpose of taking principal fish, other than principal bugs or scallops—be no longer than 88m.

**58 Net mesh size**

- (1) A net used for the primary purpose of taking principal fish other than principal bugs or scallops must have—
  - (a) for a net used in the following areas—a mesh size of at least 38mm but no more than 60mm—
    - (i) the Comboyuro Point to Caloundra Head area;
    - (ii) the Hervey Bay area;
    - (iii) the Facing Island area;
    - (iv) the Keppel Bay area;
    - (v) the Repulse Bay area;
    - (vi) the Cleveland Bay area;
    - (vii) the deep water net area; or
  - (b) for a net used in the Laguna Bay area—a mesh size of at least 28mm; or
  - (c) for a net used in an area, other than an area mentioned in paragraph (a) or (b)—
    - (i) a mesh size of at least 43mm but no more than 60mm; and
    - (ii) a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.
- (2) A net used for the primary purpose of taking principal bugs or scallops must have a mesh size of at least 75mm.

**59 Length of sweeps of net**

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

**60 Covering net**

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

**61 Use of chains for net**

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

**62 Use of more than 1 net or head rope**

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 57.

**63 Use of crab bag**

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

**64 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**65 Requirement to use BRD**

A net, other than a try net, must include or be used with a BRD.

**66 Requirement to use TED**

A net, other than a try net, must include or be used with a TED.

**68 Use of primary boats**

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

**Division 4 Conditions for T2 licences**

**69 Purpose of division**

This division prescribes conditions for a T2 licence.

**70 Where permitted fish may be taken**

Permitted fish may be taken only in the T2 area.

**71 Taking permitted fish**

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

**72 Net length**

- (1) A net used in the deep water net area must be no longer than 184m.
- (2) A net used in an area other than the deep water net area must be no longer than—
  - (a) if the net is used for the primary purpose of taking principal bugs or scallops—109m; or
  - (b) if the net is used for the primary purpose of taking permitted fish, other than principal bugs or scallops—88m.

**73 Net mesh size**

- (1) A net used for the primary purpose of taking permitted fish other than principal bugs or scallops must—
  - (a) have a mesh size of at least 43mm but no more than 60mm; and
  - (b) have a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.
- (2) A net used for the primary purpose of taking principal bugs or scallops must have a mesh size of at least 75mm.

**74 Length of sweeps of net**

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

## **75 Covering net**

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
  - (a) if the net is used for the primary purpose of taking principal bugs or scallops—at least 75mm; or
  - (b) if the net is used for the primary purpose of taking permitted fish, other than principal bugs or scallops—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

## **76 Use of chains for net**

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

## **77 Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 72 for a net.



**78 Use of crab bag**

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

**79 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**80 Requirement to use BRD**

A net, other than a try net, must include or be used with a BRD.

**81 Requirement to use TED**

A net, other than a try net, must include or be used with a TED.

**83 Use of primary boats**

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

## **Division 5                      Conditions for T5 licences**

### **84        Purpose of division**

This division prescribes conditions for a T5 licence.

### **85        Where permitted fish may be taken**

Permitted fish may be taken only in the T5 area.

### **86        Taking permitted fish**

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

### **87        Net and head rope lengths**

- (1) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.
- (2) A beam trawl net used in the T5 area, other than in the Laguna Bay area, must be no longer than 5m.

### **88        Net mesh size**

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

**89 Covering net**

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

**90 Use of more than 1 net or head rope**

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 87.

**91 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**92 Requirement to use BRD**

A net must include or be used with a BRD.

**93 Requirement to use TED in Laguna Bay area**

A net used in the Laguna Bay area must include or be used with a TED.

**95 Use of primary boats**

A primary boat longer than 9m must not be used.

**Division 6 Conditions for T6 licences**

**96 Purpose of division**

This division prescribes conditions for a T6 licence.

**97 Where permitted fish may be taken**

Permitted fish may be taken only in the T6 area.

**98 Taking permitted fish**

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

**99 Net length**

- (1) A net used in the T6 area, other than the Hervey Bay area, must be no longer than 5m.
- (2) A net used in the Hervey Bay area must be no longer than 10m.

**100 Net mesh size**

- (1) A net used in the T6 area, other than the Hervey Bay area, must have a mesh size of at least 28mm.
- (2) A net used in the Hervey Bay area must have a mesh size of at least 38mm but no more than 60mm.

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- (3) A net used in the T6 area, other than the Hervey Bay area, must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

### 101 Covering net

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
- (a) if the net is used in the T6 area, other than the Hervey Bay area—at least 28mm; or
  - (b) if the net is used in the Hervey Bay area—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

### 102 Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 99 for a net.

### 103 Use of nets with particular fishing apparatus or attachments

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

*Examples of nets that must not be used—*

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

**104 Requirement to use BRD**

A net used must include or be used with a BRD.

**105 Requirement to use TED other than in river or creek**

A net, other than a net used in a river or creek, must include or be used with a TED.

**107 Use of primary boats**

A primary boat longer than 9m must not be used.

**Division 7 Conditions for T7 licences**

**108 Purpose of division**

This division prescribes conditions for a T7 licence.

**109 Where permitted fish may be taken**

Permitted fish may be taken only in the T7 area.

**110 Taking permitted fish**

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

**111 Net length**

A net must be no longer than 5m.

**112 Net mesh size**

- (1) A net must have a mesh size of at least 28mm.
- (2) A net must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

**113 Covering net**

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

**114 Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than 5m.

**115 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**116 Requirement to use BRD**

A net must include or be used with a BRD.

**118 Use of primary boats**

A primary boat longer than 9m must not be used.

## **Division 8                      Conditions for T8 licences**

### **119      Purpose of division**

This division prescribes conditions for a T8 licence.

### **120      Where permitted fish may be taken**

Permitted fish may be taken only in the T8 area.

### **121      Taking permitted fish**

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

### **122      Net length**

- (1) A net used in the Fitzroy River mouth area or a river or creek must be no longer than 5m.
- (2) A net used in the Facing Island area or the Keppel Bay area must be no longer than 10m.

### **123      Net mesh size**

- (1) A net used in a river or creek must have a mesh size of at least 28mm.
- (2) A net used in the Fitzroy River mouth area must have a mesh size of at least 31mm.
- (3) A net used in the Facing Island area or the Keppel Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (4) A net used in a river or creek must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.



**124 Covering net**

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
  - (a) if the net is used in a river or creek—at least 28mm; or
  - (b) if the net is used in the Fitzroy River mouth area—at least 31mm; or
  - (c) if the net is used in the Facing Island area or the Keppel Bay area—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

**125 Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 122 for a net.

**126 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**127 Requirement to use BRD**

A net must include or be used with a BRD.

**128 Requirement to use TED other than in river or creek**

A net, other than a net used in a river or creek, must include or be used with a TED.

**130 Use of primary boats**

A primary boat longer than 9m must not be used.

**Division 9 Conditions for T9 licences**

**131 Purpose of division**

This division prescribes conditions for a T9 licence.

**132 Where permitted fish may be taken**

Permitted fish may be taken only in the T9 area.

**133 Taking permitted fish**

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

**134 Net length**

- (1) A net used in a river or creek must be no longer than 5m.
- (2) A net used other than in a river or creek must be no longer than 10m.

**135 Net mesh size**

- (1) A net used in a river or creek must have a mesh size of at least 28mm.
- (2) A net used other than in a river or creek must have a mesh size of at least 38mm but no more than 60mm.
- (3) A net used in a river or creek must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

**136 Covering net**

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
  - (a) if the net is used in a river or creek—at least 28mm; or
  - (b) if the net is used other than in a river or creek—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

**137 Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 134 for a net.

**138 Use of nets with particular fishing apparatus or attachments**

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

*Examples of nets that must not be used—*

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

**139 Requirement to use BRD**

A net used must include or be used with a BRD.

**140 Requirement to use TED other than in river or creek**

- (1) A net, other than a net used in a river or creek, must include or be used with a TED.
- (2) However, a net used under this division may be used without or not including a TED if—
  - (a) the boat from which the net is used—
    - (i) is no longer than 6.7m; and
    - (ii) has an outboard engine with no more than 90kW of power; and
  - (b) the net—
    - (i) is used in water shallower than 3m; and
    - (ii) remains in the water for no more than 25 minutes; and
    - (iii) is used only by hand, without any equipment to assist in its use.

**142 Use of primary boats**

A primary boat longer than 9m must not be used.

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## Part 5 Use of BRDs

### Division 1 Preliminary

#### 143 Application and purpose of part

This part—

- (a) applies if, under a provision of part 4, a net used under a provision of that part must include, or be used with, a BRD; and
- (b) prescribes a condition for the licence under which the net is used.

#### 144 Purpose of BRD

The purpose of a BRD is to reduce the level of bycatch taken by the use of the net to the lowest level that allows the economically viable use of the net, having regard to the sustainability of the fishery area's ecological systems.

### Division 2 Licence subject to BRD use condition

#### 145 Requirement to achieve purpose

It is a condition (the *BRD use condition*) of the licence that the use of the net must achieve the purpose of a BRD.

#### 146 How to comply

The BRD use condition mentioned in section 145 is taken to be complied with if a net includes or is used with a device (a *recognised BRD*) that complies with—

- (a) for an otter trawl net used to trawl for prawns—  
division 3; or

- (b) for an otter trawl net used to trawl for principal bugs or scallops—division 4; or
- (c) for a beam trawl net—division 5.

### **Division 3                      Recognised BRDs for otter trawl nets used to trawl for prawns**

#### **147      Application of division**

This division applies to an otter trawl net used to trawl for prawns.

#### **148      Square mesh cod end—northern area or central area**

- (1) The cod end of a net used in the northern area or central area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 50mm; and
  - (b) at least—
    - (i) 80 bars in circumference; and
    - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh.

#### **149      Square mesh cod end—deep water net area**

- (1) The cod end of a net used in the deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 45mm; and

- (b) at least—
  - (i) 80 bars in circumference; and
  - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh.

**150 Square mesh cod end—outside of northern area, central area and deep water net area**

- (1) The cod end of a net used outside of the northern area, central area and deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 38mm; and
  - (b) at least—
    - (i) 80 bars in circumference; and
    - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel made of square mesh of—
  - (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 300mm wide; and
    - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

**151 Square mesh panel—outside of central area**

- (1) A panel of a net used outside of the central area is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The panel must be installed so that—
  - (a) the trailing edge of the surrounding panel is no more than 35 meshes from the cod end drawstrings of the net; and
  - (a) the trailing edge of the centre panel is no more than 40 meshes from the cod end drawstrings of the net.
- (5) The surrounding panel must be made of square mesh of—
  - (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 550mm wide; and
    - (ii) 700mm long.
- (6) The centre panel must be made of square mesh of—
  - (a) a mesh size of at least 55mm; and
  - (b) at least—
    - (i) 250mm wide; and
    - (ii) 300mm long.
- (7) During trawling, nothing must cover any of the square mesh.

**152 Fisheye**

- (1) An opening, commonly known as a fisheye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) held open by a rigid frame that consists of—
    - (i) a semicircular-shaped frame; and



- (ii) an isosceles triangle-shaped frame; and
- (b) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
  - (a) at least—
    - (i) 350mm wide; and
    - (ii) 150mm high; and
  - (b) divided in half by a rigid bar; and
  - (c) attached, by a rigid bar—
    - (i) from the midpoint of the semicircular-shaped part of the frame; and
    - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
  - (a) equal to the width of the semicircular-shaped frame; and
  - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

### **153 Bigeye**

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) in the top of the net; and
  - (b) at least 350mm across the width of the net; and
  - (c) no more than 66 meshes from the cod end drawstrings of the net.

- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
  - (a) the part of the opening closest to the mouth of the net must be weighted by an approved chain or 300g of other weights; and
  - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 2 floats, each of which is at least—
    - (i) 90mm wide; and
    - (ii) 50mm in diameter; and
  - (c) nothing must cover any part of the opening.
- (5) In this section—

***approved chain*** means a chain that—

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

**154 V-cut and bell cod end—outside of central area and deep water net area**

- (1) A combination of the cod end of a net and a V-cut opening in the cod end used outside of the central area and deep water net area is a recognised BRD if—
  - (a) the last 33 meshes of the net from the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end; and
  - (b) the opening complies with subsections (3) and (4); and
  - (c) nothing covers any part of the opening during trawling.

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- (2) However, subsection (1)(c) does not apply if—
    - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
    - (b) the edges of the flap do not extend wider than the opening during trawling.
  - (3) The opening must—
    - (a) be in the top of the net; and
    - (b) have 2 diagonal forward measurements of 10 bars of the net; and
    - (c) have a lateral measurement along its forward edge of 11 meshes of the net.
  - (4) The apex of the opening must not be more than 45 meshes of the net from the drawstrings.

## **Division 4                      Recognised BRDs for otter trawl nets used to trawl for principal bugs or scallops**

### **155      Application of division**

This division applies to an otter trawl net used to trawl for principal bugs or scallops.

### **156      Scallop square mesh cod end**

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 88mm; and
  - (b) at least—
    - (i) 50 bars in circumference; and
    - (ii) 1,500mm long.

- (3) The square mesh must be no more than 15 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh other than a compliant chaffing mat.
- (6) In this section—

*compliant chaffing mat*, for a cod end, means a mat that is attached to the bottom half of the circumference of the cod end—

  - (a) only—
    - (i) along the leading edge of the mat; and
    - (ii) halfway along the length of each side of the mat; and
    - (iii) at a point on each rear corner of the mat; and
  - (b) along no more than half of the length of the cod end.

## **Division 5                      Recognised BRDs for beam trawl nets**

### **157      Application of division**

This division applies to a beam trawl net.

### **158      Square mesh cod end**

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 31mm; and
  - (b) at least—
    - (i) 100 bars in circumference; and
    - (ii) 50 bars long.

- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel made of square mesh of—
  - (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 300mm wide; and
    - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

### **159 Square mesh panel**

- (1) A panel of a net is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The surrounding panel must be made of square mesh of—
  - (a) a mesh size of at least 40mm; and
  - (b) at least—
    - (i) 450mm wide; and
    - (ii) 600mm long.
- (5) The centre panel must be made of square mesh of—
  - (a) a mesh size of at least 50mm; and
  - (b) at least—
    - (i) 200mm wide; and
    - (ii) 300mm long.
- (6) The panel must be installed so that—

- (a) the trailing edge of the surrounding panel is no more than 60 meshes from the cod end drawstrings of the net; and
  - (b) the trailing edge of the centre panel is no more than 65 meshes from the cod end drawstrings of the net.
- (7) During trawling, nothing must cover any of the square mesh.

## **160 Fisheye**

- (1) An opening, commonly known as a fisheye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) held open by a rigid frame that consists of—
    - (i) a semicircular-shaped frame; and
    - (ii) an isosceles triangle-shaped frame; and
  - (b) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
  - (a) at least—
    - (i) 230mm wide; and
    - (ii) 100mm high; and
  - (b) divided in half by a rigid bar; and
  - (c) attached, by a rigid bar—
    - (i) from the midpoint of the semicircular-shaped part of the frame; and
    - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—

- (a) equal to the width of the semicircular-shaped frame; and
  - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

## 161 Bigeye

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
- (a) in the top of the net; and
  - (b) at least 230mm across the width of the net; and
  - (c) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
- (a) the part of the opening closest to the mouth of the net must be weighted by an approved chain or 300g of other weights; and
  - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 1 float that is at least—
    - (i) 90mm wide; and
    - (ii) 50mm in diameter; and
  - (c) nothing must cover any part of the opening.
- (5) In this section—
- approved chain*** means a chain that—
- (a) weighs at least 300g; and
  - (b) contains at least the following number of links—
    - (i) for a chain with links 4mm in diameter—42;
    - (ii) for a chain with links 6mm in diameter—12;

- (iii) for a chain with links 8mm in diameter—6;
- (iv) for a chain with links 10mm in diameter—3.

## **162 V-cut and bell cod end**

- (1) A combination of the cod end of a net and a V-cut opening in the cod end is a recognised BRD if—
  - (a) the following number of the meshes of the net before the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end—
    - (i) if the net has a mesh size of less than 31mm—50;
    - (ii) if the net has a mesh size of 31mm or more—40;and
  - (b) the opening complies with subsections (3) and (4); and
  - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
  - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
  - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
  - (a) be in the top of the net; and
  - (b) have 2 diagonal forward measurements of the following number of bars of the net each—
    - (i) if the net has a mesh size of less than 31mm—15;
    - (ii) if the net has a mesh size of 31mm or more—12;and
  - (c) have a lateral measurement along its forward edge of the following number of meshes of the net—
    - (i) if the net has a mesh size of less than 31mm—16;
    - (ii) if the net has a mesh size of 31mm or more—13.



- 
- (4) The apex of the opening must not be more than the following number of meshes of the net from the drawstrings—
- (a) if the net has a mesh size of less than 31mm—65;
  - (b) if the net has a mesh size of 31mm or more—55.

## **Part 6 Use of TEDs**

### **Division 1 Preliminary**

#### **163 Application and purpose of part**

This part—

- (a) applies if, under a provision of part 4, a TED must include, or be used with, a net used under a provision of that part; and
- (b) prescribes a condition for the licence under which the net is used.

#### **164 Purpose of TED**

The purpose of a TED is to allow turtles to escape immediately after being taken in the net.

### **Division 2 Licence subject to TED use condition**

#### **165 Requirement to achieve purpose**

It is a condition (the *TED use condition*) of the licence that the use of the net must achieve the purpose of a TED.

#### **166 Compliance with TED use condition**

- (1) The TED use condition mentioned in section 165 is taken to have been complied with if—

- (a) a net includes or is used with a device (a ***recognised TED***) that complies with this part; and
  - (b) if an accelerator funnel is attached to a recognised TED—the accelerator funnel complies with section 171.
- (2) A device is a recognised TED if it consists of—
- (a) a grid that complies with section 167(1) and (2); and
  - (b) an opening (the ***escape hole***) in the net that complies with section 168; and
  - (c) if the escape hole is in the bottom of the net—
    - (i) a grid that complies with section 167(3); or
    - (ii) floats that comply with section 170; and
  - (d) a flap covering the escape hole that complies with section 169.

## **Division 3                      Requirements for recognised TEDs**

### **167      Grid requirements**

- (1) The grid must—
  - (a) be at least 810mm wide and 810mm high; and
  - (b) have vertical bars, spaced no more than 120mm apart, extending from the top to the bottom of the net; and
  - (c) be constructed as a single solid unit without any hinged or collapsible components; and
  - (d) be attached to the entire circumference of the net; and
  - (e) be installed and kept at an angle of between 30° and 55° in the net so that it is inclined towards the escape hole.
- (2) The grid must be constructed of rigid material.
- (3) Also, if the escape hole is in the bottom of the net, the grid must be—
  - (a) constructed of a material with a density of no more than the density of seawater; and

- (b) appropriately marked with—
  - (i) the density of the material, expressed in g/cm<sup>3</sup> or kg/cm<sup>3</sup>; and
  - (ii) the name of the grid's manufacturer.

## 168 Escape hole requirements

- (1) The escape hole must allow turtles to escape immediately after the turtles are taken in the net.
- (2) The escape hole must consist of—
  - (a) a horizontal cut that is—
    - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
    - (ii) at least 610mm wide; and
    - (iii) no narrower than the grid, other than for 100mm at either side of the grid; and
  - (b) 2 cuts that are each—
    - (i) in front of and perpendicular to the trailing edge of the grid; and
    - (ii) of equal length; and
    - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
  - (c) a leading edge cut that, when the net is stretched, is at least—
    - (i) if the escape hole is covered with a single flap—1,810mm; or
    - (ii) if the escape hole is covered with a double flap—1,420mm.
- (3) Alternatively, the escape hole may consist of—
  - (a) a horizontal cut that is—

- (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
    - (ii) at least 1,020mm wide; and
  - (b) 2 all bar cuts that each—
    - (i) are of equal length and at least 1,360mm long; and
    - (ii) taper from either end of the horizontal cut mentioned in paragraph (a) to where they meet.
- (4) Alternatively, the escape hole may consist of—
  - (a) a horizontal cut that is—
    - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
    - (ii) at least 610mm wide; and
    - (iii) no narrower than the grid, other than for 100mm at either side of the grid; and
  - (b) 2 cuts that are each—
    - (i) in front of and perpendicular to the trailing edge of the grid; and
    - (ii) of equal length; and
    - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
  - (c) 2 all bar cuts that—
    - (i) each intersect with, and are in front of, the perpendicular cuts mentioned in paragraph (b); and
    - (ii) are each of equal length and at least 500mm long; and
    - (iii) allow the escape hole, at the intersections mentioned in subparagraph (i), to stretch to, if the escape hole is covered with a single flap, 1,810mm, or if the escape hole is covered with a double flap, 1,420mm.

(5) In this section—

*all bar cut* means a cut through parallel opposing bars in a row of meshes.

## 169 Flap requirements

- (1) The escape hole must be covered by a rectangular flap attached to the outside of the net.
- (2) The flap must consist of 1 panel that—
  - (a) has a mesh size of no more than—
    - (i) for a net used to trawl for prawns—50mm; or
    - (ii) for a net used to trawl for scallops—90mm; and
  - (b) is at least—
    - (i) 3,380mm wide; and
    - (ii) 1,320mm long; and
  - (c) does not overlap the escape hole by more than 130mm on either side; and
  - (d) is not sewn down the outside edges more than 150mm past the trailing edge of the grid; and
  - (e) is attached, by the longer edge, to the net in front of the leading edge of the escape hole.
- (3) Alternatively, the flap may consist of 2 equal-sized panels that—
  - (a) each have a mesh size of no more than—
    - (i) for a net used to trawl for prawns—50mm; or
    - (ii) for a net used to trawl for scallops—90mm; and
  - (b) are each at least 1,470mm wide; and
  - (c) do not overlap by more than 380mm along the leading edge of the panels, when each panel is fully stretched; and
  - (d) are sewn together only along the leading edges of the panels; and

- (e) are attached to the net in front of the leading edge of the escape hole.
- (4) The trailing edge of a flap must not extend more than 610mm behind the trailing edge of the grid.

## 170 Float requirements

- (1) If the escape hole is in the bottom of the net, the following floats must be attached to the grid—
  - (a) if the grid has a circumference of no more than 3,050mm, at least—
    - (i) 2 small floats; or
    - (ii) 1 medium float;
  - (b) if the grid has a circumference of more than 3,050mm, at least—
    - (i) 4 small floats; or
    - (ii) 2 medium floats.
- (2) Alternatively, the following floats may be attached to the grid—
  - (a) 3 small plastic floats;
  - (b) 2 medium plastic floats;
  - (c) 1 large plastic float.
- (3) Alternatively, 1 or more floats, with a total buoyancy at least equal to the weight of the recognised TED, may be attached to the grid if—
  - (a) the buoyancy, expressed in grams or kilograms, of each float is appropriately marked on the float; and
  - (b) the weight of the recognised TED is appropriately marked on the grid.
- (4) In this section—

***attached*** means attached to the top half of the grid—

  - (a) inside the net and behind the grid; or

(b) outside the net but not attached to a flap.

**large plastic float** means a float made of hard plastic that is at least 250mm in diameter.

**medium float** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

(a) 222mm long; and

(b) 172mm in diameter.

**medium plastic float** means a float made of hard plastic that is at least 200mm, but less than 250mm, in diameter.

**small float** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

(a) 180mm, but less than 222mm, long; and

(b) 147mm, but less than 172mm, in diameter.

**small plastic float** means a float made of hard plastic that is at least 150mm, but less than 200mm, in diameter.

**weight** means weight expressed in grams or kilograms.

## 171 Accelerator funnel requirements

- (1) The accelerator funnel must be made of mesh of a mesh size of at least 38mm but no more than 50mm.
- (2) The accelerator funnel must be installed in the leading edge of the net in front of the recognised TED so that—
  - (a) the leading edge of the accelerator funnel is attached at least 18 meshes in front of the closest point of the grid; and
  - (b) the trailing edge of the accelerator funnel does not extend past the bars of the grid.
- (3) If the recognised TED has an escape hole in the top of the net, the bottom of the trailing edge of the accelerator funnel must be attached to the bottom of the recognised TED by no more than one-third of the circumference of the trailing edge.
- (4) If the recognised TED has an escape hole in the bottom of the net, the top of the trailing edge of the accelerator funnel must





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**Division 2                      Waters for processing scallops****173      Application of division**

For section 172(3)(a), this division states the waters where scallops may be processed on a commercial fishing boat.

**174      Tin Can Bay public wharf area**

Tin Can Inlet within a 1n mile radius of the public wharf at Tin Can Bay township.

**175      Parts of Hervey Bay**

(1) Hervey Bay within the following boundary—

- from latitude 25°19.00' south, longitude 152°55.00' east then eastward along latitude 25°19.00' south to the intersection with the western shore of Big Woody Island
- north along the western shore of Big Woody Island to the northern tip of Big Woody Island
- to latitude 25°17.49' south, longitude 152°55.66' east
- to latitude 25°18.10' south, longitude 152°55.66' east
- to latitude 25°18.10' south, longitude 152°55.00' east
- to latitude 25°19.00' south, longitude 152°55.00' east.

(2) Hervey Bay within the following boundary—

- from the special mark known as EU1 to the south cardinal mark known as S6
- to the special mark known as S4
- to the special mark known as EU1.

**176 Burnett River from near Bundaberg to near Millaquin Sugar Mill**

The Burnett River, Bundaberg between the railway bridge and the shortest straight line across the river from the pump station at the Millaquin Sugar Mill.

**177 Area near Gladstone**

The area near Gladstone within the following boundary—

- from the green beacon near the northern shore at the mouth of Auckland Inlet to the rear lead at Targinie Channel, Middle Bank
- to Permain Point on the southern tip of Picnic Island
- along the western shore of Picnic Island to its northern tip
- to the northern tip of Clinton Coal Wharf
- to the shore on the northern side of the wharf
- to the green beacon near the northern shore at the mouth of Auckland Inlet.

**178 Area near Yeppoon**

Waters near Double Head, near Yeppoon, within the following boundary—

- from the intersection of latitude 23°10.40' south with the mainland shore (near Bluff Point)
- to latitude 23°10.40' south, longitude 150°48.56' east
- to latitude 23°09.65' south, longitude 150°48.56' east
- to Double Head
- to Wreck Point
- along the shore to latitude 23°10.40' south.

**179 Area near Bowen**

Waters west of Stone Island, near Bowen, within the following boundary—

- from Dalrymple Point to the western side of South Head, Stone Island
- along the western shore of Stone Island to the tip of the sand spit at the island's south-western tip
- to the lead known as M5
- to Dalrymple Point.

**180 Area west of Cape Cleveland**

Waters west of Cape Cleveland within the following boundary—

- from Cape Cleveland along the shore to longitude 147°00.07' east
- along longitude 147°00.07' east to latitude 19°11.91' south
- along latitude 19°11.91' south to the shore
- along the shore to Cape Cleveland.

**181 Area west of Magnetic Island**

Waters west of Magnetic Island within the following boundary—

- from latitude 19°07.91' south, on the western shore of Magnetic Island, along the latitude to longitude 146°46.07' east
- along longitude 146°46.07' east to latitude 19°08.91' south
- along latitude 19°08.91' south to the shore of Magnetic Island
- along the shore to latitude 19°07.91' south.

**182 Part of North East Bay (Great Palm Island)**

North East Bay (Great Palm Island) within the following boundary—

- from longitude 146°41.07' east, on the northern shore of Great Palm Island, along the longitude to latitude 18°42.91' south
- along latitude 18°42.91' south to longitude 146°40.07' east
- along longitude 146°40.07' east to the shore of Great Palm Island
- along the shore to longitude 146°41.07' east.

**183 Lucinda Services Jetty area**

Waters within a 1km radius of the seaward end of the Lucinda Services Jetty, Lucinda.

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## **Schedule 3      Commercial line fisheries**

section 4

### **Part 1                      Line fishery (other than Great Barrier Reef region)**

#### **Division 1                  Fishery, fishery symbol and fishery area**

##### **1                      Line fishery (other than Great Barrier Reef region)**

The line fishery (other than Great Barrier Reef region) is the activity of fishing for the fish mentioned in section 4 in the fishery area, as provided under this part.

##### **2                      Fishery symbol**

The fishery symbol for the fishery is 'L1'.

##### **3                      Fishery area**

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

#### **Division 2                  Authorisation**

##### **4                      What fish may be taken**

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

##### **5                      Way fish may be taken**

(1) Fin fish may be taken only by using fishing lines.

- (2) A person must not use more than 3 fishing lines at the same 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.

## **6 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 5n miles.

## **Part 2 Line fishery (reef)**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **10 Line fishery (reef)**

The line fishery (reef) is the activity of fishing for the fish mentioned in section 13 in the fishery area, as provided under this part.

#### **11 Fishery symbols**

The fishery symbols for the fishery are ‘L2’ and ‘L3’.

#### **12 Fishery area**

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

- 
- (a) from the northern tip of Cape York along latitude 10°41' south to longitude 145° east;
  - (b) to latitude 13° south, longitude 145° east;
  - (c) to latitude 15° south, longitude 146° east;
  - (d) to latitude 17°30' south, longitude 147° east;
  - (e) to latitude 21° south, longitude 152°55' east;
  - (f) to latitude 24°30' south, longitude 154° east;
  - (g) along latitude 24°30' south to the mainland shore;
  - (h) along the shore to the northern tip of Cape York at latitude 10°41' south.

## **Division 2                      Authorisation**

### **13            What fish may be taken**

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

### **14            Way fish may be taken**

- (1) Fish may be taken only by using fishing lines.
- (2) A person must not use more than 3 fishing lines at the same 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.

**15 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 5n miles.

**Part 3 Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)**

**Division 1 Fishery, fishery symbol and fishery area**

**19 Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)**

The line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) is the activity of fishing for the fish mentioned in section 22 in the fishery area, as provided under this part.

**20 Fishery symbol**

The fishery symbol for the fishery is 'L4'.

**21 Fishery area**

The fishery area consists of the area of all tidal waters in the Gulf of Carpentaria south of latitude 10°48' south.

**Division 2 Authorisation**

**22 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 threadfin;
- (d) giant queenfish;
- (e) king threadfin;
- (f) scaly jewfish;
- (g) silver javelin.

### **23 Way fish may be taken**

- (1) Fish may be taken only by using fishing lines.
- (2) A person must not use more than 3 fishing lines at the same 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.

### **24 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 10n miles.

## **Part 4**                      **Line fishery (multiple hook—east coast)**

### **Division 1**                **Fishery, fishery symbol and fishery area**

#### **28**      **Line fishery (multiple hook—east coast)**

The line fishery (multiple hook—east coast) is the activity of fishing for the fish mentioned in section 31 in the fishery area, as provided under this part.

#### **29**      **Fishery symbol**

The fishery symbol for the fishery is ‘L8’.

#### **30**      **Fishery area**

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

### **Division 2**                **Authorisation**

#### **31**      **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.

#### **32**      **Way fish may be taken**

- (1) Fish may be taken only by using—
  - (a) a line that is weighted so the line is vertical while it is being used in water (a *drop line*); or
  - (b) a bottom set line.

- (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.

### **33 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 the same time.
- (3) Each drop line must have attached to it a solid, light-coloured float that is no less than 30cm in any dimension.

### **34 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 the same 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 solid, light-coloured float that is no less than 30cm in any dimension.

### **35 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.

## **Schedule 4      Commercial net fisheries**

section 4

### **Part 1                      General netting and ocean beach fisheries**

#### **Division 1                Net fishery (general netting and ocean beach—area 1)**

##### **1            Net fishery (general netting and ocean beach—area 1)**

The net fishery (general netting and ocean beach—area 1) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

##### **2            Fishery symbol**

The fishery symbol for the fishery is ‘K1’.

##### **3            Fishery area**

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

- (a) 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; and
- (b) then to the seaward tip of the northern breakwater wall of the Gold Coast Seaway; and
- (c) then along South Stradbroke Island’s eastern shore to 1km north of the northern breakwater wall of the Gold Coast Seaway on South Stradbroke Island.

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**Division 2**                      **Net fishery (general netting and ocean beach—area 2)****4**                      **Net fishery (general netting and ocean beach—area 2)**

The net fishery (general netting and ocean beach—area 2) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**5**                      **Fishery symbol**

The fishery symbol for the fishery is ‘K2’.

**6**                      **Fishery area**

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

- (a) 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; and
- (b) then to the seaward tip of the northern breakwater wall of the Gold Coast Seaway; and
- (c) then along South Stradbroke Island’s eastern shore to the island’s north-eastern tip.

**Division 3**                      **Net fishery (general netting and ocean beach—area 3)****7**                      **Net fishery (general netting and ocean beach—area 3)**

The net fishery (general netting and ocean beach—area 3) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**8**                      **Fishery symbol**

The fishery symbol for the fishery is ‘K3’.

**9 Fishery area**

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

- (a) from North Stradbroke Island’s south-eastern tip; and
- (b) then along North Stradbroke Island’s eastern and northern shores to the island’s north-western tip.

**Division 4 Net fishery (general netting and ocean beach—area 4)**

**10 Net fishery (general netting and ocean beach—area 4)**

The net fishery (general netting and ocean beach—area 4) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**11 Fishery symbol**

The fishery symbol for the fishery is ‘K4’.

**12 Fishery area**

The fishery area consists of the area 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 (general netting and ocean beach—area 5)**

**13 Net fishery (general netting and ocean beach—area 5)**

The net fishery (general netting and ocean beach—area 5) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**14 Fishery symbol**

The fishery symbol for the fishery is 'K5'.

**15 Fishery area**

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

- (a) from the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island; and
- (b) then along Bribie Island's western, southern and eastern shores to latitude 26°49.5' south where it intersects the eastern shore of Bribie Island.

**Division 6 Net fishery (general netting and ocean beach—area 6)****16 Net fishery (general netting and ocean beach—area 6)**

The net fishery (general netting and ocean beach—area 6) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**17 Fishery symbol**

The fishery symbol for the fishery is 'K6'.

**18 Fishery area**

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

- (a) from latitude 26°48.38' south, longitude 153°08.36' east (the groyne at the southern end of Kings Beach); and
- (b) then along the shore to the eastern tip of Point Cartwright.

## **Division 7                      Net fishery (general netting and ocean beach—area 7)**

### **19      Net fishery (general netting and ocean beach—area 7)**

The net fishery (general netting and ocean beach—area 7) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

### **20      Fishery symbol**

The fishery symbol for the fishery is ‘K7’.

### **21      Fishery area**

The fishery area consists of the area 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 (general netting and ocean beach—area 8)**

### **22      Net fishery (general netting and ocean beach—area 8)**

The net fishery (general netting and ocean beach—area 8) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

### **23      Fishery symbol**

The fishery symbol for the fishery is ‘K8’.

### **24      Fishery area**

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

- (a) a line—



- (i) from the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point; and
  - (ii) then to the southern tip of Fraser Island; and
  - (iii) then along Fraser Island's eastern shore to the island's northern tip; and
- (b) the shore of Breaksea Spit.

## **Division 9                      Authorisation**

### **25            What fish may be taken**

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

### **26            Way fish may be taken**

Fish may be taken only by using seine nets.

### **27            Use of seine nets**

A seine net may be used 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.

### **28            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.

**29 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.

**30 When fish may be taken**

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

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

**Division 1 Fishery, fishery symbols and fishery area**

**34 Net fishery (east coast no. 1)**

The net fishery (east coast no. 1) is the activity of fishing for the fish mentioned in section 37 in the fishery area, as provided under this part.

**35 Fishery symbols**

The fishery symbols for the fishery are ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N1’, ‘N2’, ‘N4’ and ‘N10’.

**36 Fishery area**

The fishery area consists of the area of all tidal waters east of longitude 142°31'49" east, other than tidal waters of waterways that flow to the sea west of longitude 142°31'49" east.

**Division 2 Authorisation****Subdivision 1 General****37 What fish may be taken**

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

**38 Way fish may be taken**

- (1) Fish may be taken only by using—
  - (a) mesh nets in the way stated in subdivision 2; or
  - (b) set pocket nets in the way stated in subdivision 3.
- (2) Unless otherwise stated in this part, a net that is neither fixed nor hauled 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 being used.
- (3) Only 1 net may be used at the same time to take fish.
- (4) Despite subsection (3), a single net may be split into 2 or more pieces after the fish are taken, to remove the fish from the net.
- (5) Only 1 part of a general purpose mesh net may be fixed while it is being used in offshore waters.

- (6) One end of a mesh net may be fixed temporarily while shooting or hauling the net.
- (7) Unless otherwise stated in this part, a person using a mesh net must remain on a boat floating on the water within 100m of the net unless the person is setting or retrieving the net.

**39 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.

**Subdivision 2 Use of mesh nets**

**40 Use of seine nets to take prawns 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 be used to take only prawns in the lake.

**41 Use of mesh nets in Lakes Cootharaba, Cooroibah and Weyba**

A mesh net may be used in Lake Cootharaba, Lake Cooroibah or Lake Weyba only if it is no longer than 1,500m and has a mesh size of at least 50mm but no more than 175mm.

**42 Use of seine nets to take prawns 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.

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- (2) However, a seine net may be used to take only prawns in the waters.

**43 Use of general purpose mesh nets south of Baffle Creek**

- (1) This section applies for using a general purpose mesh net in waters, other than waters in a river or creek, south of the northern bank of Baffle Creek.
- (2) A general purpose mesh net may be used in the waters only if the net—
- (a) is no longer than 800m; and
  - (b) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm.
- (3) A back net may be used with a general purpose mesh net if it has a mesh size of at least 25mm but no more than 50mm.
- (4) Despite subsection (2), a general purpose mesh net must not be used in the fishery area of a fishery under part 1 from 1 April to 31 August.

**44 Use of mesh nets and seine nets south of Baffle Creek**

- (1) A mesh net may be used in a river or creek south of the northern bank of Baffle Creek only if—
- (a) for a seine net, the net—
    - (i) is no longer than 200m; and
    - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm; or
  - (b) for another mesh net, the net—
    - (i) is no longer than 400m; and
    - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm.
- (2) Despite subsection (1), a mesh net must not be used in a river or creek in the fishery area of a fishery under part 1 from 1 April to 31 August.

**45 Use of general purpose mesh nets north of Baffle Creek**

- (1) This section applies for using a general purpose mesh net in waters north of the northern bank of Baffle Creek.
- (2) A general purpose mesh net may be used in the waters only if the net—
  - (a) is no longer than 400m; and
  - (b) has a mesh size of at least 50mm but no more than 165mm.
- (3) From 1 November to 31 January a general purpose mesh net may be used in a waterway or in nearshore waters only if it has a mesh size of at least 50mm but no more than 115mm.

**47 Use of nets that are neither fixed nor hauled in offshore waters**

- (1) This section applies for using a net that is neither fixed nor hauled in offshore waters.
- (2) If all of the net is used within the waters, the net must—
  - (a) be no longer than 600m; and
  - (b) have a mesh size of at least 160mm but no more than 165mm.
- (3) The net must not be used in—
  - (a) the waters north of Cape Flattery from 1 November to 31 January; or
  - (b) the fishery area of a fishery under part 1 from 1 April to 31 August.

**48 Use of general purpose mesh nets in nearshore waters**

Both ends of a general purpose mesh net may be fixed for no more than 2 hours if—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; and

- (b) each end of the net remains in nearshore waters or on a foreshore while the net is being used; and
- (c) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.

**49 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 the northern bank of Baffle Creek and the southern bank of Kauri 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 100mm but no more than 165mm; and
  - (c) has a drop of no more than 50 meshes.
- (2) No more than 3 set mesh nets may be used in the river or creek.
- (3) The set mesh nets may be used in the river or creek only 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.

**50 Use of set mesh nets in offshore waters south of Baffle Creek**

- (1) A set mesh net may be used in offshore waters south of the northern bank of Baffle Creek only if the net—
  - (a) is no longer than 600m; and
  - (b) has a mesh size of at least 100mm but no more than 165mm; and

- (c) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (2) Despite subsection (1), the net must not be used in the fishery area of a fishery under part 1 from 1 April to 31 August.

## **51 Use of set mesh nets in offshore waters of Keppel Bay**

A 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—

- (a) the net—
  - (i) is no longer than 200m; and
  - (ii) has a mesh size of at least 160mm but no more than 165mm; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.

## **52 Use of set mesh nets in offshore waters north of Baffle Creek**

- (1) This section applies for using a set mesh net in offshore waters north of Baffle Creek, other than the waters mentioned in section 51.
- (2) A set mesh net may be used in the waters only if—
  - (a) the net—
    - (i) is no longer than 600m; and
    - (ii) has a mesh size of at least 160mm but no more than 165mm; and
  - (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (3) Despite subsection (2), a set mesh net must not be used in waters north of Cape Flattery from 1 November to 31 January.



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## **Subdivision 3      Use of set pocket nets**

### **53      Use of set pocket nets in rivers**

- (1) This section applies to the following waters—
  - (a) the Fitzroy River, Kolan River, Burnett River, Albert River and Logan River;
  - (b) the waters of the Mary River between longitude 152°46.22' east and the Old Bruce Highway Bridge;
  - (c) the waters of the Mary River between the lines between the following places marked by F↑B signs—
    - (i) longitude 152°46.67' east on the northern bank and longitude 152°46.83' east on the southern bank;
    - (ii) longitude 152°51.74' east on the northern bank (near 'Tandora') and longitude 152°51.71' east on the shore of Crab Island (Meteor Point);
    - (iii) longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' east on the southern bank.
- (2) A set pocket net may be used only if the net is no longer than 10m and has a mesh size of at least 25mm.
- (3) However, a set pocket net may be used only to take prawns in the waters.
- (4) A set pocket net must not be set within 20m of a jetty or wharf or 100m of another net that is in use.
- (5) 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.
- (6) The closed end of the pocket of a set pocket net must be marked on the surface of the water by a solid, yellow-coloured float that is no less than 8cm in any dimension.
- (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.

## **Division 3                      Condition**

### **54            Purpose of division**

This division prescribes a condition for the licence.

### **57            Marking nets**

- (1) A mesh net must be marked by—
  - (a) light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it at one end of the net.
- (2) A set mesh net or a net that is neither fixed nor hauled used in offshore waters must also be marked by—
  - (a) a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
  - (b) solid, light-coloured floats, no less than 15cm in any dimension, no more than 100m apart along the length of the net.
- (3) Despite subsections (1)(a) and (2)(b), floats are not required along the length of a set mesh net used in offshore waters deeper than its drop if no part of the net is on the surface at any time.
- (4) Also, if a set mesh net or a net that is neither fixed nor hauled is used at night, the net must 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 one end of the net; and
    - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at the other end of the net; or
  - (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 all directions from the light, at both ends of the net.

## **Part 3                      Net fishery (east coast no. 2)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **58        Net fishery (east coast no. 2)**

The net fishery (east coast no. 2) is the activity of fishing for the fish mentioned in section 61 in the fishery area, as provided under this part.

#### **59        Fishery symbol**

The fishery symbol for the fishery is 'N2'.

#### **60        Fishery area**

The fishery area consists of the area of all tidal waters east of longitude 142°31'49" east and north of the southern bank of Kauri Creek, other than tidal waters of waterways that flow to the sea west of longitude 142°31'49" east.

## **Division 2                      Authorisation**

### **61            What fish may be taken**

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

### **62            Way fish may be taken**

- (1) Fish may be taken only by using set mesh nets.
- (2) Unless otherwise stated in this part, a set mesh net must not be set within 100m of another net that is being used.
- (3) Despite subsection (2), 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 the net or, if more than one net is set, within 800m of the first or last net or between the nets.

### **63            Use of set mesh nets in nearshore waters between Burnett River and Baffle Creek**

- (1) A set mesh net may be used in nearshore waters 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—
    - (i) a mesh size of at least 100mm but no more than 215mm; and
    - (ii) a drop of no more than 50 meshes.
- (2) A set mesh net must not be used within 400m of a jetty or wharf.
- (3) A set mesh net must not be used from midday on 1 September to midday on 1 February.

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**64 Use of set mesh nets in nearshore waters between Baffle Creek and Cape Flattery**

- (1) A set mesh net may be used in nearshore waters between the northern bank of Baffle Creek and Cape Flattery.
- (2) No part of a set mesh net used in nearshore waters around Girt Island may be more than 1km from the shore of Girt Island at low water.
- (3) A set mesh net used in any nearshore waters must have 1 part of the net in nearshore waters or on a foreshore while the net is being used.
- (4) 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.
- (5) However, if a set mesh net is used from 1 November to 31 January in nearshore waters north of the northern bank of St. Lawrence Creek, the mesh size of the net must be no more than 115mm.
- (6) Up to 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 400m of a jetty, wharf or another net that is being used.

**65 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) A set mesh net must not be used within 400m of a jetty or wharf.

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- (3) Up to 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.
- (4) A set mesh net must not be used from 1 November to 31 January in rivers and creeks north of the northern bank of Baffle Creek.
- (5) Despite subsection (1)(b)(i), from midday 1 May to midday 31 August, 1 (but no more than 1) of the set mesh nets used under this section may have a mesh size of at least 125mm but no more than 215mm.

**66 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—
    - (i) a mesh size of at least 150mm but no more than 215mm; and
    - (ii) a drop of no more than 50 meshes.
- (2) Up to 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 within 400m of a jetty or wharf.
- (4) A set mesh net must not be used from 1 November to 31 January.

**67 Use of set mesh nets in nearshore waters north of Cape Flattery**

- (1) A set mesh net may be used in nearshore waters north of 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 215mm.
  - (2) A part of the set mesh net must be in nearshore waters or on a foreshore while the net is being used.
  - (3) Up to 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 within 400m of a jetty or wharf.
  - (5) A set mesh net must not be used from 1 November to 31 January.

**68 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) applies only if the commercial fisher is also within 800m of the first or last net or between the nets.

**Division 3 Condition**

**69 Purpose of division**

This division prescribes a condition for the licence.

**72 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 solid, white float—

- (i) no less than 15cm in any dimension; and
  - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it at the end of the net farthest from the shore.
- (2) Also, a set mesh net used at night must 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 solid, reflectorised float, no less than 15cm in any dimension, 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 all directions from the light, at both ends of the net.

## **Part 4                      Net fishery (east coast no. 3)**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **73              Net fishery (east coast no. 3)**

The net fishery (east coast no. 3) is the activity of fishing for the fish mentioned in section 76 in the fishery area, as provided under this part.

#### **74              Fishery symbol**

The fishery symbol for the fishery is 'N4'.



**75 Fishery area**

The fishery area consists of all offshore waters deeper than 20m deep east of longitude 142°31'49" east and north of latitude 26° south.

**Division 2 Authorisation****76 What fish may be taken**

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

**77 Way fish may be taken**

- (1) Fish may be taken only by using set mesh nets or nets that are neither fixed nor hauled.
- (2) A net must have a mesh size of at least 160mm but no more than 165mm.
- (3) Unless otherwise stated in this part, a net that is neither fixed nor hauled 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 being used.

**78 Use of nets that are neither fixed nor hauled in Keppel Bay**

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

- (a) the net is no longer than 200m; and

- (b) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.

**79 Use of nets that are neither fixed nor hauled—other waters**

- (1) A net that is neither fixed nor hauled may be used in waters other than waters mentioned in section 78 only if—
  - (a) the net is no longer than 1,200m; and
  - (b) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.
- (2) Despite subsection (1), a net that is neither fixed nor hauled must not be used in the waters north of Cape Flattery from 1 November to 31 January.

**80 Use of set mesh nets in Keppel Bay**

A 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—

- (a) the net is no longer than 200m; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.

**81 Use of set mesh nets in offshore waters**

- (1) A set mesh net may be used in waters other than waters mentioned in section 80 only if—
  - (a) the net is no longer than 1,200m; and
  - (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.

- (2) Despite subsection (1), a set mesh net must not be used in the waters north of Cape Flattery from 1 November to 31 January.

**82 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.

**Division 3 Condition**

**83 Purpose of division**

This division prescribes a condition for the licence.

**86 Marking nets**

- (1) A net must be marked—
- (a) at one end, by a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it; and
  - (b) by a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
  - (c) by solid, light coloured floats no more than 20m apart along its length; and
  - (d) by solid, surface floats no more than 100m apart along its length each of which is no less than 15cm in any dimension.
- (2) Despite subsection (1)(c) and (d), floats and surface floats are not required along the length of a set mesh net that is used in offshore waters deeper than its drop if no part of the net is on the surface at any time.
- (3) Also, if a net is used at night it must 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 one end of the net; and
  - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at the other end of the net; or
- (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 all directions from the light, at both ends of the net.

## **Part 5                      Net fishery (east coast no. 4)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **87        Net fishery (east coast no. 4)**

The net fishery (east coast no. 4) is the activity of fishing for the fish mentioned in section 90 in the fishery area, as provided under this part.

#### **88        Fishery symbol**

The fishery symbol for the fishery is ‘N10’.

#### **89        Fishery area**

The fishery area consists of the area of foreshore waters, other than foreshore waters of a river or creek, in the area of the following—

- (a) foreshores of Moreton Bay on the mainland between F↑B signs at each of the following places—
  - (i) Little Rocky Point and about 800m south of Point Talburpin;

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- (ii) about 800m either side of Moogurrapum Creek, Redland Bay;
  - (iii) Point Halloran and about 700m south of Oyster Point;
  - (iv) about 800m south of the southern bank of Hilliards Creek and about 1km south of Wellington Point;
  - (v) the eastern shore of Fisherman Island and about 800m north of Wynnum Creek (including the Boat Passage foreshore but not the Brisbane River foreshore);
  - (vi) the western end of Sunnyside Road, Scarborough and about 100m south of the seaward end of Seaview Parade, Deception Bay;
  - (vii) the boat ramp at the department's Fisheries Research Laboratory at Deception Bay and the southern bank of the Caboolture River;
- (b) within the boundary—
- (i) from latitude 27°22'37" south, longitude 153°9'35" east; and
  - (ii) along the mainland shore to latitude 27°21'38" south, longitude 153°8'35" east; and
  - (iii) to latitude 27°21'32" south, longitude 153°8'38" east; and
  - (iv) to latitude 27°21'26" south, longitude 153°8'59" east; and
  - (v) to latitude 27°21'13" south, longitude 153°9'10" east; and
  - (vi) to latitude 27°21'37" south, longitude 153°10'15" east; and
  - (vii) to latitude 27°22'37" south, longitude 153°9'35" east;
- (c) foreshores of Moreton Bay islands, other than the western foreshore of Cassim Island and the southern foreshore of King Island, north of the following lines—

- (i) from Little Rocky Point;
- (ii) to the southern tip of Russell Island;
- (iii) to the nearest point on the western shore of North Stradbroke Island;
- (d) Tin Can Inlet, Pelican Bay and Tin Can Bay between the following lines—
  - (i) a line from the northern bank of Snapper Creek to the southern bank of Carlo Creek;
  - (ii) a line from the southern bank of Kauri Creek to Inskip Point;
- (e) Great Sandy Strait and Wide Bay Harbour between the following lines—
  - (i) a line from the northern bank of Kauri Creek to Hook Point;
  - (ii) 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.

## **Division 2                      Authorisation**

### **90            What fish may be taken**

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

### **91            Way fish may be taken**

- (1) Fish may be taken only by using a tunnel net.
- (2) A commercial fisher and at least 1 other fisher must be within 100m of the net while it is in use.

**92 Use of tunnel nets**

- (1) A tunnel net must be no longer than 1,700m, excluding its tunnel length.
- (2) 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.
- (3) The tunnel of a tunnel net must—
  - (a) extend out to sea beyond low water for at least 30m in water at least 30cm deep; and
  - (b) be in place before the rest of the net is deployed.

**93 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 1,700m.

**Division 3 Condition****94 Purpose of division**

This division prescribes a condition for the licence.

**97 Marking nets**

A tunnel net set at night must be marked by a white light—

- (a) at both ends of the net and at the end of the tunnel farthest from the shore; and

- (b) visible at least 400m in all directions from the light.

## **Part 6**                      **Net fishery (Gulf of Carpentaria no. 1)**

### **Division 1**                **Fishery, fishery symbol and fishery area**

#### **98**      **Net fishery (Gulf of Carpentaria no. 1)**

The net fishery (Gulf of Carpentaria no. 1) is the activity of fishing for the fish mentioned in section 101 in the fishery area, as provided under this part.

#### **99**      **Fishery symbol**

The fishery symbol for the fishery is 'N3'.

#### **100**     **Fishery area**

The fishery area consists of the area of the tidal waters—

- (a) in the Gulf of Carpentaria west of longitude 142°31'49" east that are within 7n miles of—
- (i) the mainland shore; or
  - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).

### **Division 2**                **Authorisation**

#### **101**     **What fish may be taken**

The following fish may be taken under the licence—

- (a) barramundi;



- (b) barred javelin;
- (c) black jewfish;
- (d) blue threadfin;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) other fin fish, excluding regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (g).

## **102 Way fish may be taken**

Fish may be taken only by using a set mesh net.

## **103 Prohibition on use of bottom set nets in offshore waters**

A bottom set net must not be used in offshore waters.

## **104 Use of set mesh nets**

- (1) A set mesh net must not be used—
  - (a) in a marked navigation channel; or
  - (b) within 400m of a jetty or wharf; or
  - (c) across a waterway or navigation channel so that—
    - (i) its ropes make the waterway or navigation channel impassable to a boat; or
    - (ii) the net extends to more than one-half of the width of the waterway or navigation channel where the net is used.
- (2) A reference in subsection (1) to using a set mesh net across a waterway or navigation channel includes using more than 1 set mesh net in a line across the waterway or navigation channel, regardless of the distance between the nets.

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- (3) A set mesh net must not be used within 100m of any other net that is in use.
- (4) Despite subsection (3), 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.
- (5) If a set mesh net is used in a river or creek, no other net may be used at the same time other than in a river or creek.

**105 Use of set mesh nets in rivers and creeks**

- (1) A set mesh net may be used in a river or creek only if the set mesh net—
  - (a) is no longer than 120m; and
  - (b) has a mesh size of at least 160mm but no more than 215mm; and
  - (c) has a drop of no more than 50 meshes.
- (2) No more than 6 nets may be set in the river or creek, regardless of the number of fishery symbols 'N3' written on the licence.
- (3) The nets may be set if—
  - (a) their combined length is no longer than 360m; and
  - (b) the distance between the first and last net is no longer than 5n miles.
- (4) A person using a net must be no more than 5n miles from any net the person is using.
- (5) If a power assisted device is on a boat, no more than 360m of the net may be attached to the device.
- (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

**106 Use of set mesh nets in nearshore waters**

- (1) A set mesh net may be used in nearshore waters only if the set mesh net—

- 
- (a) is no longer than 600m; and
  - (b) has a mesh size of at least 160mm but no more than 215mm.
- (2) No more than 6 nets may be set in nearshore waters, regardless of the number of fishery symbols 'N3' written on the licence.
  - (3) The nets may be set if—
    - (a) their combined length is no longer than 600m; and
    - (b) the distance between the first and last net is no longer than 6n miles.
  - (4) A person using a net must be no more than 6n miles from any net the person is using.
  - (5) If a power assisted device is on a boat, no more than 600m of the net may be attached to the device.
  - (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

**107 Use of set mesh nets in offshore waters if 'N3' written on licence only once**

- (1) This section applies if the licence has the fishery symbol 'N3' written on it only once.
- (2) A set mesh net may be used in offshore waters only if—
  - (a) the net is no longer than 300m, whether or not a power assisted device is used; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is not more than 50 meshes; and
  - (d) there are no other nets on the boat; and
  - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and
  - (f) the net is not used as a bottom set net.

**108 Use of set mesh nets in offshore waters if ‘N3’ written on licence more than once**

- (1) This section applies if the licence has the fishery symbol ‘N3’ written on it more than once.
- (2) A set mesh net may be used in offshore waters only if—
  - (a) the net is no longer than 600m, whether or not a power assisted device is used; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net’s drop is not more than 50 meshes; and
  - (d) all other nets on the boat are stowed and secured; and
  - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and
  - (f) the net is not used as a bottom set net.

**109 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 5n miles.

**110 When fish may be taken**

A set mesh net must not be used in a barramundi (Gulf) regulated period.

**Division 3 Conditions**

**111 Purpose of division**

This division prescribes conditions for the licence.

**112 Use of primary boats**

A primary boat longer than 14m must not be used.

**113 Marking nets**

- (1) A set mesh net being used during the day must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with the primary boat mark for the net written on it at the end of the net that is the farthest from the primary boat; and
    - (iii) with a radar reflector attached to it.
- (2) Also, if a set mesh net is used at night, the net must 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, at its end farthest from the shore; and
    - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at its end nearest the shore; or
  - (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 all directions, at both ends of the net.
- (3) Also, if the net is being used in offshore waters, it must be marked by—
  - (a) 6 solid floats along its length, each not less than 15cm in any dimension; and
  - (b) a pole with an orange flag on it at least 2m above the water attached to its end farthest from the shore.

## **Part 7**                      **Net fishery (no. 11)**

### **Division 1**                **Fishery, fishery symbol and fishery area**

#### **114**    **Net fishery (no. 11)**

The net fishery (no. 11) is the activity of fishing for the fish mentioned in section 117 in the fishery area, as provided under this part.

#### **115**    **Fishery symbol**

The fishery symbol for the fishery is 'N11'.

#### **116**    **Fishery area**

- (1) The fishery area consists of the area of the eastern N11 area and the Gulf N11 area.
- (2) The *eastern N11 area* is the area of the tidal waters east of longitude 142°31'49" east.
- (3) The *Gulf N11 area* is the area of the tidal waters—
  - (a) in the Gulf of Carpentaria west of longitude 142°31'49" east between—
    - (i) the 25n mile line; and
    - (ii) the mainland shore or the shore of an island; and
  - (b) of waterways that join the waters mentioned in paragraph (a).

### **Division 2**                **Authorisation**

#### **117**    **What fish may be taken**

- (1) Any fin fish, other than barramundi, regulated coral reef fin fish or snapper, may be taken in the eastern N11 area.

- 
- (2) The following fish may be taken in the Gulf N11 area—
- (a) garfish;
  - (b) mullet;
  - (c) other fin fish, excluding barramundi, regulated coral reef fin fish and snapper, but only if the fish are taken while taking garfish or mullet.

### **118 Way fish may be taken**

- (1) Fish may be taken only—
- (a) in the eastern N11 area—by using cast nets, mesh nets or scoop nets; or
  - (b) in the Gulf N11 area—by using cast nets, mesh nets, scoop nets or seine nets.
- (2) However, a power assisted device must not be used with a net.
- (3) A person using a net must be within 100m of it.
- (4) Only 1 end of a net may be fixed while the net is in use.
- (5) However, for taking fish in the eastern N11 area, both ends of a net may be fixed for no more than 2 hours if each end is in nearshore waters.

### **119 Use of cast nets**

A cast net may be used only if the net—

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

### **120 Use of scoop nets**

A scoop net may be used only if the net—

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

**121 Use of mesh nets in particular offshore and nearshore waters in eastern N11 area**

- (1) A mesh net may be used in the following offshore and nearshore waters in the eastern N11 area only if the net is no longer than 400m and has a mesh size of at least 12mm but no more than 45mm—
  - (a) waters east of longitude 142°31'49" east and north of the northern bank of Baffle Creek;
  - (b) Moreton Bay (whole) waters;
  - (c) the waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—
    - (i) a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island;
    - (ii) a line from the eastern tip of Inskip Point to Hook Point, Fraser Island.
- (2) A back net may be used with a mesh net in nearshore waters south of the northern bank of Baffle Creek.

**122 Use of mesh nets in other offshore and nearshore waters in eastern N11 area**

- (1) This section applies for using a mesh net in offshore and nearshore waters in the eastern N11 area south of the northern bank of Baffle Creek, other than the waters mentioned in section 121(1)(b) or (c).
- (2) The net may be used in the waters only if the net—
  - (a) is no longer than 600m; and
  - (b) has a mesh size of at least 12mm but no more than 45mm.
- (3) A mesh net may be used in the fishery area of a fishery under part 1 from 1 April to 31 August only if the net—
  - (a) is no longer than 200m; and
  - (b) has a mesh size of at least 12mm but no more than 25mm.



- (4) A back net may be used with a mesh net in nearshore waters.

**123 Use of mesh nets in offshore and nearshore waters in Gulf N11 area**

- (1) This section applies to using a mesh net in the Gulf N11 area.
- (2) A mesh net may be used—
- (a) in offshore waters, only if the net—
    - (i) is no longer than 400m; and
    - (ii) has a mesh size of at least 25mm but no more than 45mm; and
  - (b) in nearshore waters, only if the net—
    - (i) is no longer than 200m; and
    - (ii) has a mesh size of at least 25mm but no more than 45mm.

**124 Use of mesh nets in rivers and creeks**

A mesh net may be used in a river or creek only if the net—

- (a) is no longer than 200m; and
- (b) has a mesh size of at least 25mm but no more than 45mm.

**125 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) 800m in the eastern N11 area; and
- (b) 6n miles in the Gulf N11 area.

## **Division 3                      Conditions**

### **126      Purpose of division**

This division prescribes conditions for the licence.

### **127      Use of primary boats**

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

### **129      Marking nets**

- (1) A mesh net must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the float farthest from the shore; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it.
- (2) Also, a mesh net used at night must 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 one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; and
    - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; or
  - (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 all directions from the light, at both ends of the net.

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**Part 8**                      **Net fishery (Gulf of Carpentaria no. 3)****Division 1**                **Fishery, fishery symbol and fishery area****130**    **Net fishery (Gulf of Carpentaria no. 3)**

The net fishery (Gulf of Carpentaria no. 3) is the activity of fishing for the fish mentioned in section 133 in the fishery area, as provided under this part.

**131**    **Fishery symbol**

The fishery symbol for the fishery is 'N12'.

**132**    **Fishery area**

- (1) The fishery area consists of the area of all tidal waters in the Gulf of Carpentaria west of longitude 142°31'49" east that are beyond the 7n mile line and within the following boundary—
- (a) from latitude 16°23.6' south, longitude 138°4.56' east to latitude 16°12.17' south, longitude 138°16.03' east;
  - (b) to latitude 16°12.18' south, longitude 138°16.04' east;
  - (c) to latitude 16°8.09' south, longitude 138°19.36' east;
  - (d) to latitude 16°7.45' south, longitude 138°19.89' east;
  - (e) to latitude 15°54.91' south, longitude 138°30.07' east;
  - (f) to latitude 15°52.26' south, longitude 138°30.07' east;
  - (g) to latitude 14°29.91' south, longitude 138°30.07' east;
  - (h) to latitude 14°29.91' south, longitude 139°15.07' east;
  - (i) to latitude 13°34.33' south, longitude 139°15.07' east;
  - (j) to latitude 10°59.91' south, longitude 139°15.07' east;
  - (k) to latitude 10°50.91' south, longitude 139°12.57' east;

- (l) to latitude 10°49.91' south, longitude 139°12.07' east;
  - (m) to latitude 11°8.91' south, longitude 139°23.07' east;
  - (n) to latitude 10°58.91' south, longitude 140°0.07' east;
  - (o) to latitude 10°58.41' south, longitude 140°0.89' east;
  - (p) to latitude 10°10.24' south, longitude 141°20.07' east;
  - (q) to latitude 10°27.91' south, longitude 141°20.07' east;
  - (r) to latitude 10°27.91' south, longitude 141°51' east.
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 7n miles of an island.

## **Division 2                      Authorisation**

### **133      What fish may be taken**

The following fish may be taken under the licence—

- (a) barred javelin;
- (b) black jewfish;
- (c) blue threadfin;
- (d) grey mackerel;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than white shark, sandtiger shark or speartooth shark;
- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

### **134      Way fish may be taken**

- (1) Fish may be taken only by using a set mesh net.

- 
- (2) A power assisted device may be used with a set mesh net only if—
- (a) the net is no longer than 1,800m; and
  - (b) all other nets on board the boat from which the net is being used are stowed and secured.

### **135 Use of nets**

- (1) A net may be used only if—
- (a) the net is no longer than 1,800m; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is no more than 85 meshes; and
  - (d) one end of the net is anchored or fixed to a place; and
  - (e) the other end of the net is fixed to a boat; and
  - (f) the net is not used as a bottom set net; and
  - (g) the line thickness of the net is at least 0.9mm.
- (2) A person using a net must be within 100m of it.

### **136 When fish may be taken**

A net must not be used in a barramundi (Gulf) regulated period.

### **137 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 6n miles.

## **Division 3                      Condition**

### **138      Purpose of division**

This division prescribes a condition for the licence.

### **141      Marking nets**

- (1) A net must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float with the primary boat mark for the net written on it at the end of the net farthest from the primary boat.
- (2) The white float must—
  - (a) be no less than 15cm in any dimension; and
  - (b) have a radar reflector attached to it.

## **Part 9                              Net fishery (Gulf of Carpentaria no. 4)**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **142      Net fishery (Gulf of Carpentaria no. 4)**

The net fishery (Gulf of Carpentaria no. 4) is the activity of fishing for the fish mentioned in section 145 in the fishery area, as provided under this part.

#### **143      Fishery symbol**

The fishery symbol for the fishery is ‘N13’.

**144 Fishery area**

- (1) The fishery area consists of the area of the tidal waters in the Gulf of Carpentaria west of longitude 142°31'49" east that are beyond the 25n mile line and within the following boundary—
- (a) from latitude 16°12.18' south, longitude 138°16.04' east to latitude 16°8.09' south, longitude 138°19.36' east;
  - (b) to latitude 16°7.45' south, longitude 138°19.89' east;
  - (c) to latitude 15°54.91' south, longitude 138°30.07' east;
  - (d) to latitude 15°52.26' south, longitude 138°30.07' east;
  - (e) to latitude 14°29.91' south, longitude 138°30.07' east;
  - (f) to latitude 14°29.91' south, longitude 139°15.07' east;
  - (g) to latitude 13°34.33' south, longitude 139°15.07' east;
  - (h) to latitude 10°59.91' south, longitude 139°15.07' east;
  - (i) to latitude 10°50.91' south, longitude 139°12.57' east;
  - (j) to latitude 10°49.91' south, longitude 139°12.07' east;
  - (k) to latitude 11°8.91' south, longitude 139°23.07' east;
  - (l) to latitude 10°58.91' south, longitude 140°0.07' east;
  - (m) to latitude 10°58.41' south, longitude 140°0.89' east;
  - (n) to latitude 10°10.24' south, longitude 141°20.07' east;
  - (o) to latitude 10°27.91' south, longitude 141°20.07' east;
  - (p) to latitude 10°27.91' south, longitude 141°30.85' east.
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 25n miles of an island.

**Division 2 Authorisation****145 What fish may be taken**

The following fish may be taken under the licence—

- (a) barred javelin;
- (b) black jewfish;
- (c) blue threadfin;
- (d) grey mackerel;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than white shark, sandtiger shark or speartooth shark;
- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

**146 Way fish may be taken**

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with the net only if—
  - (a) the net is no longer than 1,800m; and
  - (b) all other nets on board the boat from which the net is being used are stowed and secured.

**147 Use of nets**

- (1) A net may be used only if—
  - (a) the net is no longer than 1,800m; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is no more than 85 meshes; and
  - (d) one end of the net is anchored or fixed to a place; and
  - (e) the other end of the net is fixed to a boat; and
  - (f) it is not used as a bottom set net.
- (2) The line thickness of a net must be at least 0.9mm.



- (3) A person using a net must be within 100m of it.

**148 When fish may be taken**

A net must not be used in a barramundi (Gulf) regulated period.

**149 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 6n miles.

**Division 3 Condition**

**150 Purpose of division**

This division prescribes a condition for the licence.

**153 Marking nets**

- (1) A net must be marked by—
- (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float with the primary boat mark for the net written on it at the end of the net farthest from the primary boat.
- (2) The white float must—
- (a) be no less than 15cm in any dimension; and
  - (b) have a radar reflector attached to it.

## **Schedule 5      Spanish mackerel commercial fishery**

section 4

### **Part 1                      Interpretation**

#### **1                      Definition for schedule**

In this schedule—

*relevant line fishery* means—

- (a) for an SM licence on which is written the fishery symbol ‘L1’—the line fishery (other than Great Barrier Reef region) under schedule 3, part 1; or
- (b) for an SM licence on which is written the fishery symbol ‘L2’ or ‘L3’—the line fishery (reef) under schedule 3, part 2; or
- (c) for an SM licence on which is written the fishery symbol ‘L8’—the line fishery (multiple hook—east coast) under schedule 3, part 4.

### **Part 2                      Fishery, fishery symbol and fishery area**

#### **2                      Spanish mackerel commercial fishery**

The spanish mackerel commercial fishery is the activity of fishing for spanish mackerel in the fishery area, as provided under this schedule.

#### **3                      Fishery symbol**

The fishery symbol for the fishery is ‘SM’.

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**4 Fishery area**

The fishery area consists of the fishery areas of the relevant line fisheries.

**Part 3 Authorisation****5 Where fish may be taken**

Spanish mackerel may be taken only in the fishery area of the relevant line fishery for the licence.

**6 What fish may be taken**

Spanish mackerel may be taken under the licence.

**7 Way fish may be taken**

Spanish mackerel may be taken only in the way fish may be taken in the relevant line fishery for the licence.

**8 Fish may be taken only with unused SM unit entitlements**

Spanish mackerel may be taken in an SM year—

- (a) only if the fish are taken under SM units with unused entitlements for the SM year; and
- (b) only from an authorised boat for the holder of the SM units within the meaning of section 14.

**9 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) if the commercial fisher is taking spanish mackerel on a reef—2n miles from the reef; or
- (b) otherwise—5n miles.



- 
- (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;
- (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—1 hour 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 17.

**SM unit holder** means the holder of an SM unit.

**transshipment notice** see section 23(2).

**transport vessel** see section 23(1)(b).

**unloaded fish notice** see section 28(2).

**unloading area**, for a landing place mentioned in a prior notice, means—

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

*unloading particular* see section 17(d).

*unnotifiable landing notice* see section 25(2).

## **15 Notices to chief executive**

A notice given to the chief executive under this part must be given—

- (a) by using the AIVR system; or
- (b) in another way approved by the chief executive.

## **Division 2 Requirements for giving prior notice of spanish mackerel**

### **16 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—
    - (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.

## 17 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 licence under which the spanish mackerel were taken;
- (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.

## **18 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 16; 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 this section replaces the prior notice given under section 16.

## **19 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;

*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 the landing period mentioned in the prior notice ends; or
- (b) if the amending notice is about 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 3                      Requirements after prior notice of spanish mackerel**

### **20            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—
    - (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 prior 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.

## 21 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 the following period 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;
  - (b) if the landing place is south of latitude 15°50.30' south—1 hour.
- (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 licence under which the spanish mackerel were taken;
  - (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.

**22 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 28, for the spanish mackerel that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 21.
- (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 prior notice.

## 23 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 any of the following vessels (each a *transport vessel*)—
    - (i) a boat identified in a carrier boat licence;
    - (ii) a domestic commercial vessel (class 1, 2 or 4);
    - (iii) an other Queensland regulated ship; 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 of the SM licence under which the spanish mackerel were taken;
  - (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;
  - (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—
- identification code*, for a transport 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 4                      Requirements for unloading spanish mackerel**

### **24            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—
- (a) the prior notice or transshipment notice was not given by or for the SM unit holder for either of the following reasons—
    - (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 SM unit 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 place mentioned in section 25(3)(c)(i); 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 transshipment notice has not been given, means—

- (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—1 hour after the boat or vessel landed.

***notifying period***, in relation to a prior notice or transhipment 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 transhipment 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.

## **25 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 reason mentioned in section 24(2).
- (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 are on any of the authorised boats of the holder—immediately after the first of the boats lands;
  - (b) if the spanish mackerel have 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 of the SM licence under which the spanish mackerel were taken;
  - (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; 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.

**26 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 20 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 are 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 are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
    - (i) the landing place mentioned in the 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.

## 27 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.
- (3) The weight of the spanish mackerel must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).

## 28 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 of the SM licence under which the spanish mackerel were taken;
  - (c) if the person giving the 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 unloaded by or for the holder—
    - (i) whole spanish mackerel;
    - (ii) gilled and gutted spanish mackerel;
    - (iii) trunked spanish mackerel;
    - (iv) filleted spanish mackerel.

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## Schedule 6 Reef line commercial fishery

section 4

### Part 1 Interpretation

#### 1 Definition for schedule

In this schedule—

*relevant line fishery* means—

- (a) for an RQ licence on which is written the fishery symbol 'L1'—the line fishery (other than Great Barrier Reef region) under schedule 3, part 1; or
- (b) for an RQ licence on which is written the fishery symbol 'L2' or 'L3'—the line fishery (reef) under schedule 3, part 2; or
- (c) for an RQ licence on which is written the fishery symbol 'L8'—the line fishery (multiple hook—east coast) under schedule 3, part 4.

### Part 2 Fishery, fishery symbol and fishery area

#### 2 Reef line commercial fishery

The reef line commercial fishery is the activity of fishing for the fish mentioned in section 5 in the fishery area, as provided under this schedule.

#### 3 Fishery symbol for fishery

The fishery symbol for the fishery is 'RQ'.

#### **4 Fishery area**

The fishery area consists of the fishery areas of the relevant line fisheries.

### **Part 3 Authorisation**

#### **5 What fish may be taken**

The following fish may be taken—

- (a) for an RQ licence on which is written the fishery symbol 'L8'—any regulated coral reef fin fish other than regulated coral trout and red emperor; and
- (b) for an RQ licence on which is written the fishery symbol 'L1', 'L2' or 'L3'—any regulated coral reef fin fish.

#### **6 Way fish may be taken**

Regulated coral reef fin fish may be take only in the way fish may be taken in the relevant line fishery for the licence.

#### **7 Regulated coral reef fin fish may be taken only with unused entitlements**

Regulated coral reef fin fish may be taken in a line year—

- (a) only if the holder holds the following line units with unused entitlements for the line year—
  - (i) for regulated coral trout—CT line units;
  - (ii) for redthroat emperor—RTE line units;
  - (iii) for other regulated coral reef fin fish—OS line units; and
- (b) only from an authorised boat for the holder of the line units within the meaning of section 15.

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**8 Permitted distance for assistant fisher to be under direction**

The permitted distance for an assistant fisher to be under direction of a commercial fisher is the permitted distance for the relevant line fishery.

**Part 4 Condition****9 Purpose of part**

This part prescribes a condition for the licence.

**10 Identification requirement to allow identification or counting of regulated coral reef fin fish**

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

## **Part 5**                                   **Conditions for line units and commercial fisher licences**

### **Division 1**                           **Preliminary**

#### **14**      **Purpose of part**

This part prescribes conditions for—

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

#### **15**      **Definitions for part**

In this part—

*authorised boat*, for a line unit holder, means—

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

*landing period* see section 18(e)(i).

*landing place*, for a prior notice, see section 18(c).

*line unit holder* means the holder of a line unit.

*prescribed person* means each of the following—

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

*prior notice* means—

- (a) a notice given under section 17(3); or
- (b) if a replacement prior notice is given under section 19(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 line unit holder by or for whom the notice is given, enters the prior notice area;
- (b) if the landing place mentioned in the notice is at, or north of, latitude 15°50.30' 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 line unit holder by or for whom the notice is given, that will be landed at the place, will land at the place;
- (c) if the landing place mentioned in the notice is at, or north of, latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10p.m. on a day (the *first day*) and ending at 3p.m. on the following day—4p.m. on the first day;
- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—1 hour before the first of the authorised boats, for the line unit holder by or for whom the notice is given, that will be landed at the place, will land at the place.

**prior notice particulars** see section 18.

**transshipment notice** see section 24(2).

**transport vessel** see section 24(1)(b).

**unloaded fish notice** see section 29(2).

**unloading area**, for a landing place mentioned in a prior notice, means—

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

*unloading particular* see section 18(d).

*unnotifiable landing notice* see section 26(2).

## **16 Notices to chief executive**

A notice given to the chief executive under this part must be given—

- (a) by using the AIVR system; or
- (b) in another way approved by the chief executive.

## **Division 2 Requirements for giving prior notice of regulated coral reef fin fish**

### **17 Requirement to give prior notice**

- (1) This section applies if—
  - (a) regulated coral reef fin fish are on an authorised boat for a line unit holder; and
  - (b) an authorised boat for the holder enters a prior notice area; and
  - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) This section does not apply if—
  - (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—
    - (i) north of latitude 15°16.57' south; 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 regulated coral reef fin fish 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.

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

- (A) regulated coral trout that are whole or gilled and gutted;
- (B) redthroat emperor that are whole or gilled and gutted;
- (C) other regulated coral reef fin fish that are whole or gilled and gutted;
- (D) containers of other regulated coral reef fin fish that are whole or gilled and gutted.

**19 Requirement to give replacement prior notice if unloading particular changes**

- (1) This section applies if—
  - (a) a prior notice has been given by or for a line unit holder under section 17; and
  - (b) the notice stated that regulated coral reef fin fish were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
  - (c) the holder, or another person acting for the holder, proposes to unload regulated coral reef fin fish before the boats leave the unloading area.
- (2) The holder, or a person authorised by the holder, must give another prior notice (a *replacement prior notice*) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
  - (a) the prior notice particulars; and
  - (b) that the regulated coral reef fin fish will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under this section replaces the prior notice given under section 17.

**20 Amendment or withdrawal of prior notice**

- (1) This section applies if a prior notice has been given by or for a line 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 acting for the holder, may, by notice to the chief executive, withdraw the prior notice at any time before regulated coral reef fin fish are taken from any authorised boat for the holder.
- (5) A prior notice may be amended or withdrawn only under this section.
- (6) In this section—

*amending notice deadline*, for an amending notice, means—

- (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—
  - (i) when the first of the authorised boats for the line 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;

*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 the landing period mentioned in the prior notice ends; or

- (b) for another amending notice—the earlier of the following—
  - (i) when the first of the authorised boats for the line 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 3                      Requirements after prior notice of regulated coral reef fin fish**

### **21            General requirements after prior notice given**

- (1) This section applies to a person in control of an authorised boat for the line unit holder (a *relevant authorised boat*) that is proposed to be landed at a 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—
    - (i) the following regulated coral reef fin fish that are whole or gilled and gutted—
      - (A) regulated coral trout;
      - (B) redthroat emperor;
      - (C) other regulated coral reef fin fish;
    - (ii) containers containing each of the following in filleted form—
      - (A) regulated coral trout;

- (B) redthroat emperor;
  - (C) other regulated coral reef fin fish.
- (3) Also, if the relevant authorised boat lands at the landing place mentioned in the prior notice before the landing period mentioned in the prior 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 regulated coral reef fin fish 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.

## 22 Requirement to give retained fish notice

- (1) A line 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 regulated coral reef fin fish on the boat unless the holder or person has given the chief executive a notice (a *retained fish notice*) under this section.
- (2) The line unit holder or authorised person must give the retained fish notice within the following period 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;
  - (b) if the landing place is south of latitude 15°50.30' south—1 hour.
- (3) The retained fish notice must state each of the following—

- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number of the licence under which the fish were taken;
- (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 following information, if the person giving the retained fish notice is prompted by the AIVR system to enter it—
  - (i) the total number of containers containing each of the following in filleted form on all the authorised boats when the retained fish notice is given—
    - (A) regulated coral trout;
    - (B) redthroat emperor;
    - (C) other regulated coral reef fin fish;
  - (ii) the total number of each of the following on all the authorised boats when the retained fish notice is given—
    - (A) regulated coral trout that are whole or gilled and gutted;
    - (B) redthroat emperor that are whole or gilled and gutted;
    - (C) other regulated coral reef fin fish that are whole or gilled and gutted;
    - (D) containers of other regulated coral reef fin fish that are whole or gilled and gutted.

**23 Additional requirements if prior notice stated fish will be unloaded**

- (1) This section applies if a prior notice given by or for a line unit holder stated that regulated coral reef fin fish were to be unloaded from, or using, 1 or more authorised boats for the



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holder before the boats leave the unloading area for the landing place mentioned in the notice.

- (2) A prescribed person must not take regulated coral reef fin fish from an authorised boat for the holder after the prescribed time unless—
  - (a) all the regulated coral reef fin fish on all the authorised boats for the holder have been unloaded; and
  - (b) an unloaded fish notice has been given, as required under section 29, for the regulated coral reef fin fish that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 22.
- (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 fish on the authorised boats for the holder are to be unloaded; and
  - (b) the estimated time (the ***unloading time***) at which the fish are to be unloaded.
- (5) If 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 fish on the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—

***prescribed time***, in relation to a prior notice, means the earlier of the following—

  - (a) when the first of the authorised boats for the line unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
  - (b) 1 hour before the landing period mentioned in the prior notice ends.

## 24 Requirement to give transhipment notice

- (1) This section applies if regulated coral reef fin fish are—
  - (a) taken from an authorised boat for a line unit holder; and
  - (b) transferred, before the fish are unloaded, to any of the following vessels (each a *transport vessel*)—
    - (i) a boat identified in a carrier boat licence;
    - (ii) a domestic commercial vessel (class 1, 2 or 4);
    - (iii) an other Queensland regulated ship; and
  - (c) proposed to be unloaded from, or using, the transport vessel to which they have been transferred.
- (2) The line unit holder, or a person authorised by the holder, must give a notice (a *transhipment notice*) to the chief executive as soon as practicable after the fish are transferred to the transport vessel.
- (3) The transhipment notice must state each of the following—
  - (a) the current fisher PIN for the line units to which the notice relates;
  - (b) the numerical part of the licence number of the licence under which the fish were taken;
  - (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; and
    - (ii) the place at which the fish will be unloaded from the transport vessel;
  - (e) the date on which the fish will be unloaded from the transport vessel;
  - (f) if the person giving the transhipment notice is prompted by the AIVR system to enter it, the following information—

- 
- (i) the total number of containers containing each of the following in filleted form that were transferred from the authorised boats to the transport vessel—
    - (A) regulated coral trout;
    - (B) redthroat emperor;
    - (C) other regulated coral reef fin fish;
  - (ii) the total number of each of the following that are whole, gilled and gutted and were transferred from the authorised boats to the transport vessel—
    - (A) regulated coral trout;
    - (B) redthroat emperor;
    - (C) other regulated coral reef fin fish.
- (4) In this section—
- identification code*, for a transport 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 4                      Requirements for unloading regulated coral reef fin fish**

### **25            General requirement for unloading fish**

- (1) A prescribed person must not unload, or allow to be unloaded, regulated coral reef fin fish taken from an authorised boat for a line unit holder unless—
  - (a) a prior notice given by or for the holder stated the fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
  - (b) a transhipment notice has been given by or for the holder for the fish.

- (2) However, subsection (1) does not apply if—
- (a) the prior notice or transshipment notice was not given by or for the line unit holder for either of the following reasons—
    - (i) all the relevant equipment on the authorised boats for the line 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 line 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 line unit holder or a person authorised by the holder gave the chief executive an unnotifiable landing notice for the landing of—
    - (i) the authorised boats for the line unit holder; or
    - (ii) the transport vessel, to which the regulated coral reef fin fish taken from the boats were transferred, immediately after the first of the boats, or the vessel, landed; 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 place mentioned in section 26(3)(c)(i); or
    - (ii) move, or allow to be moved, the regulated coral reef fin fish from the boats or vessel.
- (3) In this section—

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

- (a) if the person unloading the fish has been given permission, by an inspector, to unload the fish on or after a stated time—the stated time; or
- (b) otherwise—
  - (i) if the authorised boat or transport vessel containing the fish 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 fish 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 fish 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 fish is landed south of latitude 15°50.30' south—1 hour 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 line unit holder who is required to give the prior notice or transshipment notice leaves for a fishing trip; and
- (b) ending—
  - (i) for a prior notice—when the prior notice deadline for the notice has ended; or

- (ii) for a transhipment notice—immediately before the transport vessel, containing the regulated coral reef fin fish 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.

## 26 Requirement to give unnotifiable landing notice

- (1) This section applies if a line unit holder or a person authorised by the holder—
  - (a) proposes to unload, or allow to be unloaded, regulated coral reef fin fish taken from an authorised boat for the line unit holder; and
  - (b) has not given a prior notice or transhipment notice for a reason mentioned in section 25(2).
- (2) The line unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive at the following time—
  - (a) if the fish are on any of the authorised boats for the holder—immediately after the first of the boats lands;
  - (b) if the fish have 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 line units to which the notice relates;
  - (b) the numerical part of the licence number of the licence under which the fish were taken;
  - (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; and
  - (ii) the place at which the fish on the boats or vessel will be unloaded;
- (d) if the person giving the notice is prompted by the AIVR system to enter the following information, the following information—
- (i) the total number of containers containing each of the following in filleted form on board the authorised boats or transport vessel when the notice is given—
    - (A) regulated coral trout;
    - (B) redthroat emperor;
    - (C) other regulated coral reef fin fish;
  - (ii) the total number of each of the following that are whole or gilled and gutted and are on the authorised boats or transport vessels when the notice is given—
    - (A) regulated coral trout;
    - (B) redthroat emperor;
    - (C) other regulated coral reef fin fish.

**27 Additional requirements for unloading fish if prior notice given**

- (1) This section applies if a prior notice given by or for a line unit holder stated that regulated coral reef fin fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload the fish, or allow the fish to be unloaded, unless section 21 has been complied with.
- (3) Also, a prescribed person may unload the fish, or allow the fish to be unloaded, only if—

- (a) the fish are unloaded after the landing period mentioned in the prior notice has ended; and
- (b) for fish 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 fish are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
  - (i) the landing place mentioned in the 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 fish; or
  - (b) both of the following apply—
    - (i) the fish are unloaded by moving the boat carrying the fish to a place on land;
    - (ii) until the landing period has ended—
      - (A) the fish 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.

## **28 Requirements for weighing unloaded fish**

- (1) This section applies if regulated coral reef fin fish taken by or for a line unit holder have been unloaded from, or using, an authorised boat for the holder or a transport vessel.
- (2) The holder must weigh the fish, or allow the fish to be weighed—
  - (a) as soon as practicable after the fish have been unloaded; and



- (b) at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).

## 29 Requirement to give unloaded fish notice

- (1) This section applies if regulated coral reef fin fish are—
  - (a) taken from an authorised boat for a line unit holder; and
  - (b) unloaded from, or using, the authorised boat or a transport vessel.
- (2) The line 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 fish on the boat or vessel are unloaded from, or using, the boat or vessel; and
  - (b) if the fish are first unloaded by moving the boat or vessel carrying the fish to a place on land—as soon as practicable after the fish are first moved from the boat or vessel.
- (3) Also, the line unit holder, or a commercial fisher acting for the holder, must—
  - (a) retain possession of the fish until the unloaded fish notice is given; or
  - (b) for a live fish that is sold or given to another person—remain within 200m of the fish until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
  - (a) the current fisher PIN for the line units to which the notice relates;
  - (b) the numerical part of the licence number of the licence under which the fish were taken;

- (c) if the person giving the 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 fish mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of each of the following in whole form and gilled and gutted form unloaded by or for the holder—
  - (i) regulated coral trout;
  - (ii) redthroat emperor;
  - (iii) other regulated coral reef fin fish;
- (e) the weight of each of the following in filleted form unloaded by or for the holder—
  - (i) regulated coral trout;
  - (ii) redthroat emperor;
  - (iii) regulated emperor, other than redthroat emperor;
  - (iv) regulated cod or grouper, rosy snapper and lavender snapper;
  - (v) goldband snapper;
  - (vi) regulated tropical snapper or seaperch, other than fish mentioned in subparagraphs (iv) or (v);
  - (vii) other regulated coral reef fin fish and fish of an unidentified species.

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## **Schedule 7      Commercial crab fisheries**

section 4

### **Part 1              Commercial crab fishery**

#### **Division 1          Fishery, fishery symbol and fishery area**

##### **1              Commercial crab fishery**

The commercial crab fishery is the activity of fishing for the crabs mentioned in section 4 in the fishery area, as provided under this part.

##### **2              Fishery symbol**

The fishery symbol for the fishery is 'C1'.

##### **3              Fishery area**

The fishery area consists of the area of all tidal waters in the following areas—

- (a) east of longitude 142°31'49" east;
- (b) north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
- (c) in the Gulf of Carpentaria between the 25n mile line and the shore, south of latitude 10°48' south.

## **Division 2                      Authorisation**

### **4                      What fish may be taken**

Crabs, other than spanner crabs, may be taken under the licence.

### **5                      Way fish may be taken**

Crabs may be taken only by using a crab pot, collapsible trap or dilly (each of which is an item of *crab apparatus*).

### **6                      Number of items of crab apparatus authorised to be used**

- (1) No more than the following number of items of crab apparatus, including any combination of items of crab apparatus, may be used under the licence at the same time—
  - (a) if the licence has only 1 fishery symbol ‘C1’ written on it—50;
  - (b) if the licence has only 2 fishery symbols ‘C1’ written on it—100;
  - (c) if the licence has 3 or more fishery symbols ‘C1’ written on it—150.
- (2) However, no more than 100 items of crab apparatus may be used at the same time to take crabs in the Hervey Bay crab area or Moreton Bay crab area.
- (3) Also, more than 100 (but not more than 150) items of crab apparatus may be used under the licence at the same time in an area other than the Hervey Bay crab area or Moreton Bay crab area for taking only the following fish—
  - (a) blue swimmer crabs;
  - (b) coral crabs;
  - (c) three spot crabs.
- (4) In this section—

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

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

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

## **7 Use of crab apparatus in single line or in sequence**

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

## **7A Possession of crab apparatus**

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

**8 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.

**Division 3 Conditions**

**9 Purpose of division**

This division prescribes conditions for the licence.

**12 Marking of fishing apparatus**

- (1) An item of crab apparatus must—
  - (a) have attached to it a tag on which is written the name of the owner of the apparatus; or
  - (b) be marked with the boat mark for the primary boat identified in the licence.
- (2) Also, the item of crab apparatus must be attached by a rope to either—
  - (a) a compliant float that is no less than 15cm in any dimension; or
  - (b) a fixed object above the high water mark, including, for example, a jetty or tree.
- (3) If an item of crab apparatus is attached to a fixed object under subsection (2)(b), a tag, on which is written the boat mark for the primary boat identified in the licence, must be attached to the part of the rope above the high water mark.
- (4) If 2 items of crab apparatus are fixed to a line, one end of the line must have attached to it 2 compliant floats that are no less than 15cm in any dimension.
- (5) If 3 or more items of crab apparatus are fixed to a line—
  - (a) one end of the line must have attached to it a compliant float that is no less than 25cm in any dimension; and

- 
- (b) the other end of the line must have attached to it a flag that is at least 2m above the water; and
  - (c) a tag must be attached to the line near the float or flag stating the number of items of crab apparatus that are attached to the line.
- (6) In this section—
- compliant float***, for using crab apparatus, means a float that—
- (a) is solid, light coloured and clearly visible on the surface of the water; and
  - (b) is marked with the boat mark for the primary boat identified in the licence.

## **12A Checking crab apparatus**

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

# **Part 2 Commercial spanner crab fishery (managed area A)**

## **Division 1 Fishery, fishery symbol and fishery area**

### **13 Commercial spanner crab fishery (managed area A)**

The commercial spanner crab fishery (managed area A) is the activity of fishing for spanner crabs in the fishery area, as provided under this part.

### **14 Fishery symbol**

The fishery symbol for the fishery is ‘C2’.

## **15 Fishery area**

The fishery area consists of the area of tidal waters south of latitude 23° south and east of longitude 151°45' east.

## **Division 2 Authorisation**

### **Subdivision 1 General**

#### **16 What fish may be taken**

Spanner crabs may be taken under the licence.

#### **17 Taking spanner crabs in more than 1 spanner crab fishery**

- (1) This section applies if a person is authorised to take spanner crabs under a licence on which is written the fishery symbols 'C2' and 'C3'.
- (2) If the person has taken a spanner crab (the *first crab*) under the fishery symbol 'C3' under part 3, the person must not take a crab under the fishery symbol 'C2' under this part until the first crab has been brought ashore on the mainland.

#### **18 Way fish may be taken**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A person may use a dilly only if the dilly complies with subdivision 2.
- (3) No more than the following number of dillies may be used at the same time to take spanner crabs—
  - (a) if there is only 1 person acting under the licence—45 dillies;
  - (b) if there are 2 or more persons acting under the licence—75 dillies.
- (4) No more than 25 dillies may be set on a single line.



**18A Fish may be taken only with unused entitlements**

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

**18B Possession of dillies**

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

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

**19 Permitted distance for an assistant fisher to be under direction**

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

**Subdivision 2 Use of dillies****20 Frame area**

A dilly must have—

- (a) an area within its frame of no more than 1m<sup>2</sup>; and
- (b) a net drop below its frame of no more than 10cm.

**21 Net**

- (1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- (2) The mesh size of the net must be at least 25mm.

## **Division 3                      Condition**

### **22        Purpose of division**

This division prescribes a condition for the licence.

### **25        Marking dillies**

- (1) A dilly must—
  - (a) have a compliant float attached to it; and
  - (b) either—
    - (i) have attached to it a tag on which is written the name of the owner of the dilly; or
    - (ii) be marked with the boat mark for the primary boat identified in the licence.
- (2) Also, if 2 or more dillies are fixed to a line—
  - (a) one end of the line must be attached to a compliant float; and
  - (b) the float must be attached to a flag that is at least 2m above the water.
- (3) In this section—

***compliant float***, for using a dilly, means a float that is—

  - (a) solid, light coloured and clearly visible on the surface of the water; and
  - (b) no less than 15cm in any dimension; and
  - (c) marked with the boat mark for the primary boat identified in the licence.

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## **Part 3                      Commercial spanner crab fishery (managed area B)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **26        Commercial spanner crab fishery (managed area B)**

The commercial spanner crab fishery (managed area B) is the activity of fishing for spanner crabs in the fishery area, as provided under this part.

#### **27        Fishery symbol**

The fishery symbol for the fishery is 'C3'.

#### **28        Fishery area**

The fishery area consists of the area of the following tidal waters—

- (a) waters north of the commercial spanner crab fishery (managed area A) and east of longitude 142°31'49" east;
- (b) waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
- (c) waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland, south of latitude 10°48' south.

### **Division 2                Authorisation**

#### **Subdivision 1        General**

#### **29        What fish may be taken**

Spanner crabs may be taken under the licence.

**30 Taking spanner crabs in more than 1 spanner crab fishery**

- (1) This section applies if a person is authorised to take spanner crabs under a licence on which is written the fishery symbols ‘C2’ and ‘C3’.
- (2) If the person has taken a spanner crab (the *first crab*) under the fishery symbol ‘C2’ under part 2, the person must not take a crab under the fishery symbol ‘C3’ under this part until the first crab has been brought ashore on the mainland.

**31 Way fish may be taken**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A person may use a dilly only if the dilly complies with subdivision 2.
- (3) A person acting under the licence must not—
  - (a) use more than 30 dillies at the same time; or
  - (b) set more than 10 dillies on a single line.

**33 Daily quota entitlement**

- (1) The quota of spanner crabs that may be taken or possessed each day under the licence is 16 containers of spanner crabs.
- (2) For subsection (1)—
  - (a) a container must be counted as 2 containers if—
    - (i) it has a whole spanner crab protruding above its top; or
    - (ii) it can not have another container stacked on top of it so that the other container’s bottom touches the top of the container on all sides; and
  - (b) if the spanner crabs are not held in a container—the number of containers is worked out by dividing the number of crabs taken or possessed by 30.
- (3) In this section—

**container**, of spanner crabs, means a container with a capacity of no more than 66.4L.

*Note—*

An empty container that has internal dimensions of 571mm x 381mm x 305mm has a capacity of approximately 66L. Containers used to hold spanner crabs are commonly called ‘baskets’.

### **33A Possession of dillies**

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

### **34 Permitted distance for an assistant fisher to be under direction**

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

## **Subdivision 2 Use of dillies**

### **35 Frame area**

A dilly must have—

- (a) an area within its frame of no more than 1m<sup>2</sup>; and
- (b) a net drop below its frame of no more than 10cm.

### **36 Net**

- (1) A dilly’s net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- (2) The mesh size of the net must be at least 25mm.

## **Division 3                      Conditions**

### **37        Purpose of division**

This division prescribes conditions for the licence.

### **40        Marking dillies**

- (1) A dilly must—
  - (a) have a compliant float attached to it; and
  - (b) either—
    - (i) have attached to it a tag on which is written the name of the owner of the dilly; or
    - (ii) be marked with the boat mark for the primary boat identified in the licence.
- (2) Also, if 2 or more dillies are fixed to a line—
  - (a) one end of the line must be attached to a compliant float; and
  - (b) the float must be attached to a flag that is at least 2m above the water.
- (3) In this section—

***compliant float***, for using a dilly, means a float that is—

  - (a) solid, light coloured and clearly visible on the surface of the water; and
  - (b) no less than 15cm in any dimension; and
  - (c) marked with the boat mark for the primary boat identified in the licence.

### **41        Where spanner crabs may be brought ashore**

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

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**Schedule 8      Other commercial fisheries**

section 4

**Part 1                      Commercial crayfish and  
rocklobster fishery****Division 1                Fishery, fishery symbol and fishery  
area****1                      Commercial crayfish and rocklobster fishery**

The commercial crayfish and rocklobster fishery is the activity of fishing for the fish mentioned in section 4 in the fishery area, as provided under this part.

**2                      Fishery symbol**

The fishery symbol for the fishery is 'R'.

**3                      Fishery area**

The fishery area consists of the area of the following tidal waters—

- (a) waters east of longitude 142°31'49" east, and north of latitude 14° south;
- (b) the Gulf of Carpentaria and adjoining waterways, between the 25n mile line and the shore, south of latitude 10°48' south.

## **Division 2                      Authorisation**

### **4                      What fish may be taken**

Red champagne lobster and tropical rocklobster may be taken under the licence.

### **5                      Way fish may be taken**

- (1) Fish may be taken only by—
  - (a) hand; or
  - (b) using hand-held non-mechanical implements; or
  - (c) using spears or spear guns.
- (2) Underwater breathing apparatus may also be used when taking fish.
- (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.

### **6                      Annual quota entitlement**

- (1) The annual quota of fish that may be taken under the licence is the quota stated on the licence.
- (2) The maximum combined quota entitlements of fish for all licences for the fishery must not be more than 195,000 units.
- (3) In this section—

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

### **7                      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 2                      Commercial shark and ray fishery**

### **Division 1                Interpretation**

#### **11        Definitions for part**

In this part—

*relevant fishery* means—

- (a) the line fishery (other than Great Barrier Reef region) under schedule 3, part 1; or
- (b) the line fishery (reef) under schedule 3, part 2; or
- (c) the line fishery (multiple hook—east coast) under schedule 3, part 4; or
- (d) a commercial net fishery under schedule 4.

### **Division 2                Fishery, fishery symbol and fishery area**

#### **12        Commercial shark and ray fishery**

The commercial shark and ray fishery is the activity of fishing for the fish mentioned in section 15 in the fishery area, as provided under this part.

#### **13        Fishery symbol**

The fishery symbol for the fishery is ‘S’.

## **14 Fishery area**

The fishery area consists of the fishery areas of the relevant fisheries.

## **Division 3 Authorisation**

### **15 What fish may be taken**

The following fish may be taken under the licence—

- (a) shark, other than white shark, sandtiger shark or speartooth shark;
- (b) rays.

### **16 Way fish may be taken**

- (1) Fish may be taken only in the way fish may be taken in a relevant fishery.
- (2) However, the fish may be taken under the licence—
  - (a) in only 1 relevant fishery at any one time; and
  - (b) only if the licence has written on it a fishery symbol for the relevant fishery.

## **Part 3 Commercial trawl fishery (fin fish)**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **17 Commercial trawl fishery (fin fish)**

The commercial trawl fishery (fin fish) is the activity of fishing for the fish mentioned in section 21 in the fishery area, as provided under this part.

**18 Fishery symbol**

The fishery symbol for the fishery is 'T4'.

**19 Fishery area**

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

- from latitude 24°42.05' south, longitude 153°28.11' east
- to latitude 24°57.87' south, longitude 153°34.78' east
- to latitude 26°12.84' south, longitude 153°48.83' east
- to latitude 26°24.88' south, longitude 153°36.05' east
- to latitude 26°44.98' south, longitude 153°30.38' east
- to latitude 27°05.68' south, longitude 153°34.36' east
- to latitude 27°58.78' south, longitude 153°46.38' east
- to latitude 28°06.32' south, longitude 153°44.90' east
- to latitude 28°09.66' south, longitude 153°46.68' east
- to latitude 28°09.17' south, longitude 153°34.30' east
- to latitude 28°06.85' south, longitude 153°31.74' east
- to latitude 28°01.10' south, longitude 153°29.43' east
- to latitude 27°51.23' south, longitude 153°28.34' east
- to latitude 27°45.62' south, longitude 153°30.19' east
- to latitude 27°38.84' south, longitude 153°30.33' east
- to latitude 27°31.28' south, longitude 153°33.34' east
- to latitude 27°31.78' south, longitude 153°34.50' east
- to latitude 27°30.08' south, longitude 153°36.02' east
- to latitude 27°24.64' south, longitude 153°33.58' east
- to latitude 27°22.79' south, longitude 153°34.20' east
- to latitude 27°20.139' south, longitude 153°29.81' east
- to latitude 27°14.96' south, longitude 153°28.31' east

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- to latitude 26°56.55' south, longitude 153°29.61' east
- to latitude 26°54.48' south, longitude 153°28.00' east
- to latitude 26°56.62' south, longitude 153°21.80' east
- to latitude 26°54.01' south, longitude 153°17.06' east
- to latitude 26°50.58' south, longitude 153°15.07' east
- to latitude 26°47.17' south, longitude 153°16.84' east
- to latitude 26°36.92' south, longitude 153°13.30' east
- to latitude 26°13.70' south, longitude 153°08.79' east
- to latitude 26°4.76' south, longitude 153° 9.26' east
- to latitude 25°58.54' south, longitude 153°11.33' east
- to latitude 25°57.67' south, longitude 153°12.71' east
- to latitude 25°54.02' south, longitude 153°12.55' east
- to latitude 25°51.54' south, longitude 153°09.00' east
- to latitude 25°47.31' south, longitude 153°10.43' east
- to latitude 25°41.98' south, longitude 153°07.84' east
- to latitude 25°34.67' south, longitude 153°11.28' east
- to latitude 25°31.67' south, longitude 153°11.01' east
- to latitude 25°21.42' south, longitude 153°16.96' east
- to latitude 25°12.89' south, longitude 153°21.92' east
- to latitude 25°12.92' south, longitude 153°24.72' east
- to latitude 25°11.82' south, longitude 153°26.65' east
- to latitude 25°02.88' south, longitude 153°23.79' east
- to latitude 24°58.38' south, longitude 153°29.22' east
- to latitude 24°54.25' south, longitude 153°24.20' east
- to latitude 24°41.85' south, longitude 153°23.00' east
- to latitude 24°42.05' south, longitude 153°28.11' east.

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## Division 2                      Authorisation

### 20        **Meaning of *prescribed whiting* and reference**

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

### 21        **What fish may be taken**

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

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

### 22        **Way fish may be taken**

- (1) Permitted fish may be taken only by using an otter trawl net or seine net that complies with this section.

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- (2) The net must not be longer than 88m and must have a mesh size of at least 38mm.
- (3) For subsection (2), the length of the net must be 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) For an otter trawl net—
  - (a) each of its sweeps must not be longer than 128m; and
  - (b) the net must not be used from a boat longer than 20m; and
  - (c) the net must be used with a TED that complies with schedule 2, part 6.
- (5) For subsection (4)(a), 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 2 or more fittings mentioned in subsection (5) are joined to make a single fitting, the single fitting is 1 sweep.
- (7) For a seine net—
  - (a) each of the 2 haul ropes attached to the net must not be longer than 2,500m; and
  - (b) the end of the haul rope that is first deployed when the net is deployed must be marked with a floating buoy that is clearly visible on the surface of the water; and
  - (c) the net must not be used from a boat longer than 25m.

*Note—*

A seine net described in subsection (7) is commonly known as a Danish seine net.

**23 Prescribed whiting may be taken only with unused entitlements**

Prescribed whiting may be taken in a T4-ITQ year—

- (a) only if the fish are taken under T4-ITQ units with unused entitlements for the T4-ITQ year; and
- (b) only from an authorised boat for the holder of the T4-ITQ units within the meaning of section 26.

**24 Annual quota entitlement for goatfish and yellowtail scad**

(1) This section applies to the following fish—

- (a) goatfish;
- (b) yellowtail scad.

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

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

where—

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

**DAQ** is the total quota entitlement for the fish, expressed in kilograms, stated in the quota declaration for the commercial trawl fishery (fin fish) for the year (the *relevant declaration*).

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

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

## **Division 3                      Conditions for T4-ITQ units and commercial fisher licences**

### **Subdivision 1              Preliminary**

#### **25              Purpose of division**

This division prescribes conditions for—

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

#### **26              Definitions for division**

In this division—

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

*landing period* see section 29(e)(i).

*landing place*, for a prior notice, see section 29(c).

*prescribed person* means each of the following—

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

*prior notice* means—

- (a) a notice given under section 28(2); or
- (b) if a replacement prior notice is given under section 30(2), the replacement prior notice.

*prior notice area* means—

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



***prior notice deadline***, for a prior notice, means the time the first of the authorised boats, for the T4-ITQ unit holder by or for whom the notice is given, enters the prior notice area.

***prior notice particulars*** see section 29.

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

***unloaded fish notice*** see section 39(2).

***unloading area***, for a landing place mentioned in a prior notice, means—

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

***unloading particular*** see section 29(d).

***unnotifiable landing notice*** see section 36(2).

## **27 Notices to chief executive**

A notice given to the chief executive under this division must be given—

- (a) by using the AIVR system; or
- (b) in another way approved by the chief executive.

## **Subdivision 2 Requirements for giving prior notice for permitted fish**

### **28 Requirement to give prior notice**

- (1) This section applies if—
  - (a) permitted fish are on an authorised boat for a T4-ITQ unit holder; and
  - (b) an authorised boat for the holder enters a prior notice area; and

- (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) The holder, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has ended.

## 29 Particulars to be stated in prior notice

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

- (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
- (b) the numerical part of the licence number of the T4 licence under which the permitted fish were taken;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the T4-ITQ unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload permitted fish from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
- (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—
  - (i) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
  - (ii) the total number of containers containing each of the following on all the authorised boats when the notice is given—
    - (A) prescribed whiting;
    - (B) yellowtail scad;

(C) goatfish.

### 30 Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
  - (a) a prior notice has been given by or for a T4-ITQ unit holder under section 28; and
  - (b) the notice stated that permitted fish were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
  - (c) the holder, or another person acting for the holder, proposes to unload permitted fish before the boats leave the unloading area.
- (2) The holder, or a person authorised by the holder, must give another prior notice (a *replacement prior notice*) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
  - (a) the prior notice particulars; and
  - (b) that permitted fish will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under this section replaces the prior notice given under section 28.

### 31 Amendment or withdrawal of prior notice

- (1) This section applies if a prior notice has been given by or for a T4-ITQ unit holder.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person authorised by the holder, may give the chief executive a notice (an *amending notice*) stating the changes.
- (3) An amending notice must be given before the amending notice deadline for the notice has ended.

- (4) Also, the holder, or a person authorised by the holder, may, by notice to the chief executive, withdraw the prior notice at any time before permitted fish are taken from any authorised boat for the holder.
- (5) A prior notice may be amended or withdrawn only under this section.
- (6) In this section—

***amending notice deadline***, for an amending notice, means—

- (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—
  - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
  - (ii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or

*Note—*

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

- (b) if the amending notice is about changing the number of containers on all of the authorised boats—when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice; or
- (c) for another amending notice—the earlier of the following times—
  - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
  - (ii) 1 hour before the landing period mentioned in the prior notice ends.

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## Subdivision 3 Requirements after prior notice of permitted fish

### 32 General requirements after prior notice given

- (1) This section applies to the person in control of an authorised boat for the T4-ITQ unit holder (a *relevant 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—
    - (i) containers containing prescribed whiting;
    - (ii) containers containing goatfish;
    - (iii) containers containing yellowtail scad.
- (3) Also, if the relevant authorised boat lands at the landing place mentioned in the prior notice before the landing period mentioned in the prior 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 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.

### **33 Requirement to give retained fish notice**

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

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

- (1) This section applies if a prior notice given by or for a T4-ITQ unit holder stated that permitted fish were to be unloaded from, or using, 1 or more authorised boats for the holder, before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take permitted fish from an authorised boat for the holder after the prescribed time unless—
  - (a) all the permitted fish on all the authorised boats for the holder have been unloaded; and
  - (b) an unloaded fish notice has been given, as required under section 39, for the permitted fish that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 33.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
  - (a) the place (the *unloading place*) where the permitted fish on the authorised boats for the holder are to be unloaded; and
  - (b) the estimated time (the *unloading time*) at which the permitted fish are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded, the permitted fish on the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—

*prescribed time*, in relation to a prior notice, means when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice.

## **Subdivision 4 Requirements for unloading permitted fish**

### **35 General requirement for unloading permitted fish**

- (1) A prescribed person must not unload, or allow to be unloaded, permitted fish taken from an authorised boat for a T4-ITQ unit holder unless a prior notice given by or for the holder stated the permitted fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) However, subsection (1) does not apply if—
  - (a) the prior notice was not given by or for the T4-ITQ unit holder for either of the following reasons—
    - (i) all the relevant equipment on the authorised boats for the T4-ITQ unit holder—
      - (A) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
      - (B) was not, and could not reasonably have been, replaced or made usable during the notifying period;
    - (ii) the authorised boats for the T4-ITQ unit holder landed because of an unforeseeable and uncontrollable event and the notice could not be given because of the event; and  
*Examples of an unforeseeable and uncontrollable event—*  
extreme weather conditions, fire or medical emergency
  - (b) the holder or a person authorised by the holder has given the chief executive an unnotifiable landing notice; and
  - (c) the prescribed person did not, before the authorised unloading time—
    - (i) move, or allow to be moved, the authorised boats to a place more than 200m from, or not visible to a person at, the landing place mentioned in the unnotifiable landing notice; or



(ii) move, or allow to be moved, the permitted fish from the boats.

(3) In this section—

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

- (a) if the person unloading the permitted fish has been given permission, by an inspector, to unload the permitted fish on or after a stated time—the stated time; or
- (b) otherwise—if the authorised boat containing the permitted fish is landed south of latitude 15°50.30' south—1 hour after the boat landed.

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

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

***relevant equipment*** means equipment that can be used to—

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

## **36 Requirement to give unnotifiable landing notice**

(1) This section applies if a T4-ITQ unit holder or a person authorised by the holder—

- (a) proposes to unload, or allow to be unloaded, permitted fish taken from an authorised boat for the T4-ITQ unit holder; and
- (b) has not given a prior notice for a reason mentioned in section 35(2).

(2) The T4-ITQ unit holder or authorised person must give a notice (an ***unnotifiable landing notice***) to the chief executive immediately after the first of the boats lands.

- (3) The unnotifiable landing notice must state each of the following—
- (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
  - (b) the numerical part of the licence number of the T4 licence under which the permitted fish were taken;
  - (c) the prescribed numerical code or the latitude and longitude coordinates for—
    - (i) the place at which the authorised boats to which the notice relates have been landed; and
    - (ii) the place at which the permitted fish on the boats will be unloaded;
  - (d) the total number of containers containing each of the following that are on the boats when the notice is given—
    - (i) prescribed whiting;
    - (ii) goatfish;
    - (iii) yellowtail scad.

**37 Additional requirements for unloading permitted fish if prior notice given**

- (1) This section applies if a prior notice given by or for a T4-ITQ unit holder stated that permitted fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the permitted fish unless section 32 has been complied with.
- (3) Also, a prescribed person may unload the permitted fish, or allow the permitted fish to be unloaded, only if—
- (a) the permitted fish are unloaded after the landing period mentioned in the prior notice has ended; and

- 
- (b) the permitted fish are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
- (i) the landing place mentioned in the notice;
  - (ii) if the landing place is within a defined port area—another place within the defined port area;
  - (iii) if the landing place is not within a defined port area—another place within 0.5n miles of the landing place.
- (4) However, subsection (3)(a) does not apply if an inspector supervises the person unloading the permitted fish.

### **38 Requirements for weighing unloaded permitted fish**

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

### **39 Requirement to give unloaded fish notice**

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

executive as soon as practicable after the first time the permitted fish on the boat are unloaded from, or using, the boat.

- (3) Also, the T4-ITQ unit holder, or a commercial fisher acting for the holder, must retain possession of the permitted fish until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
  - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
  - (b) the numerical part of the licence number of the T4 licence under which the permitted fish were taken;
  - (c) if the person giving the notice is prompted by the AIVR system to enter the transaction number for a prior notice or unnotifiable landing notice given in relation to the permitted fish mentioned in the unloaded fish notice—the transaction number;
  - (d) the weight of each of the following unloaded by or for the holder—
    - (i) prescribed whiting;
    - (ii) goatfish;
    - (iii) yellowtail scad.

## Schedule 9 Defined port areas

schedule 11, definition *defined port area*

Column 1	Column 2
Name	Description
Southport port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 27°55.73' south, longitude 153°23.53' east to latitude 27°55.73' south, longitude 153°26.01' east</li> <li>• to latitude 27°59.47' south, longitude 153°26.01' east</li> <li>• to latitude 27°59.47' south, longitude 153°23.53' east</li> <li>• to latitude 27°55.73' south, longitude 153°23.53' east</li> </ul>
Brisbane port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 27°30.00' south, longitude 153°00.00' east to latitude 27°00.00' south, longitude 153° east</li> <li>• to latitude 27°00.00' south, longitude 153°12.00' east</li> <li>• to latitude 27°30.00' south, longitude 153°12.00' east</li> <li>• to latitude 27°30.00' south, longitude 153°00.00' east</li> </ul>

## Schedule 9

Column 1	Column 2
Name	Description
Mooloolaba port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 26°42.72' south, longitude 153°07.06' east to latitude 26°40.86' south, longitude 153°08.28' east</li> <li>• to latitude 26°40.54' south, longitude 153°06.27' east</li> <li>• to latitude 26°38.03' south, longitude 153°06.13' east</li> <li>• to latitude 26°38.07' south, longitude 153°03.68' east</li> <li>• to latitude 26°42.72' south, longitude 153°07.06' east</li> </ul>
Tin Can Bay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 25°49.60' south, longitude 152°57.80' east to latitude 25°49.60' south, longitude 153°04.24' east</li> <li>• to latitude 25°59.89' south, longitude 153°04.24' east</li> <li>• to latitude 25°59.89' south, longitude 152°57.80' east</li> <li>• to latitude 25°49.60' south, longitude 152°57.80' east</li> </ul>
Urangan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 25°17.59' south, longitude 152°54.70' east to latitude 25°17.62' south, longitude 152°55.09' east</li> <li>• to latitude 25°18.02' south, longitude 152°54.91' east</li> <li>• to latitude 25°18.00' south, longitude 152°54.50' east</li> <li>• to latitude 25°17.59' south, longitude 152°54.70' east</li> </ul>

Column 1	Column 2
Name	Description
Bundaberg port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 24°45.15' south, longitude 152°19.83' east to latitude 24°45.15' south, longitude 152°25.68' east</li> <li>• to latitude 24°52.49' south, longitude 152°25.68' east</li> <li>• to latitude 24°52.49' south, longitude 152°19.83' east</li> <li>• to latitude 24°45.15' south, longitude 152°19.83' east</li> </ul>
Gladstone port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 23°49.67' south, longitude 151°14.24' east to latitude 23°49.67' south, longitude 151°15.24' east</li> <li>• to latitude 23°50.29' south, longitude 151°15.24' east</li> <li>• to latitude 23°50.29' south, longitude 151°14.24' east</li> <li>• to latitude 23°49.67' south, longitude 151°14.24' east</li> </ul>
Rosslyn Bay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 23°09.54' south, longitude 150°47.00' east to latitude 23°09.54' south, longitude 150°47.44' east</li> <li>• to latitude 23°09.87' south, longitude 150°47.44' east</li> <li>• to latitude 23°09.87' south, longitude 150°47.00' east</li> <li>• to latitude 23°09.54' south, longitude 150°47.00' east</li> </ul>

## Schedule 9

Column 1	Column 2
Name	Description
Mackay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 21°06.91' south, longitude 149°11.53' east to latitude 21°08.54' south, longitude 149°10.92' east</li> <li>• to latitude 21°09.01' south, longitude 149°13.38' east</li> <li>• to latitude 21°05.94' south, longitude 149°13.62' east</li> <li>• to latitude 21°06.91' south, longitude 149°11.53' east</li> </ul>
Bowen port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 20°01.18' south, longitude 148°16.32' east to latitude 20°01.70' south, longitude 148°15.76' east</li> <li>• to latitude 20°01.46' south, longitude 148°14.81' east</li> <li>• to latitude 20°00.75' south, longitude 148°14.75' east</li> <li>• to latitude 20°01.18' south, longitude 148°16.32' east</li> </ul>
Townsville port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 19°14.13' south, longitude 146°48.00' east to latitude 19°18.12' south, longitude 146°47.78' east</li> <li>• to latitude 19°16.63' south, longitude 146°50.55' east</li> <li>• to latitude 19°14.41' south, longitude 146°50.15' east</li> <li>• to latitude 19°14.13' south, longitude 146°48.00' east</li> </ul>



Column 1	Column 2
Name	Description
Lucinda port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 18°29.72' south, longitude 146°19.09' east to latitude 18°32.89' south, longitude 146°19.28' east</li> <li>• to latitude 18°33.76' south, longitude 146°16.72' east</li> <li>• to latitude 18°29.80' south, longitude 146°14.95' east</li> <li>• to latitude 18°29.72' south, longitude 146°19.09' east</li> </ul>
Mourilyan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 17°35.76' south, longitude 146°06.25' east to latitude 17°37.36' south, longitude 146°06.84' east</li> <li>• to latitude 17°36.34' south, longitude 146°08.07' east</li> <li>• to latitude 17°35.51' south, longitude 146°07.63' east</li> <li>• to latitude 17°35.76' south, longitude 146°06.25' east</li> </ul>
Innisfail port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 17°30.00' south longitude 146°00.75' east to latitude 17°32.00' south, longitude 146°00.75' east</li> <li>• to latitude 17°32.00' south, longitude 146°04.75' east</li> <li>• to latitude 17°30.00' south, longitude 146°04.75' east</li> <li>• to latitude 17°30.00' south longitude 146°00.75' east</li> </ul>

## Schedule 9

<b>Column 1</b>	<b>Column 2</b>
<b>Name</b>	<b>Description</b>
Cairns port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 16°54.00' south, longitude 145°44.50' east to latitude 17°00.00' south, longitude 145°44.50' east</li> <li>• to latitude 17°00.00' south, longitude 145°48.75' east</li> <li>• to latitude 16°54.00' south, longitude 145°48.75' east</li> <li>• to latitude 16°54'00' south, longitude 145°44.50' east</li> </ul>
Port Douglas port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 16°28.50' south, longitude 145°27.00' east to latitude 16°29.50' south longitude 145°27.00' east</li> <li>• to latitude 16°29.50' south, longitude 145°28.00' east</li> <li>• to latitude 16°28.50' south, longitude 145°28.00' east</li> <li>• to latitude 16°28.50' south, longitude 145°27.00' east</li> </ul>
Cooktown port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> <li>• from latitude 15°26.00' south, longitude 145°10.75' east to latitude 15°28.00' south longitude 145°10.75' east</li> <li>• to latitude 15°28.00' south, longitude 145°15.50' east</li> <li>• to latitude 15°26.00' south longitude 145°15.50' east</li> <li>• to latitude 15°26.00' south, longitude 145°10.75' east</li> </ul>

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**Schedule 10      Effort unit conversion factor for boats**section 70(3) definition *EUCF*

<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
1	3
2	5
3	6
4	7
5	9
6	10
7	11
8	12
9	13
10	14
11	15
12	16
13	17
14	18
15	19
16	20
17	21
18	22
19	23

<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
20	24
21	25
22	26
23	27
24	28
25	28
26	29
27	30
28	31
29	32
30	33
31	33
32	34
33	35
34	36
35	37
36	37
37	38
38	39
39	40
40	40
41	41
42	42
43	43

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
44	43
45	44
46	45
47	46
48	46
49	47
50	48
51	49
52	49
53	50
54	51
55	51
56	52
57	53
58	54
59	54
60	55
61	56
62	56
63	57
64	58
65	58
66	59
67	60

Schedule 10

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
68	60
69	61
70 or more	62

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## Schedule 11 Dictionary

### section 3

*administrative conditions*, for chapter 3, part 4, division 2, see section 61.

*annual*, in relation to a quota or total quota entitlement, unless otherwise provided, means the period from 1 January to 31 December.

*appropriately marked* means marked using writing that is—

- (a) permanent; and
- (b) raised or recessed; and
- (c) legible, visible and in English.

*assistant fisher* see section 33.

*authorised boat*—

- (a) for chapter 2, part 4, see section 24; or
- (b) for schedule 5, part 5, see schedule 5, section 14; or
- (c) for schedule 6, part 5, see schedule 6, section 15; or
- (d) for schedule 8, part 3, division 3, see schedule 8, section 26.

*authorised person*, for chapter 2, part 2, division 1, see section 7.

*authorised tender boat number*, for chapter 3, part 4, division 2, see section 61.

*barramundi (Gulf) regulated period* means a regulated period mentioned in the *Fisheries Declaration 2019*, section 21(2).

*boat mark*, for a boat used under an authority, see section 25.

*boat mark notice*, for chapter 2, part 4, see section 24(b).

*BRD* means bycatch reduction device.

***C2-ITQ year*** see section 97.

***central area***, in relation to the east coast trawl fishery, see schedule 2, section 14.

***Cleveland Bay area***, in relation to the east coast trawl fishery, see schedule 2, section 15.

***Comboyuro Point to Caloundra Head area***, in relation to the east coast trawl fishery, see schedule 2, section 16.

***compliant crab bag*** means a crab bag that—

- (a) is made of mesh of a mesh size of at least 88mm; and
- (b) has a circumference of no more than 50 meshes; and
- (c) is installed—
  - (i) inside the cod end of the net; and
  - (ii) at no more than 50 meshes from the cod end drawstrings of the net.

***crab apparatus***, for schedule 7, part 1, see schedule 7, section 5(1).

***deep water net area***, in relation to the east coast trawl fishery, see schedule 2, section 17.

***defined port area*** means an area described in schedule 9.

***drop line***, for schedule 3, part 4, see schedule 3, section 32(1)(a).

***eastern NII area*** see schedule 4, section 116(2).

***effort units*** means T1 effort units or T2 effort units.

***effort year*** see section 66.

***escape hole***, for schedule 2, see schedule 2, section 166(2)(b).

***Facing Island area***, in relation to the east coast trawl fishery, see schedule 2, section 18.

***first licence***, for chapter 3, part 4, division 2, see section 62(1)(a).

***Fisherman Island area***, in relation to the east coast trawl fishery, see schedule 2, section 19.



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**fisher PIN**, for line units, SM units or T4-ITQ units, means a 4-digit number identifying the holder of the units—

- (a) issued by the chief executive under the Act to the holder; or
- (b) if a fisher PIN issued to the holder has been changed under the Act—the fisher PIN as changed.

**fishery provision**, about a commercial fishery, means a provision of schedules 1 to 8 about the commercial fishery.

**Fitzroy River mouth area**, in relation to the east coast trawl fishery, see schedule 2, section 20.

**Great Sandy Strait area**, in relation to the east coast trawl fishery, see schedule 2, section 21.

**Gulf N11 area** see schedule 4, section 116(3).

**Hervey Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 22.

**Keppel Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 23.

**Laguna Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 24.

**landing period**—

- (a) for schedule 5, part 5, see schedule 5, section 17(e)(i); or
- (b) for schedule 6, part 5, see schedule 6, section 18(e)(i); or
- (c) for schedule 8, part 3, division 3, see section 29(e)(i).

**landing place**—

- (a) for schedule 5, part 5, see schedule 5, section 17(c); or
- (b) for schedule 6, part 5, see schedule 6, section 18(c); or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 29(c).

**line unit holder**, for schedule 6, part 5, see schedule 6, section 15.

**line year** see section 90.

**M1 and M2 area**, in relation to the east coast trawl fishery, see schedule 2, section 27.

**Moreton Bay (trawling)**, in relation to the east coast trawl fishery, see schedule 2, section 28.

**N11 fishery** means the fishery described in schedule 4, part 7.

**nominee**, for the holder of a commercial harvest fishery licence, means—

- (a) a person nominated by the holder under section 50; or
- (b) a person the chief executive has approved as the holder's approved nominee under section 51.

**northern area**, in relation to the east coast trawl fishery, see schedule 2, section 29.

**ocean beach fishery**, for chapter 2, part 3, see section 16.

**ocean beach fishery flag**, for chapter 2, part 3, see section 16.

**ocean beach net area**, for chapter 2, part 3, see section 16.

**permitted fish**—

- (a) for schedule 2, see schedule 2, section 4; or
- (b) for schedule 8, part 3, see schedule 8, section 21.

**power assisted device** means an electrical or mechanical device for setting or retrieving fishing apparatus.

**prescribed coral reef fin fish** means—

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

**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
- (c) is published on the department's website.

***prescribed person***—

- (a) for schedule 5, part 5, see schedule 5, section 14; or
- (b) for schedule 6, part 5, see schedule 6, section 15; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 26.

***prescribed whiting*** see schedule 8, section 20(1).

***primary boat mark***, for a net, means the boat mark for the boat from which the net is used.

***principal bug***, for schedule 2, see schedule 2, section 4(a)(iii).

***principal fish***, for schedule 2, see schedule 2, section 4(a).

***prior notice***—

- (a) for schedule 5, part 5, see schedule 5, section 14; or
- (b) for schedule 6, part 5, see schedule 6, section 15; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 26.

***prior notice area***—

- (a) for schedule 5, part 5, see schedule 5, section 14; or
- (b) for schedule 6, part 5, see schedule 6, section 15; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 26.

***prior notice deadline***—

- (a) for schedule 5, part 5, see schedule 5, section 14; or
- (b) for schedule 6, part 5, see schedule 6, section 15; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 26.

***prior notice particulars***—

- (a) for schedule 5, part 5, see schedule 5, section 17; or
- (b) for schedule 6, part 5, see schedule 6, section 18; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 29.

**quota authority certificate** see section 109(1).

**quota units**, for chapter 4, part 6, see section 107.

**quota year**, for chapter 4, part 6, see section 107.

**ready to fish**, for chapter 2, part 3, see section 17.

**recognised BRD**, for schedule 2, see schedule 2, section 146.

**recognised TED**, for schedule 2, see schedule 2, section 166(1)(a).

**relevant day**, for chapter 4, part 1, division 4, subdivision 1, see section 74(1).

**relevant fishery**, for schedule 8, part 2, see schedule 8, section 11.

**relevant line fishery**—

(a) for schedule 5, see schedule 5, section 1; or

(b) for schedule 6, see schedule 6, section 1.

**Repulse Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 30.

**second licence**, for chapter 3, part 4, division 2, see section 62(1)(b).

**SM unit holder**, for schedule 5, part 5, see schedule 5, section 14.

**SM year** see section 83.

**steaming day**, for effort units, see section 69(1)(b) and (2)(b).

**T1 area**, in relation to the east coast trawl fishery, see schedule 2, section 32.

**T2 area**, in relation to the east coast trawl fishery, see schedule 2, section 33.

**T4-ITQ unit holder**, for schedule 8, part 3, division 3, see schedule 8, section 26.

**T4-ITQ year** see section 102.

**T5 area**, in relation to the east coast trawl fishery, see schedule 2, section 34.

**T6 area**, in relation to the east coast trawl fishery, see schedule 2, section 35.

**T7 area**, in relation to the east coast trawl fishery, see schedule 2, section 36.

**T8 area**, in relation to the east coast trawl fishery, see schedule 2, section 37.

**T9 area**, in relation to the east coast trawl fishery, see schedule 2, section 38.

**TED** means turtle excluder device.

**transshipment notice**—

- (a) for schedule 5, part 5, see schedule 5, section 23(2); or
- (b) for schedule 6, part 5, see schedule 6, section 24(2).

**transport vessel**—

- (a) for schedule 5, part 5, see schedule 5, section 23(1)(b);  
or
- (b) for schedule 6, part 5, see schedule 6, section 24(1)(b).

**trap pocket entrance**, for schedule 1, part 4, see schedule 1, section 48(1)(b).

**trawling**, for schedule 2, see schedule 2, section 1.

**under direction**, for an assistant fisher—

- (a) for the commercial trawl fishery (fin fish), see section 34; or
- (b) for the east coast trawl fishery, see section 35; or
- (c) for another commercial fishery, see section 36.

**unit PIN**, for line units, SM units or T4-ITQ units, means a 4-digit number identifying the units—

- (a) issued by the chief executive under the Act to the holder of the units; or
- (b) if a unit PIN issued to the holder of the units has been changed by the chief executive under the Act—the unit PIN as changed.

***unloaded fish notice***—

- (a) for schedule 5, part 5, see schedule 5, section 28(2); or
- (b) for schedule 6, part 5, see schedule 6, section 29(2);  
or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 39(2).

***unloading area***—

- (a) for schedule 5, part 5, see schedule 5, section 14; or
- (b) for schedule 6, part 5, see schedule 6, section 15; or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 26.

***unloading particular***—

- (a) for schedule 5, part 5, see schedule 5, section 17(d); or
- (b) for schedule 6, part 5, see schedule 6, section 18(d); or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 29(d).

***unnotifiable landing notice***—

- (a) for schedule 5, part 5, see schedule 5, section 25(2); or
- (b) for schedule 6, part 5, see schedule 6, section 26(2); or
- (c) for schedule 8, part 3, division 3, see schedule 8, section 36(2).

***unused entitlement***—

- (a) for effort units, see section 70(6); or
- (b) for C2-ITQ units, see section 100(2); or
- (c) for line units, see section 94(2); or
- (d) for SM units, see section 87(2); or
- (e) for T4-ITQ units, see section 105(2).

***usage notice***, for chapter 4, part 1, division 3, see section 72(2).

***used***—

- (a) for an entitlement under effort units, see section 70(1); or
- (b) for an entitlement under an C2-ITQ unit, see section 100(1); or
- (c) for an entitlement under a line unit, see section 94(1); or
- (d) for an entitlement under an SM unit, see section 87(1); or
- (e) for an entitlement under a T4-ITQ unit, see section 105(1).

***whole weight—***

- (a) for an amount of spanish mackerel—see section 84; or
- (b) for an amount of regulated coral reef fin fish—see section 91.