



Queensland

*Fisheries Act 1994*

# **Fisheries (General) Regulation 2019**

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## Queensland

# Fisheries (General) Regulation 2019

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# Fisheries (General) Regulation 2019

## Chapter 1 Preliminary

### Part 1 Introduction

#### 1 Short title

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

#### 2 Commencement

This regulation commences on 1 September 2019.

#### 3 Application of regulations and declarations

(1) This regulation, the *Fisheries (Commercial Fisheries) Regulation 2019*, the *Fisheries Declaration 2019* and the *Fisheries Quota Declaration 2019*—

- (a) all provide for matters under the Act; and
- (b) must be read together.

*Note*—

See section 42 of the Act in relation to the relationship between regulations and declarations.

(2) This regulation provides for particular matters that also apply to other legislation mentioned in subsection (1), including, for example—

- (a) the interpretation of particular references; and
- (b) the authorisation under, and conditions of, an authority.

(3) Other legislation mentioned in subsection (1) provides for particular matters applying to this regulation, including, for example—

- (a) the *Fisheries (Commercial Fisheries) Regulation 2019* provides for the authorisation under, and conditions of, authorities that authorise activities to be carried out in particular commercial fisheries; and
- (b) the *Fisheries Declaration 2019* imposes restrictions on the carrying out of particular activities which, generally speaking, override any authorisation under, or condition of, an authority; and

*Note—*

See section 29(4).

- (c) the *Fisheries Quota Declaration 2019* provides for quota entitlements for particular commercial fisheries, which, generally speaking, restrict activities that may be carried out in the commercial fisheries under an authority.

## Part 2 Interpretation

### Division 1 Definitions

#### 4 Dictionary

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

#### 5 Meaning of *commercial fisher*

A *commercial fisher* is a person who holds a commercial fisher licence.

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## 6 Meaning of *recreational fisher* and *recreational fishing*

- (1) A *recreational fisher* is a person who is carrying out recreational fishing.
- (2) A person is carrying out *recreational fishing* if the person takes or possesses fish other than as follows—
  - (a) the person takes or possesses the fish—
    - (i) for trade or commerce; or
    - (ii) in the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth);
  - (b) the person is an Aborigine and takes or possesses the fish under Aboriginal tradition;
  - (c) the person is a Torres Strait Islander and takes or possesses the fish under Island custom.
- (3) For subsection (2)(a)(i), a person does not take fish for trade or commerce only because the fish is taken during a charter fishing trip.
- (4) A person may carry out recreational fishing even if the person—
  - (a) holds an authority that authorises the person to take fish for trade or commerce; or
  - (b) is otherwise authorised to take fish for trade or commerce under an authority mentioned in paragraph (a).
- (5) However, if a person carrying out recreational fishing as mentioned in subsection (4) takes fish to which a quota applies, the fish taken by the person as a recreational fisher must be counted for working out the fish taken by the person in relation to the quota.

*Example—*

If a person holds, or is acting under, an SM unit, spanish mackerel taken by the person as a recreational fisher must be included in the use of the entitlements under the SM unit.

**7 Meaning of *commercial fishing apparatus* and *recreational fishing apparatus***

- (1) *Commercial fishing apparatus* is fishing apparatus other than recreational fishing apparatus.
- (2) *Recreational fishing apparatus* is—
  - (a) a spear or spear gun; or
  - (b) any of the following fishing apparatus to the extent it is used or possessed by a recreational fisher under a regulated fishing apparatus declaration—
    - (i) a canister trap;
    - (ii) a cast net;
    - (iii) a collapsible trap;
    - (iv) a crab pot;
    - (v) a dilly;
    - (vi) a fishing line;
    - (vii) a fork;
    - (viii) a funnel trap;
    - (ix) a hand pump;
    - (x) a lobster loop;
    - (xi) a pyramid trap;
    - (xii) a round trap;
    - (xiii) a scoop net;
    - (xiv) a seine net.

**8 Meaning of *stowed and secured*—Act, s 77A**

- (1) This section prescribes the meaning of *stowed and secured* for section 77A(4) of the Act and other legislation mentioned in section 3(1).
- (2) A thing is *stowed and secured* if it is stowed inboard a boat.



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## Division 2                      Key concepts

### 9                      References to regulated waters

- (1) Generally, *regulated waters* are waters declared to be regulated waters under the *Fisheries Declaration 2019*, chapter 2.
- (2) A reference to particular regulated waters by name or description is a reference to the regulated waters with that name or description under the *Fisheries Declaration 2019*.
- (3) Subsection (2) applies whether or not the reference includes the term ‘regulated waters’.

### 10                      References to commercial fishery

- (1) Generally, a *commercial fishery* is a fishery under the *Fisheries (Commercial Fisheries) Regulation 2019*.
- (2) A reference to a particular commercial fishery by name is a reference to the fishery with that name under the *Fisheries (Commercial Fisheries) Regulation 2019*.
- (3) Subsection (2) applies whether or not the reference includes the term ‘commercial fishery’.

### 11                      References to licence, permit or quota authority by name

A reference to a licence, permit or quota authority by name is a reference to a licence, permit or quota authority of that name issued by the chief executive under the Act.

*Examples—*

- A reference to a commercial fisher licence is a reference to a commercial fisher licence issued by the chief executive under the Act.
- A reference to a CT line unit is a reference to a CT line unit issued by the chief executive under the Act.

## 12 References to licences by fishery symbols

A reference to a fishery symbol followed by the term ‘licence’ is a reference to a primary commercial fishing licence on which the fishery symbol is written.

*Example—*

A reference to a C2 licence is a reference to a primary commercial fishing licence on which the fishery symbol ‘C2’ is written.

## 13 References to *primary boat* and *tender boat* and related references

- (1) A *primary boat* is a boat identified in a primary commercial fishing licence as the primary commercial fishing boat for the licence.
- (2) A *tender boat* is a boat, other than a primary boat, that may be used to take fish for trade or commerce in a commercial fishery under a primary commercial fishing licence.
- (3) In a provision about a primary commercial fishing licence—
  - (a) a reference to the primary boat is a reference to the primary boat for the licence under subsection (1); and
  - (b) a reference to a tender boat is a reference to a tender boat for the licence under subsection (2) on which a boat mark is fixed in a way that complies with the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 2, part 4, division 2; and
  - (c) a reference to a primary boat’s tender boat is a reference to a tender boat for the primary commercial fishing licence in which the primary boat is identified; and
  - (d) a reference to a tender boat’s primary boat is a reference to the primary boat identified in the commercial fishing boat licence under which the tender boat is being or may be used to take fish for trade or commerce.
- (4) However, if a tender boat is being used under a primary commercial fishing licence as if it were the primary boat identified in the licence, a reference to a primary boat is taken to be a reference to the tender boat.

*Note—*

See the *Fisheries (Commercial Fisheries) Regulation 2019*, section 32(1)(d) and (4).

## **Division 3                      Other general interpretative provisions**

### **14            References to periods of days or months**

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

*Example—*

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

### **15            References to times**

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

*Examples—*

- A stated period from midday on 1 November to midday on 1 February is a period of 3 months starting at midday on 1 November in a year and ending at midday on 1 February in the following year.

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

## 15A References relating to fishing operations

- (1) A fishing operation *starts* and *ends* as follows—
- (a) a fishing operation, other than a fishing operation in the beachworm fishery, bloodworm fishery or marine yabby fishery, involving using a boat to take fish other than by using a seine net—
    - (i) starts when the boat leaves a landing place to carry out fishing; and
    - (ii) ends when the boat stops being used for fishing and lands;
  - (b) a fishing operation in the beachworm fishery, bloodworm fishery or marine yabby fishery involving using a boat to take fish other than by using a seine net—
    - (i) starts when the commercial fisher in control of the fishing operation arrives at the place from which fish are to be taken; and
    - (ii) ends when the commercial fisher stops taking fish and leaves the place;
  - (c) a fishing operation involving using a boat to take fish using a seine net—
    - (i) starts when the boat enters a beach or foreshore to carry out fishing; and
    - (ii) ends when the boat stops being used for fishing and leaves the beach or foreshore;

- 
- (d) a fishing operation not involving using a boat to take fish—
    - (i) starts when the commercial fisher in control of the fishing operation, or an assistant fisher under direction of the commercial fisher, arrives at the place from which fishing is to be carried out; and
    - (ii) ends when the commercial fisher or assistant fisher stops fishing and leaves the place.
  - (2) A **day** of a fishing operation—
    - (a) is each 24 hour period between when the fishing operation starts and when the fishing operation ends; and
    - (b) if the fishing operation ends before a 24-hour period mentioned in paragraph (a) ends, includes the remaining part of that 24-hour period.
  - (3) An **outside fishing operation day**, for a primary commercial fishing licence—
    - (a) is each 24 hour period after the first midnight after a fishing operation under the licence ends; and
    - (b) if another fishing operation under the licence starts before a 24-hour period mentioned in paragraph (a) ends, does not include the part of that 24-hour period after the other fishing operation starts.

## 15B Meaning of **commercial fisher in control** of a fishing operation

The **commercial fisher in control**, of a fishing operation conducted in a commercial fishery under a primary commercial fishing licence, is the commercial fisher whom the holder of the licence has allowed, under the *Fisheries (Commercial Fisheries) Regulation 2019*, section 32, to act under the licence to take fish, or use a primary boat to take fish, in the fishery.

**15C References to *lands* a boat and a *landing place* for a boat**

- (1) A boat *lands* when it is brought to a landing place for a boat.
- (2) A *landing place* for a boat is a place at which the boat may be landed, including, for example, a marina berth, mooring or wharf.

**15D References to *lands* a fish and a *landing place* for fish taken without a boat**

- (1) A fish taken without using a boat *lands* when the fish is brought to a landing place for fish taken without using a boat.
- (2) A *landing place* for fish taken without using a boat is a place where the fish can be brought to shore.

**16 References relating to fish**

Schedule 7 provides for the interpretation of references to, or relating to, particular species of fish, including, for example—

- (a) the scientific names for the species of fish; and
- (b) the interpretation of references to a stock of fish.

**17 References relating to waters or areas**

Schedule 8 provides for the interpretation of references to, or relating to, particular waters or areas, including, for example—

- (a) matters about working out boundaries of particular waters or areas; and
- (b) the meaning of particular types of waters or areas or references to particular types of waters or areas.

**18 References relating to boats**

Schedule 9 provides for the interpretation of references to, or relating to, boats, including, for example, working out a boat's

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dimensions and hull units and the boat engine's maximum continuous brake kW.

## 19 References relating to fishing apparatus

Schedule 10 provides for the interpretation of references to, or relating to, particular fishing apparatus, including, for example—

- (a) the meaning of particular fishing apparatus or particular parts of particular fishing apparatus; and
- (b) how to measure the size of particular fishing apparatus or particular parts of particular fishing apparatus.

## Division 4 Meaning of aquaculture

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

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

- (a) maintaining live fisheries resources taken under an authority before sale if—
  - (i) the maintenance does not involve breeding or enhancing the development of the resources; and
  - (ii) the fisheries resources are not released into Queensland waters;
- (b) cultivating live fish taken under an A1 or A2 licence before sale if—
  - (i) the cultivation does not involve breeding the fish; and
  - (ii) the fish are not released into Queensland waters;
- (c) cultivating live fish taken under a D licence before sale if—

- (i) the cultivation does not involve propagation, other than by fragmentation, of the fish; and
- (ii) the fish are not released into Queensland waters;
- (d) maintaining live fisheries resources in a retail outlet for sale if the fisheries resources are not released into Queensland waters.

### **Part 3 Prescribed acts for which authority required**

#### **20 Prescribed acts—Act, s 82**

For section 82 of the Act, schedule 1 prescribes—

- (a) each act that must only be done by the holder of an authority; and
- (b) persons who have authority under the Act to do the act.

### **Part 4 Defence for Aborigines and Torres Strait Islanders**

#### **21 Prescribed fishing apparatus—Act, s 14**

- (1) For section 14(3) of the Act, definition *prescribed fishing apparatus*, paragraph (b), a fish trap is prescribed.
- (2) In this section—

*fish trap* means a structure made predominantly from stone or organic material that creates a holding area designed to capture a small quantity of fish.

#### **22 Prescribed waters—Act, s 14**

For section 14(3) of the Act, definition *prescribed waters*, paragraph (b), the following regulated waters are prescribed—



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

## **Chapter 2      Authorities**

### **Part 1            General matters**

#### **Division 1        Authorities that may be issued**

##### **23      Purpose of division**

This division states the types of licences, permits and quota authorities the chief executive may issue under section 49 of the Act.

## **24 Types of licences**

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

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

## **25 Types of permits**

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

- (a) a developmental fishing permit;
- (b) an indigenous fishing permit;
- (c) a stocked impoundment permit;
- (d) a filleting permit for an RQ licence or SM licence;
- (e) a permit for an activity, not able to be carried out under another type of authority, carried out for any of the following purposes—
  - (i) education;
  - (ii) research;
  - (iii) environmental protection;
  - (iv) public health or safety;
  - (v) indigenous fishing;
  - (vi) fish salvage;
  - (vii) fish stocking;
  - (viii) broodstock or culture stock collection;
  - (ix) trialling alternative commercial apparatus or fishing activities.

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## 26 Types of quota authorities

(1) The following are the types of quota authorities the chief executive has issued under the Act—

(a) T1 effort units and T2 effort units;

*Note—*

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

(b) SM units;

(c) CT line units, OS line units and RTE line units;

(d) C2-ITQ units;

(e) T4-ITQ units.

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

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

(b) GM5-ITQ units, SCM5-ITQ units and WT5-ITQ units;

*Note—*

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

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

*Note—*

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

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

*Note—*

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

(e) DS22-ITQ units, DS23-ITQ units, DS28-ITQ units, DS36-ITQ units, DS39-ITQ units, DS48-ITQ units or DS74-ITQ units.

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*Note—*

The quota authorities mentioned in this paragraph are collectively known as select coral ITQ units.

## **Division 2                      General restrictions on issue of authorities**

### **27            Use of bottom set line in Gulf of Carpentaria waters must not be authorised**

The chief executive must not issue an authority authorising the use of a bottom set line in the Gulf of Carpentaria waters.

### **28            Only particular authorities may authorise particular activities**

The chief executive may issue an authority authorising an activity mentioned in column 1 of the following table only of a type mentioned opposite the activity in column 2—

<b>Activity</b>	<b>Type of authority that may be issued</b>
remove, destroy or damage dead marine wood on unallocated State land for trade or commerce	resource allocation authority
carry out development mentioned in the <i>Planning Regulation 2017</i> , schedule 24, definition <i>non-referable building work</i> , paragraph (d), in a declared fish habitat area	resource allocation authority
take freshwater fish from a prescribed stocked impoundment using a fishing line	stocked impoundment permit or general fisheries permit
release aquaculture fisheries resources into Queensland waters	general fisheries permit

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## **Division 3                      Authorisation under authorities generally**

### **29            Activities authorised under authority**

- (1) This section states particular matters about what an authority authorises under section 52 of the Act.
- (2) An authority authorises the carrying out of an activity stated—
  - (a) in the authority; or
  - (b) in a provision of this chapter or the *Fisheries (Commercial Fisheries) Regulation 2019*.
- (3) The authorisation is subject to the conditions—
  - (a) stated in the authority; or
  - (b) prescribed for the authority under this chapter or the *Fisheries (Commercial Fisheries) Regulation 2019*.
- (4) Also, the authorisation, including the conditions to which it is subject under subsection (3), is subject to any provision of the *Fisheries Declaration 2019* that—
  - (a) prohibits the carrying out of the activity; or
  - (b) prohibits the carrying out of the activity in particular circumstances; or
  - (c) otherwise imposes a restriction on how the activity may be carried out.

### **30            When a person is carrying out activity under an authority**

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

- (a) the authority authorises the carrying out of the activity under section 29; and
- (b) the person is the holder of the authority or another person authorised to carry out the activity under the authority; and

- (c) the person carries out the activity in accordance with the conditions mentioned in section 29(3), and the provisions mentioned in section 29(4), to which the authorisation is subject.

## Part 2 Licences

### Division 1 Primary commercial fishing licence

#### 31 Restrictions on issue of licence

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

#### 32 Deciding number of tender boats for licence

- (1) If the chief executive decides to issue a primary commercial fishing licence, the chief executive must decide the number (the *authorised number*) of tender boats that are to be authorised for use under each fishery symbol to be written on the licence.
- (2) Subsection (1) does not apply to the fishery symbol ‘E’, ‘F’, ‘G’, ‘H’, ‘JE’, ‘O’, ‘P’, ‘W1’, ‘W2’ or ‘Y’.
- (3) The authorised number may be zero or a particular number.
- (4) However, the authorised number must not be more than—
  - (a) for the fishery symbol ‘A1’, ‘A2’, ‘D’ or ‘L3’—1; or
  - (b) for the fishery symbol ‘B1’ or ‘J1’—4; or

- (c) for the fishery symbol 'R'—8; or
  - (d) for another fishery symbol—7.
- (5) For the fishery symbol 'L1', 'L2', 'L3', 'L4', 'RQ', 'SM' or 'R', the chief executive must state the authorised number of tender boats for the fishery symbol, in brackets, immediately after the fishery symbol.
- (6) The chief executive must give the holder of the licence an information notice for a decision under this section.

### **33 Authorisation and conditions**

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

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

### **34 Particular licences not transferable**

The following primary commercial fishing licences are not transferable—

- (a) a licence on which the fishery symbol 'E' is written;
- (b) a licence on which the fishery symbol 'NX' is written.

## **Division 2 Commercial fisher licence**

### **35 Restriction on issue of licence**

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

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

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

### **36 Authorisation and conditions**

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

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

### **37 Licence not transferable**

A commercial fisher licence is not transferable.

## **Division 3 Charter fishing licence**

### **38 Authorisation**

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

### **39 Condition about taking maray or Australian sardines**

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

- (a) for a purpose other than use as bait for fishing during the trip; or



- 
- (b) in a way that contravenes the *Fisheries Declaration 2019*, chapter 4, part 4.

## **Part 3 Permits**

### **Division 1 Restrictions on issue of particular permits**

#### **46 Possessing or using purse seine net must not be authorised**

The chief executive must not issue a permit authorising any of the following—

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

#### **47 Restriction on authorising taking or possessing of maray or Australian sardines**

- (1) The chief executive must not issue a permit authorising the taking or possession of maray or Australian sardines for trade or commerce.
- (2) Subsection (1) does not apply if—
  - (a) the permit authorises the taking or possession of maray or Australian sardines for only 1 of the following—
    - (i) to use as bait for fishing under a primary commercial fishing licence or commercial fisher licence held by the holder of the permit;
    - (ii) to use as food for display fish;
    - (iii) for research; or
  - (b) the permit is a replacement for a permit mentioned in subsection (1).

**48 Restriction on authorising taking or possessing of freshwater fish**

- (1) The chief executive must not issue a permit authorising the taking or possession of freshwater fish for trade or commerce.
- (2) Subsection (1) does not apply if the permit is a general fisheries permit for the collection of freshwater fish to be used for broodstock for aquaculture by the holder of the permit.

**49 Restriction on authorising use of set mesh nets in Gulf of Carpentaria waters under developmental fishing permit**

- (1) The chief executive must not issue a developmental fishing permit authorising the use of a set mesh net in the Gulf of Carpentaria waters.
- (2) Subsection (1) does not apply if the developmental fishing permit is a replacement of a developmental fishing permit mentioned in subsection (1).

**50 Maximum term of general fisheries permit**

The chief executive may issue a general fisheries permit for an activity for a term of not more than 3 years.

**51 Restriction on authorising taking of fish in particular regulated waters under general fisheries permit**

The chief executive must not issue a general fisheries permit authorising the taking of fish in, or the possession of fish taken in, the regulated waters mentioned in the *Fisheries Declaration 2019*, section 17(2) unless the permit is for an activity for which any of the following is the sole or main purpose—

- (a) research;
- (b) environmental protection;
- (c) public health or safety.

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

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

**52 Restriction on authorising use of particular nets in particular regulated waters under general fisheries permit**

The chief executive must not issue a general fisheries permit authorising a commercial fisher to use a cast net, mesh net, seine net or set pocket net to take fish for trade or commerce in the regulated waters mentioned in the *Fisheries Declaration 2019*, section 65(1).

**Division 2 Authorisations under particular permits**

**53 Developmental fishing permit**

The holder of a developmental fishing permit and anyone else identified in the permit may do any of the following under the permit—

- (a) assess the commercial viability of a fishing activity, fishing apparatus or boat for a fishery identified in the permit;
- (b) buy, use and possess fishing apparatus to carry out the assessment;
- (c) take, possess and process fish taken for carrying out the assessment;
- (d) sell the fish taken for carrying out the assessment.

#### **54 Indigenous fishing permit**

The holder of an indigenous fishing permit and anyone else identified in the permit may do any of the following under the permit—

- (a) assess the commercial viability of a fishing activity proposed to be carried out, or fishing apparatus or a boat proposed to be used, by an indigenous person or a community of indigenous persons in a fishery identified in the permit;
- (b) buy, use and possess fishing apparatus to carry out the assessment;
- (c) take, possess and process fish taken for carrying out the assessment;
- (d) sell the fish taken for carrying out the assessment.

#### **55 Stocked impoundment permit**

The holder of a stocked impoundment permit may take freshwater fish using a fishing line from a prescribed stocked impoundment.

#### **56 Filleting permit**

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

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## **Division 3                      Conditions applying to particular permits**

### **57            General fisheries permit for release of non-indigenous fisheries resources into non-tidal waters**

- (1) This section applies to a general fisheries permit authorising the release of non-indigenous fisheries resources into non-tidal waters.
- (2) It is a condition of the permit that a person acting under the permit must not release the fisheries resources into the waters of the river basins mentioned in schedule 2.

## **Part 4                              Quota authorities**

### **Division 1                      Restrictions on issue**

#### **58            Restriction on further issue of particular quota authorities**

- (1) The chief executive must not issue any new—
  - (a) T1 effort or T2 units; or
  - (b) SM units; or
  - (c) CT line units, OS line units or RTE line units; or
  - (d) C2-ITQ units; or
  - (e) T4-ITQ units.
- (2) However, the chief executive must convert T1 effort units and T2 effort units into effort units for a trawl region under schedule 2A, part 1.

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

- (1) The chief executive must issue effort units for the Moreton Bay trawl region under schedule 2A, part 2.

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

**58B Issue of ENL-ITQ units**

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

**58C Issue of C1-ITQ units**

- (1) The chief executive must issue C1-ITQ units under schedule 2C.
- (2) The chief executive must not issue any C1-ITQ units after 31 August 2021.

**58D Issue of hand-harvest ITQ units**

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

**58E Issue of select coral ITQ units**

- (1) The chief executive must issue select coral ITQ units under schedule 2E.
- (2) The chief executive must not issue any select coral ITQ units after 30 June 2023.

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## Division 2 Authorisation and conditions

### 59 Authorisation under and conditions of quota authority

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

- (a) the authorisation under a quota authority; and
- (b) conditions applying to a quota authority.

## Part 5 Resource allocation authorities

### 60 Meaning of *prescribed development purpose* for declared fish habitat area

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

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

*Examples—*

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

- (b) managing fisheries resources or fish habitat;

*Example—*

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

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

*Examples of public infrastructure—*

a boat ramp or jetty for public use

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- (f) providing subterranean public infrastructure if the chief executive is satisfied the surface of the area can be restored, after the completion of the relevant works or activity, to its condition before the performance of the works or activity;
- (g) constructing a temporary structure;
- (h) maintaining a structure that was constructed before the area was declared to be a fish habitat area under the Act;
- (i) maintaining a structure, other than a structure mentioned in paragraph (h), that has been lawfully constructed;
- (j) for a part of the area that is a management B area—
  - (i) constructing a permanent structure in the area; or
  - (ii) depositing material for beach replenishment in the area for the purpose of erosion control.

## **61 Restriction on issue of particular resource allocation authorities**

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



- (c) for a part of the area that is a management B area—the effect of the development on the maintenance of the current fish habitat values and functions of the area.

## **62 Authorisation under resource allocation authority**

- (1) The holder of a resource allocation authority may do any of the following under the authority—
  - (a) for an authority relating to prescribed declared fish habitat area development or development mentioned in the *Planning Regulation 2017*, schedule 24, definition *non-referable building work*, paragraph (d)—interfere with the declared fish habitat area mentioned in the authority;
  - (b) for an authority relating to prescribed aquaculture development—interfere with the fish habitat in the Queensland waters or on the unallocated tidal land mentioned in the authority;
  - (c) for an authority relating to development that is operational work impacting on marine plants that are dead marine wood on unallocated State land for trade or commerce—collect the wood for trade or commerce from the unallocated State land mentioned in the authority.
- (2) However, the holder may do an act mentioned in subsection (1) only if—
  - (a) the holder does the act in relation to the development to which the authority relates; and
  - (b) the development is carried out in a way that is authorised under the Planning Act.

## **Part 6**                      **Criteria for suspending or cancelling particular authorities**

### **63**      **Application of part**

For section 68B(3)(b)(i) of the Act, this part prescribes criteria for the suspension or cancellation of particular authorities.

### **64**      **Counting convictions**

- (1) In this part, a reference to a conviction is a reference to a conviction for a serious fisheries offence.
- (2) Also, for deciding whether a conviction is a second or later conviction, a spent conviction must not be counted.

### **65**      **Criteria for suspending or cancelling particular licences**

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

### **66**      **Criteria for suspending effort units**

- (1) This section applies in relation to effort units for a trawl region held by a person.

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- (2) An appropriate suspension may be suspension of a number of the effort units that reduces the person's total entitlement under the effort units to an extent that, as nearly as practicable, corresponds to what may be an appropriate period of suspension for a licence held by the person if the court were suspending the licence under section 65.

*Example for subsection (2)—*

A holds effort units for a trawl region and a primary commercial fishing licence associated with the effort units. A is convicted of a serious fisheries offence. It is A's first conviction. An appropriate suspension may be suspension of a number of the effort units that would entitle A to use the primary boat under the licence for 3 months to 1 year.

## **67 Criteria for suspending or cancelling SM units**

- (1) This section applies in relation to SM units held by a person.
- (2) An appropriate suspension may be—
- (a) if the person has taken an amount of spanish mackerel that exceeds the person's total entitlements under the SM units for the SM year in which the suspension is imposed—suspension for the following SM year of the number of SM units with entitlements equal to the amount by which the entitlements were exceeded; or
  - (b) otherwise—suspension for the SM year in which the suspension is imposed of all the person's SM units with unused entitlements for the year.
- (3) An appropriate cancellation may be cancellation for the SM year in which the cancellation is imposed of the number of the person's SM units with an entitlement equivalent to the amount of spanish mackerel unlawfully taken or possessed by the person in the SM year.

## **68 Criteria for suspending line units**

- (1) This section applies in relation to CT line units, OS line units or RTE line units held by a person if, in a line year—

[s 69]

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- (a) the person takes an amount of regulated coral reef fin fish authorised to be taken under the line units that exceeds the person's total entitlements under the line units; or
  - (b) an RQ fishery licence held by the person is suspended.
- (2) An appropriate suspension may be—
- (a) for subsection (1)(a)—suspension for the following line year of the number of CT line units, OS line units or RTE line units with entitlements equal to the amount by which the entitlements were exceeded; or
  - (b) for subsection (1)(b)—suspension for the line year of all the person's CT line units, OS line units or RTE line units with unused entitlements.

## **69 Criteria for cancelling line units**

- (1) This section applies in relation to CT line units, OS line units or RTE line units held by a person if, in a line year, the person is convicted of a serious fisheries offence involving taking or possessing an amount of regulated coral reef fin fish that exceeds the person's unused line unit entitlements for the line year by at least 500kg (whole weight).
- (2) An appropriate cancellation may be cancellation of the number of the person's CT line units, OS line units or RTE line units with an entitlement equivalent to the amount of regulated coral reef fin fish unlawfully taken or possessed by the person.

## **70 Criteria for suspending T4-ITQ units**

- (1) This section applies in relation to T4-ITQ units held by a person if, in a T4-ITQ year—
  - (a) the person takes an amount of prescribed whiting for the T4-ITQ units that exceeds the person's total entitlements under the T4-ITQ units; or
  - (b) a T4 fishery licence held by the person is suspended.

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- (2) An appropriate suspension may be—
- (a) for subsection (1)(a)—suspension for the following T4-ITQ year of the number of T4-ITQ units with entitlements equal to the amount by which the entitlements were exceeded; or
  - (b) for subsection (1)(b)—suspension for the T4-ITQ year of all the person's T4-ITQ units with unused entitlements.

## **71 Criteria for cancelling T4-ITQ units**

- (1) This section applies in relation to T4-ITQ units held by a person if, in a T4-ITQ year, the person is convicted of a serious fisheries offence involving taking or possessing an amount of prescribed whiting that exceeds the person's unused T4-ITQ unit entitlements for the T4-ITQ year by at least 500kg (whole weight).
- (2) An appropriate cancellation may be cancellation of the number of the person's T4-ITQ units with an entitlement equivalent to the amount of prescribed whiting unlawfully taken or possessed by the person.

# **Part 7 Other provisions about authorities**

## **Division 1 Miscellaneous offences**

### **72 Obstructing persons fishing under an authority**

- (1) A person must not obstruct a commercial fisher, an assistant fisher or someone else acting under an authority, who is using a net to take fish, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person must not disturb fish to prevent a commercial fisher, an assistant fisher or someone else acting under an authority, from taking the fish.

Maximum penalty—20 penalty units.

## **Division 2                      Register of authorities**

### **73                      Particulars to be contained in register—Act, s 73**

For section 73(2) of the Act, the following particulars about each authority issued by the chief executive are prescribed—

- (a) the category, type and number of the authority;
- (b) the fishery symbols, if any, written on the authority;
- (c) the holder's full name;
- (d) the holder's postal address;
- (e) other relevant particulars about each boat identified in the authority or, if applicable, prescribed for the authority under section 80(1)(b) of the Act;
- (f) third party interests in the authority, if any, notified to the chief executive;
- (g) for all quota authorities of the same type held by the same person—
  - (i) the person's name; and
  - (ii) the number of quota authorities held by the person; and
  - (iii) if conditions have been imposed on any of the quota authorities—the conditions; and
  - (iv) if any of the quota authorities are suspended—the number of quota authorities that are suspended and the period of the suspension;
- (h) for an M2 licence—

- (i) the boat mark for the primary boat identified in the licence; and
- (ii) the boat's hull units, breadth, depth and length; and
- (iii) the boat's main engine power in maximum continuous brake kW.

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

For section 73(3) of the Act, the following changes in circumstances are prescribed—

- (a) a change of the holder's name;
- (b) if the holder is an individual—a change of the holder's residential, business or postal address;
- (c) if the holder is a corporation—
  - (i) a change of the address of the holder's registered office; or
  - (ii) a change of the address of the holder's office, if any, in the State; or
  - (iii) a person becoming, or ceasing to be, an executive officer of the holder;
- (d) a change in a third party interest in the authority notified to the chief executive;
- (e) a change in details contained in the register about a boat identified in the authority or prescribed for the authority under section 80(1)(b) of the Act.

**Division 3 Other matters**

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

For section 70C(1) of the Act, the following types of authorities are prescribed—

[s 76]

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- (a) a licence other than a commercial fisher licence;
- (b) a quota authority;
- (c) a resource allocation authority.

## **76 Activities for which inspectors may have an authority**

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

- (a) conducting research or training about fisheries resources, fishing apparatus or commercial fishing boats; or
- (b) taking or possessing fish for stocking waters; or
- (c) releasing fish; or
- (d) taking fish from a prescribed stocked impoundment by using a fishing line; or
- (e) performing the inspector's functions.

# **Chapter 3 Declared fish habitat areas**

## **Part 1 Declaration of fish habitat areas**

### **77 Fish habitat area plans**

- (1) A plan stated in schedule 3, column 1 with the prefix 'FHA' is a *fish habitat area plan* for the fish habitat area mentioned in the column.
- (2) A copy of each fish habitat area plan is—
  - (a) available for inspection, free of charge, by arrangement with the chief executive; and



- (b) published on the department's website.
- (3) Anything shown or stated on a fish habitat area plan about the boundary of a declared fish habitat area has effect for deciding the location of the boundary.
- (4) A line in relation to a boundary of a declared fish habitat area on a fish habitat area plan—
  - (a) shows what forms the boundary; and
  - (b) is only indicative of the current position of the boundary.

## **78 Areas declared to be fish habitat areas**

- (1) Each area mentioned in schedule 3, column 1 is declared to be a fish habitat area.
- (2) The fish habitat area—
  - (a) includes—
    - (i) the area shown on the fish habitat area plan for the fish habitat area as included in the fish habitat area; and
    - (ii) an area stated opposite the fish habitat area plan in schedule 3, column 2 as included in the declared fish habitat area; and
  - (b) excludes—
    - (i) the area shown on the fish habitat area plan for the fish habitat area as excluded from the declared fish habitat area; and
    - (ii) an area stated opposite the fish habitat area plan in schedule 3, column 2 as excluded from the declared fish habitat area; and
    - (iii) the area of a channel marked by aids to navigation.
- (3) Also, land that is not unallocated State land or national park land is included in a fish habitat area only if—
  - (a) the land is within an area mentioned in subsection (2)(a) for the fish habitat area; and

- (b) the fish habitat area plan for the fish habitat area, or schedule 3, column 2, specifically states that the land is included in the fish habitat area.

## **79 Particular cables and air space excluded from declared fish habitat area**

- (1) A declared fish habitat area excludes a cable that—
  - (a) is in a fixed position in air space within the boundary shown on the fish habitat area plan for the area; and
  - (b) is not in contact with land, water or a part of a plant in the area.

*Examples of a cable—*

an overhead electric line or telecommunication cable

- (2) Subsection (3) applies if—
  - (a) a person proposes, under a law of the State or Commonwealth, to install a cable in air space within the boundary shown on the fish habitat area plan for a declared fish habitat area; and
  - (b) under the proposal, the cable, when installed, will not be in contact with land, water or a part of a plant in the area.
- (3) The declared fish habitat area excludes the air space that is to be occupied by the cable under the proposal.
- (4) In this section—

*proposal* includes an application.

## **Part 2 Prohibited activities**

### **80 Person not to take bait using digging implement**

- (1) A person must not in a declared fish habitat area take fish for bait by using a digging implement.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person using a hand pump only for taking yabbies.

## 81 Person not to remove weeds etc.

- (1) A person must not do any of the following things in a declared fish habitat area—
- (a) remove weeds;
  - (b) use a pesticide;
  - (c) carry out biological control of a pest.

Maximum penalty—20 penalty units.

- (2) Also, a person must not do a thing mentioned in subsection (1) outside a declared fish habitat area if doing the thing is likely to affect fish habitat in the declared fish habitat area.

Maximum penalty—20 penalty units.

- (3) However, subsection (1) or (2) does not apply to a person doing a thing mentioned in subsection (1) if the person does the thing in compliance with the fish habitat area code of practice.
- (4) In this section—

***biological control***, of a pest, means controlling the presence or spread of the pest by introducing a natural enemy of the pest, including, for example, a natural predator of the pest or a bacteria or virus that may be harmful to the pest.

***fish habitat area code of practice*** means the code of practice under section 125A of the Act called ‘Fish Habitat Area code of practice—The lawful use of physical, pesticide and biological controls in a declared Fish Habitat Area’.

*Note*—

The code is—

- (a) available for inspection, free of charge, by arrangement with the chief executive; and
- (b) published on the department’s website.

*pest* means—

- (a) prohibited matter or restricted matter under the *Biosecurity Act 2014*; or
- (b) biosecurity matter under the *Biosecurity Act 2014* that is—
  - (i) controlled biosecurity matter under section 124(1) of that Act; or
  - (ii) regulated biosecurity matter under section 128(1)(a) of that Act; or
- (c) another pest or disease declared under a law of the State, the Commonwealth or another State.

## Chapter 4      Matters prescribed for particular offences under the Act

### Part 1            Vessel tracking

#### Division 1        Preliminary

#### 82      Definitions for part

In this part—

*malfunction* see section 80(6) of the Act.

*relevant authority* see section 83(1).

*relevant boat*, for a relevant authority, means a boat prescribed for the authority by section 83(2).

*relevant period* means the period prescribed by section 85.

*vessel tracking standard* means the document called ‘Vessel tracking installation and maintenance standard’ published on the department’s website.

*Note—*

The vessel tracking standard is also available for inspection, free of charge, by arrangement with the chief executive.

*working properly* see section 80(6) of the Act.

## Division 2                      General matters

### 83            Authorities and boats in relation to which requirements apply

- (1) Section 80 of the Act applies in relation to each primary commercial fishing licence (a *relevant authority*) that has any of the following symbols written on it—
  - ‘A1’ or ‘A2’
  - ‘B1’
  - ‘C1’, ‘C2’ or ‘C3’
  - ‘D’
  - ‘J1’
  - ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’
  - ‘L1’, ‘L2’, ‘L3’, ‘L4’ or ‘L8’
  - ‘M1’ or ‘M2’
  - ‘N3’, ‘N10’, ‘N11’, ‘N12’, ‘N13’, ‘N15’ or ‘NX’
  - ‘R’
  - ‘T1’, ‘T2’, ‘T4’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’.
- (2) For section 80 of the Act, each of the following boats is prescribed for a relevant authority (and under section 80(1)(b) of the Act is a relevant boat for the authority)—
  - (a) the primary boat for the relevant authority; and

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

#### **84 Way equipment must be installed**

For section 80(2)(a) of the Act, the way for installing approved vessel tracking equipment on a boat stated in the vessel tracking standard is prescribed.

#### **85 Periods during which equipment must be working properly**

- (1) For section 80(2)(b) of the Act, each period the relevant boat is used under the relevant authority, starting and ending as mentioned in subsection (2) or (3), is prescribed.
- (2) If the relevant boat is a boat other than a tender boat, the period the relevant boat is used under the authority—
  - (a) starts when the fishing operation in which the boat is used starts; and
  - (b) ends when the fishing operation in which the boat is used ends.
- (3) If the relevant boat is a tender boat, the period the relevant boat is used under the authority starts and ends at the same times as the start and end of the period the tender boat's primary boat is used under the authority.

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## **Division 3                      Requirements if equipment malfunctions**

### **Subdivision 1              Preliminary**

#### **86              Purpose and application of division**

- (1) This division prescribes, for section 80(4) of the Act, requirements that apply if approved vessel tracking equipment installed on a relevant boat used under a relevant authority malfunctions during a relevant period.
- (2) The requirements are—
  - (a) if the relevant boat is a boat other than a tender boat—
    - (i) the holder of the relevant authority, or another person acting under the authority, has given the chief executive a boat communication notice under subdivision 2 for the boat; and
    - (ii) subdivision 3 is complied with; and
  - (b) if the relevant boat is a tender boat—subdivision 4 is complied with.

#### **87              Definition for division**

In this division—

*approved way*, for giving a notice to the chief executive, means the way—

- (a) approved by the chief executive; and
- (b) published on the department's website.

#### **88              When person in control of a boat is aware of malfunction**

- (1) For this division, the person in control of a relevant boat being used under a relevant authority is taken to be aware of a

malfunction of approved vessel tracking equipment installed on the boat if—

- (a) the person receives a notice from the chief executive or an inspector that the equipment is malfunctioning; or
  - (b) the person becomes aware the chief executive is not receiving details of the boat's position and operation from the equipment, including, for example, because the person does not receive a confirmation of the receipt of the details from the chief executive that the person is, or ought reasonably to be, expecting.
- (2) Subsection (1) does not limit the circumstances in which the person in control of a relevant boat becomes aware of a malfunction of approved vessel tracking equipment installed on the boat.

## **89 Notices given by chief executive or inspector under division**

The chief executive or an inspector may give a notice in relation to a relevant boat under this division—

- (a) orally in person; or
- (b) by an alternative way of communication stated in the boat communication notice given for the relevant boat under subdivision 2.

## **Subdivision 2 Alternative way of communication**

### **89A Application of subdivision**

This subdivision applies if the relevant boat is a boat other than a tender boat.

### **90 Notice of alternative way**

- (1) The holder of the relevant authority, or another person acting under the authority, must, before or as soon as possible after



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approved vessel tracking equipment is installed on the relevant boat, give a notice (a **boat communication notice**) to the chief executive.

- (2) The boat communication notice must—
  - (a) be given to the chief executive in the approved way; and
  - (b) state an alternative way (an **alternative way of communication**) in which the chief executive or an inspector may communicate with the person in control of the boat whenever that person is on the boat.
- (3) The alternative way of communication—
  - (a) must not involve the use of vessel tracking equipment; and
  - (b) must allow a communication to be received on the boat instantaneously after it is sent by the chief executive or inspector.

*Examples of alternative ways of communication—*

a facsimile, mobile phone, radiophone or satellite phone

- (4) More than 1 alternative way of communication may be stated in a boat communication notice.

## 91 Changing alternative way

- (1) The holder of the relevant authority, or another person acting under the authority, may change an alternative way of communication stated in a boat communication notice by giving the chief executive a notice stating another way (a **changed way**) of communication.
- (2) A notice given to the chief executive under subsection (1) must be given in the approved way.
- (3) However, if the holder of the relevant authority, or another person acting under the authority, gives a notice under this section, the changed way of communication must not be used until the chief executive has advised the holder or other person that the chief executive has received the notice.

### **Subdivision 3      Manual reporting and landing requirements for boats other than tender boats**

#### **92      Application of subdivision**

This subdivision applies if the person in control of a relevant boat, other than a tender boat, being used under a relevant authority during a relevant period becomes aware of a malfunction of approved vessel tracking equipment installed on the boat.

#### **93      Manual reporting requirement**

- (1) The person in control of the relevant boat must give a notice stating details of the boat's location to the chief executive—
  - (a) in the approved way; and
  - (b) at the following intervals—
    - (i) if the boat is being used in the east coast trawl fishery—every hour;
    - (ii) otherwise—every 4 hours.
- (2) The requirement under subsection (1) continues to apply until the earliest of the following happens—
  - (a) the relevant boat is taken to a landing place under section 94 or 95;
  - (b) the relevant period ends;
  - (c) the approved vessel tracking equipment stops malfunctioning.

#### **94      Requirement to take relevant boat to landing place—boat used under particular authority in particular area**

- (1) This section applies in relation to the relevant boat if—
  - (a) the relevant authority under which it is being used has an 'M1', 'T1' or 'T2' fishery symbol written on it; and

- (b) the malfunction of the approved vessel tracking equipment happens inside the area within the following boundary—
- from latitude 22°10.80' south, longitude 149°48.00' east to latitude 22°13.20' south, longitude 152°00.00' east
  - to latitude 24°13.80' south, longitude 153°33.00' east
  - to latitude 24°42.00' south, longitude 153°16.20' east
  - to latitude 25°06.00' south, longitude 153°12.00' east
  - to latitude 25°18.00' south, longitude 152°43.20' east
  - to latitude 22°10.80' south, longitude 149°48.00' east.
- (2) The person in control of the relevant boat must—
- (a) stop the use of fishing apparatus from the boat; and
  - (b) cause the boat to travel to a landing place as soon as practicable.
- (3) Subsection (2) stops applying to the person if the chief executive or an inspector gives the person notice that compliance with subsection (2) is not required.
- (4) The chief executive or an inspector may give a notice under subsection (3) if the chief executive or inspector is satisfied—
- (a) the approved vessel tracking equipment is working properly; and
  - (b) it is unnecessary for the relevant boat to be taken to a landing place.

**95 Requirement to take relevant boat to landing place—other circumstances**

- (1) This section applies in relation to the relevant boat if section 94 does not apply in relation to the boat.
- (2) The person in control of the relevant boat must cause the boat to travel to a landing place within the following period—
  - (a) 5 days;
  - (b) if the chief executive has given the person a notice allowing a longer period—the longer period.
- (3) Subsection (2) stops applying to the person if the chief executive or an inspector gives the person notice that compliance with subsection (2) is not required.
- (4) The chief executive or an inspector may give a notice under subsection (3) if the chief executive or inspector is satisfied—
  - (a) the approved vessel tracking equipment is working properly; and
  - (b) it is unnecessary for the relevant boat to be taken to a landing place.

**96 Further requirement if relevant boat taken to landing place**

- (1) This section applies if the relevant boat is taken to a landing place under section 94 or 95.
- (2) The person in control of the boat must not cause or allow the boat to be used for fishing unless the chief executive has given the person a notice that the approved vessel tracking equipment is in a condition that allows it to work properly.

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## Subdivision 4 Requirements for tender boats

### 96A Application of subdivision

This subdivision applies if the person in control of a relevant boat that is a tender boat being used under a relevant authority during a relevant period becomes aware of a malfunction of approved vessel tracking equipment installed on the boat.

### 96B Requirement to stop fishing

- (1) The person in control of the relevant boat must—
  - (a) stop the use of fishing apparatus from the boat; and
  - (b) attach the boat to its primary boat; and
  - (c) ensure the boat remains attached to its primary boat, and is not used for fishing, for the remaining part of the relevant period.
- (2) Subsection (1)(c) stops applying to the person if the chief executive gives the person a notice that the approved vessel tracking equipment is in a condition that allows it to work properly.

## Part 2 Other matters

### 97 Commercial quantity of priority fish

For section 89 of the Act, definition *commercial quantity*, the quantity prescribed for each priority fish is—

- (a) the number or volume stated opposite the fish in schedule 4, part 1; or
- (b) if a number is stated opposite the fish in schedule 4, part 1 and the fish are in a form that does not allow the number of the fish to be worked out—the weight equivalent to the number stated opposite the fish in schedule 4, part 1.

**98 Circumstances in which non-indigenous fisheries resources may be released—Act, s 90**

For section 90(2) of the Act, the release or placing of non-indigenous fisheries resources of a species mentioned in schedule 4, part 2, column 2 taken in the waters mentioned opposite the species in column 1 into those waters is prescribed.

## **Chapter 5 Information requirements**

### **Part 1 Preliminary**

**99 Purpose of chapter**

This chapter prescribes information requirements for section 118 of the Act.

**100 Definitions for chapter**

In this chapter—

*relevant authority* means—

- (a) a charter fishing licence; or
- (b) an authority, other than a primary commercial fishing licence or commercial fisher licence, that authorises the holder of the authority to—
  - (i) take or possess fish for trade or commerce; or
  - (ii) use a boat to take or possess fish for trade or commerce.

*Note—*

See the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5 for conditions about keeping logbooks applying to primary commercial fishing licences and commercial fisher licences.

*relevant period*—

- (a) for part 2—see section 101(b); or
- (b) for part 3—see section 105(b).

*relevant person*, for part 3, see section 105(c).

## **Part 2                      Person other than authority holder in control of a boat**

### **101      Application of part**

This part applies if—

- (a) the chief executive has, by written notice, required the holder of a relevant authority to keep and give to the chief executive, in the approved form, information about the daily use of a boat under the authority; and
- (b) the holder is not the person in control of the boat on a day or a number of days (the *relevant period*) for which the boat is being used under the authority; and
- (c) another person is in control of the boat during the relevant period.

### **102      Authority holder to provide approved form**

The holder of the relevant authority must, before the relevant period starts, give the approved form to the person who is to be in control of the boat during the relevant period by—

- (a) giving the form personally to the person; or
- (b) ensuring the form is left on the boat and telling the person where the form has been left.

### **103      Person in control to keep approved form**

- (1) The person in control of the boat during the relevant period must—

- (a) keep the approved form for the relevant period; and
  - (b) ensure the approved form is available for immediate inspection during the relevant period.
- (2) Subsection (1)(b) does not apply if—
- (a) the boat is used in a commercial fishery to which neither a quota declaration nor a quota authority applies; and
  - (b) the relevant period is 24 hours or less.

#### **104 Person in control to return approved form**

The person in control of the boat during the relevant period must, at the end of the relevant period, give the approved form to the holder of the relevant authority by—

- (a) giving the form personally to the holder; or
- (b) ensuring the form is left on the boat and telling the holder where the form has been left.

### **Part 3 Person other than authority holder fishing under authority**

#### **105 Application of part**

This part applies if—

- (a) the chief executive has, by written notice, required the holder of a relevant authority to keep and give the chief executive, in the approved form, information about the daily fishing activities under the authority; and
- (b) the holder is not fishing under the authority on a day or a number of days (the *relevant period*); and
- (c) another person (the *relevant person*) is fishing under the authority during the relevant period.



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**106 Holder to provide approved form**

The holder of the relevant authority must give the approved form to the relevant person before the relevant period starts.

**107 Relevant person to keep approved form**

The relevant person must—

- (a) keep the approved form for the relevant period; and
- (b) ensure the approved form is available for immediate inspection during the relevant period at the place the person is fishing under the relevant authority.

**108 Relevant person to return approved form**

The relevant person must give the approved form to the holder of the relevant authority as soon as practicable after the relevant period ends.

## **Part 4 Wholesale sale of fisheries resources**

### **Division 1 Preliminary**

**109 Application of part**

This part applies if—

- (a) fisheries resources are sold by a person (the *seller*) to another person (the *buyer*); and
- (b) the buyer—
  - (i) is a person engaged in the business of selling fisheries resources by wholesale or retail; and
  - (ii) intends to resell any of the fisheries resources for trade or commerce.

## 110 Definitions for part

In this part—

*buyer* see section 109(a).

*quantity particulars*, for a species of fish, means—

- (a) for sea cucumber—
  - (i) the number of containers containing the sea cucumber; and
  - (ii) the weight of the sea cucumber; or
- (b) for mud crab—
  - (i) the number of the mud crab; and
  - (ii) the weight of the mud crab; or
- (c) for red champagne lobster or tropical rocklobster—
  - (i) the number of whole lobster; and
  - (ii) the number of lobster tails; and
  - (iii) the weight of the lobster; or
- (d) for fin fish that are dead—the weight of the fish in any of the following forms—
  - (i) whole;
  - (ii) gilled and gutted;
  - (iii) filleted;
  - (iv) trunked;
  - (v) another form; or
- (e) for fin fish that are alive—
  - (i) the number of the fish; and
  - (ii) the weight of the fish; or
- (f) for fish of another species—the weight of the fish.

*sale docket* see section 111(1).

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*sale particulars*, for the sale of fisheries resources, means the following particulars—

- (a) the name of the buyer;
- (b) the buyer's accreditation number under the seafood food safety scheme or, if the buyer is not accredited under the scheme, the address of the buyer;
- (c) the name of the seller;
- (d) if the sale is the first time the fisheries resources are sold and a commercial fisher took the fish—
  - (i) the licence number of the commercial fisher licence held by the commercial fisher; and
  - (ii) the licence number of the primary commercial fishing licence under which the fish were taken;
- (e) if the sale is the first time the fisheries resources are sold and the seller cultivated the fisheries resources, or is acting for a person who cultivated the fisheries resources, under a development approval—the number of the approval;
- (f) if neither paragraph (d) nor (e) applies in relation to the sale—the address of the seller;
- (g) if the seller is an entity that is incorporated under the *Associations Incorporation Act 1981* and engages in stocking fish—the number of the entity's certificate of incorporation;
- (h) the date of the sale;
- (i) if the date of the sale is different to the date the fish leave the seller's physical possession—the date the fish leave the seller's physical possession;
- (j) the quantity particulars for each individual species of fish sold;
- (k) the form in which the fisheries resources are sold.

*Examples of forms of fish for paragraph (k)—*

live, whole, or in fillets

*seafood food safety scheme* means the seafood scheme under the *Food Production (Safety) Regulation 2014*, chapter 7.

*seller* see section 109(a).

## Division 2 Requirements

### 111 Docket for sale to be given

- (1) The seller must give the buyer, and the buyer must obtain from the seller, a docket for the sale (a *sale docket*) signed by the seller that contains the sale particulars for the sale of the fisheries resources.
- (2) The seller and buyer comply with subsection (1) if—
  - (a) the buyer prepares a sale docket; and
  - (b) the seller—
    - (i) checks the sale docket; and
    - (ii) if the seller is satisfied the sale docket is accurate and contains all of the sale particulars—signs the sale docket.
- (3) Also, the seller and buyer comply with subsection (1) if—
  - (a) the seller is the commercial fisher who took the fish; and
  - (b) the seller gives the buyer a copy of the catch disposal record made by the seller under the *Fisheries (Commercial Fisheries) Regulation 2019*, section 163(1) for the fish.
- (4) If subsection (3) applies, the copy of the catch disposal record is taken to be a sale docket for the sale.

### 112 Seller to keep docket

The seller must keep a copy of the sale docket for the sale of the fisheries resources for 5 years after the day the seller stops possessing the resources.

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**113 Seller to give copy of record or docket with consignment**

If the seller consigns fisheries resources to the buyer, the seller must ensure the consignment is accompanied by a copy of the sale docket for the sale of the resources.

**114 Buyer to keep docket**

- (1) The buyer must keep the sale docket for the sale of the fisheries resources available for immediate inspection while the buyer possesses the fisheries resources, or part of the fisheries resources, to which the docket relates.
- (2) The buyer must keep the sale docket or a copy of the sale docket for the sale of the fisheries resources for 5 years after the day the buyer stops possessing the resources.

## **Part 5 Processing abalone**

**115 Application of part**

This part applies to a person carrying on the business of processing abalone.

**116 Definition for part**

In this part—

*processing*, abalone, includes doing any of the following to the abalone—

- (a) shelling;
- (b) filleting;
- (c) cooking;
- (d) preserving;
- (e) packing.

### **117 Processor to keep record of processing**

- (1) The person must keep a record in the approved form containing the following particulars for the abalone the person processes—
  - (a) the person’s full name and usual address;
  - (b) if the person is not the owner of the abalone—the full name and usual address of the owner;
  - (c) each species of abalone processed;
  - (d) the date of processing;
  - (e) the weight of each species of abalone before processing;
  - (f) the weight of each species of abalone after processing;
  - (g) the way the abalone are processed.
- (2) The person must keep the record for 5 years after the day the abalone are processed.

## **Part 6 Particular acts involving spanish mackerel or regulated coral reef fin fish**

### **118 Application of part**

This part applies in relation to the following fish (*relevant fish*)—

- (a) spanish mackerel;
- (b) regulated coral reef fin fish.

### **119 Buyer to keep record of fish bought outside the State**

- (1) This section applies if a person buys relevant fish outside the State and brings the fish into the State for trade or commerce.

- (2) The person must keep, in the approved form, a record of the particulars for the fish required for a sale docket under section 111.
- (3) The person must keep the record from the day the person brings the fish into the State until 5 years after the day the person stops possessing the fish.

**120 Person who takes fish outside particular fishery areas to keep record of taking**

- (1) This section applies if a person—
  - (a) takes, for trade or commerce, relevant fish from Queensland waters other than waters within the fishery area for any of the following fisheries—
    - (i) the line fishery (other than Great Barrier Reef region);
    - (ii) the line fishery (reef);
    - (iii) the line fishery (multiple hook—east coast);
    - (iv) the spanish mackerel commercial fishery; and
  - (b) unloads the fish in the State.
- (2) The person must keep, in the approved form, a record of the following information—
  - (a) the date the person took the fish;
  - (b) the number of the fish taken by the person.
- (3) The person must keep the record from immediately before the person unloads the fish in the State until 5 years after the day the person stops possessing the fish.
- (4) For subsection (1), a person conducting a charter fishing trip does not take relevant fish for trade or commerce only because the person takes the fish during the charter fishing trip.

## **121 Person transporting fish to keep record of consignment**

- (1) This section applies if a person in control of a boat or vehicle (a *commercial carrier*) is transporting, on the boat or in the vehicle, relevant fish for another person (the *consignor*) for trade or commerce.
- (2) However, this section does not apply if a sale docket accompanies the consignment of the relevant fish under section 113.
- (3) The commercial carrier must keep a record of the following information in the approved form—
  - (a) the name of the consignor;
  - (b) the address of the place where the commercial carrier collected the fish;
  - (c) the address of the place where the commercial carrier is to deliver the fish.
- (4) The commercial carrier must ensure that, while the fish are on board the boat or in the vehicle, the record is—
  - (a) kept on board the boat or in the vehicle; and
  - (b) available for immediate inspection.

## **122 Person storing fish to keep record of storage**

- (1) This section applies if a person (the *warehouse keeper*) stores relevant fish at a place for another person (the *consignor*) for trade or commerce.
- (2) The warehouse keeper must—
  - (a) keep a written record stating the name of the consignor; and
  - (b) ensure that while the fish are stored at the place, the record is—
    - (i) kept at the place; and
    - (ii) available for inspection.



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## Part 7                      AIVR system

### 123      **Person using AIVR system to keep record of transaction number**

A person using the AIVR system to carry out a transaction must keep a record of the transaction number for the transaction for 6 months after the transaction.

*Note—*

See section 128 in relation to transaction numbers given when the AIVR system is not working properly or at all.

## Chapter 6                  Other matters relating to fisheries management

### Part 1                      Automated interactive voice response system

#### 124      **Chief executive must establish and operate AIVR system**

The chief executive must establish and operate an automated interactive voice response system (the *AIVR system*) for the following transactions—

- (a) a person giving information required to be given, under the Act, to the chief executive by using the AIVR system;
- (b) a person obtaining information required or authorised to be obtained, under the Act, from the chief executive by using the AIVR system;
- (c) a person changing a fisher PIN.

## **125 Requirements for AIVR system**

- (1) The AIVR system must provide for—
  - (a) keeping a record of each transaction carried out by a person using the system; and
  - (b) giving a person using the system to carry out a transaction a number (a *transaction number*) to identify the transaction.
- (2) For subsection (1)(a), a record of a transaction carried out by a person must include—
  - (a) any information entered into the system by the person; and
  - (b) any information given by the system to the person.

## **126 Record kept by AIVR system is evidence of particular information**

A record of a transaction kept by the AIVR system is evidence of the information that was entered into, or given by, the system for the transaction.

## **127 Transaction number given by AIVR system is evidence of transaction**

A transaction number given by the AIVR system for a transaction is evidence of the transaction.

## **128 Procedure if AIVR system not working properly**

- (1) This section applies if—
  - (a) a person (the *user*) is required or permitted under the Act to give or obtain information, or change a fisher PIN, by using the AIVR system; and
  - (b) the system is not working properly or at all.

- (2) The chief executive must ensure the system transfers the user's telephone call to either of the following (each a *nominated person*)—
  - (a) an officer or employee of the department;
  - (b) a telecommunications service provider for the chief executive appointed by gazette notice.
- (3) If the user is transferred to a nominated person—
  - (a) the nominated person must give the user a transaction number for the transaction; and
  - (b) the chief executive must, within 14 days after the transaction, give the user a written notice stating the following—
    - (i) any information given by the user to the nominated person;
    - (ii) any information given by the nominated person to the user.
- (4) A transaction number given under subsection (3)(a) is taken to have been given by the AIVR system.
- (5) A written notice given under subsection (3)(b) stating information mentioned in subsection (3)(b)(i) or (ii) is evidence of that information.
- (6) If the user is transferred to a nominated person and gives information to, or obtains information from, the nominated person, the user is taken to have complied with the requirement under the Act to give or obtain the information by using the AIVR system.

## Part 2 Compliance, enforcement and administration of Act

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

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

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

### 130 **Prescribed matters for evidentiary certificates—Act, s 184**

For section 184(4)(g) of the Act, the following matters are prescribed—

- (a) information taken by the chief executive from a stated document kept by a stated person under chapter 5 or the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5;
- (b) a summary of information taken by the chief executive from a stated document kept by a stated person under chapter 5 or the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 5.

### 131 **Matters about seizure of fisheries resources—Act, s 154**

For section 154 of the Act—

- (a) fish of a species of regulated fish are declared to be fisheries resources to which the section applies; and
- (b) the offences against sections 77 and 78 of the Act are declared to be offences to which the section applies; and

- (c) the percentage prescribed for fish that are declared fisheries resources is—
  - (i) if the *Fisheries Declaration 2019*, schedule 2 prescribes a threshold percentage for the species of fish—that threshold percentage; or
  - (ii) otherwise—5%.

### 132 Persons who may be appointed as inspectors

For section 140(1)(d) of the Act, the following persons are prescribed—

- (a) an employee of a local government;
- (b) a person with relevant knowledge of fisheries resources or fish habitat in a particular area;

*Example for paragraph (b)—*

a member of an entity engaged in stocking fish

- (c) a person appointed to enforce fisheries legislation, other than the Act.

### 133 Prescribed entities for delegation of functions or powers—Act, s 222

(1) For section 222(1)(b) of the Act, each of the following entities is prescribed—

- (a) the Queensland Rural and Industry Development Authority established under the *Rural and Regional Adjustment Act 1994*;
- (b) a government entity under the *Public Service Act 2008*, section 24;
- (c) Australia Post;
- (d) an entity that operates an Australia Post retail service under an agreement or arrangement with Australia Post.

*Examples of an agreement or arrangement for paragraph (d)—*

- a licence

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- a franchise agreement
  - an arrangement for an entity to supply services that are ancillary to its other services
- (2) However, subsection (1)(b), (c) and (d) applies only in relation to the chief executive’s power to issue a permit to take freshwater fish from a prescribed stocked impoundment by using a fishing line.

## **Part 3 Accepted development requirements**

### **134 Purpose of part**

This part states accepted development requirements for fisheries development under section 32 of the Act.

*Note—*

See the *Planning Regulation 2017*, schedule 7, part 3 for how works done in accordance with the accepted development requirements affect the classification of the works.

### **135 Accepted development requirements**

The requirements for fisheries development mentioned in column 1 are the accepted development requirements stated in the document mentioned in column 2 opposite the development—

<b>Column 1</b>	<b>Column 2</b>
<b>Fisheries development</b>	<b>Document stating accepted development requirements</b>
material change of use of premises for aquaculture	document called ‘Accepted development requirements for material change of use that is aquaculture’, prepared and held by the chief executive

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<b>Column 1</b>	<b>Column 2</b>
<b>Fisheries development</b>	<b>Document stating accepted development requirements</b>
operational work for constructing or raising waterway barrier works	document called ‘Accepted development requirements for operational work that is constructing or raising waterway barrier works’, prepared and held by the chief executive
operational work within a declared fish habitat area	document called ‘Accepted development requirements for operational work that is completely or partly within a declared fish habitat area’, prepared and held by the chief executive
removal, destruction or damage of marine plants	document called ‘Accepted development requirements for operational work that is the removal, destruction or damage of marine plants’, prepared and held by the chief executive

**136 Documents stating accepted development requirements available for inspection**

A document mentioned in section 135 is—

- (a) available for inspection, free of charge, by arrangement with the chief executive; and
- (b) published on the department’s website.

## Part 4 Fees

### Division 1 Fees for resource allocation authority and fish movement exemption notice

#### 137 Assessment fees

- (1) Schedule 5, parts 1 and 2 state the fees payable for a resource allocation authority and a fish movement exemption notice.
- (2) For schedule 5, parts 1 and 2, an application for a resource allocation authority or fish movement exemption notice requires a level 1, 2, 3, 4 or 5 assessment if the chief executive considers the application will reasonably require that level of assessment having regard to each of the following—
  - (a) the number of hours, and number of persons, that will be involved in assessing the application;
  - (b) the complexity of assessing the development or activity the subject of the application against the Act;
  - (c) the number of site inspections that will be required for assessing the application;
  - (d) whether an environmental impact statement has been, or is required under an Act to be, prepared for the development or activity the subject of the application.

### Division 2 Other fees

#### 138 Definition for division

In this division—

*holder*, of a licence or other authority, does not include a person who holds the licence or other authority because of a temporary transfer.



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**139 Fees generally**

- (1) The fees payable under the Act, other than the fees payable under division 1, are stated in schedule 6.
- (2) An amount of a fee stated in schedule 6 that is not paid as required under this division may be recovered by the State as a debt.

**140 General matters about fees for a licence, fishery symbol or quota authority**

- (1) A fee stated in schedule 6, part 1 for a licence—
  - (a) is in addition to any fee payable under schedule 6, part 2 for a fishery symbol written on the licence or any quota authority related to the licence; and
  - (b) is payable by the holder of the licence.
- (2) A fee stated in schedule 6, part 2 for a fishery symbol—
  - (a) is an annual fee; and
  - (b) is for each fishery symbol of that type written on a licence; and
  - (c) if the fee includes a reference to a unit or area—is for each unit or area to which the fishery symbol relates; and
  - (d) is payable by the holder of the licence.
- (3) A fee stated in schedule 6, part 2 for a quota authority—
  - (a) is an annual fee; and
  - (b) is for each quota authority of that type held by the holder of the authority; and
  - (c) is payable by the holder of the authority.

**141 Additional provision about annual fees for a licence, fishery symbol or quota authority**

- (1) This section applies to—

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- (a) an annual fee for a licence stated in schedule 6, part 1; and
  - (b) a fee for a fishery symbol or quota authority stated in schedule 6, part 2.
- (2) The fee is payable for a financial year—
- (a) in full before the start of the financial year; or
  - (b) for a licence stated in schedule 6, part 1—in 2 equal payments of the sum of the amount of the fee and the additional administrative fee, with—
    - (i) 1 payment before the start of the financial year; and
    - (ii) the other payment at least 6 months before the end of the financial year.
- (3) If the licence, fishery symbol or quota authority is issued or transferred to a person during a financial year, subsection (2) applies in relation to that financial year as if—
- (a) a reference to the start of the financial year were a reference to when the licence, fishery symbol or quota authority was issued or transferred to the person; and
  - (b) a reference to at least 6 months before the end of the financial year were a reference to the middle of the period starting when the licence was issued or transferred to the person and ending at the end of the financial year.
- (4) For subsection (3), a fishery symbol is issued or transferred to a person when the fishery symbol is written on a licence held by the person.
- (5) In this section—
- additional administrative fee*** means the additional administrative fee stated in schedule 6, part 1.

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**142 Further provision about licence, fishery symbol or quota authority held for part of a financial year**

- (1) This section applies if a licence, fishery symbol or quota authority is held by a person for only part of a financial year.
- (2) The annual fee payable by the person for the licence, fishery symbol or quota authority for the financial year is the proportion of the annual fee stated in schedule 6, part 1 or 2 attributable to the number of whole or part months for which the licence, fishery symbol or quota authority is held by the person.
- (3) For this section, a fishery symbol is held by a person for the period the fishery symbol is written on a licence held by the person.

**Division 3 Waiver or refund of fees**

**143 Chief executive may waive or refund a fee**

- (1) This section applies for waiving or refunding fees stated in schedule 5, part 1 or schedule 6.
- (2) The chief executive may—
  - (a) waive the payment of a fee for a person; or
  - (b) refund the whole, or a part of, a fee paid by a person.

*Examples—*

- 1 The chief executive may refund part of a fee for assessing an application for an authority if the application is withdrawn before the chief executive decides the application.
- 2 The chief executive may refund part of a fee for an authority if the authority is surrendered before its expiry.

## **Chapter 7      Transitional provisions**

### **Part 1                      Provisions for SL No. 179 of 2019**

#### **144      Existing commercial fisher licences**

Section 31 does not apply to a commercial fisher licence in force immediately before the commencement unless and until the licence is renewed.

#### **145      Existing commercial fishing boat licences**

Section 34(2) does not apply to a commercial fishing boat licence in force immediately before the commencement unless and until the licence is renewed or transferred.

#### **146      Existing general purpose permits**

- (1) Section 50 does not apply to a general fisheries permit in force immediately before the commencement.
- (2) Also, section 25(e) does not affect a general fisheries permit in force immediately before the commencement.

#### **147      Existing notices relating to vessel tracking**

- (1) This section applies to each of the following notices that were still in effect immediately before the commencement—
  - (a) a boat communication notice given to the chief executive under section 625K of the expired regulation;
  - (b) a notice given to the chief executive under section 625N of the expired regulation;
  - (c) a notice given by the chief executive or an inspector under section 625O(3), 625P(3) or 625Q(2)(a) of the expired regulation;

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- (d) a notice given to the chief executive or an inspector under section 625Q(2)(b) of the expired regulation.
- (2) The notice is taken to have been given under the provision of chapter 4, part 1 corresponding to the provision of the expired regulation under which the notice was given.
- (3) In this section—  
*expired regulation* means the expired *Fisheries Regulation 2008*.

#### **148 Annual fees for 2019-20 financial year**

- (1) This section applies in relation to an annual fee payable, under chapter 6, part 4, division 2, for the financial year ending on 30 June 2020 for an authority in force on the commencement.
- (2) The annual fee is payable in full before 31 December 2019.
- (3) However, if, on the commencement, the holder of the authority has paid all fees relating to the authority that the holder has been liable to pay under the Act before the commencement, the annual fee payable for the authority for the financial year ending on 30 June 2020 is reduced by 50%.
- (4) The chief executive may enter into an arrangement with the holder of the authority for the annual fee to be paid in 2 or more payments with the last payment being made no later than 30 June 2020.

#### **149 References to 2008 regulation**

- (1) In an instrument, a reference to the expired *Fisheries Regulation 2008* may be taken to be a reference to any of the following, if the context permits—
- (a) this regulation;
  - (b) the *Fisheries (Commercial Fisheries) Regulation 2019*;
  - (c) the *Fisheries Declaration 2019*.
- (2) In an instrument, a reference to a provision of the expired *Fisheries Regulation 2008* (the *expired provision*) may, if the

context permits, be taken to be a reference to the provision of legislation mentioned in subsection (1)(a), (b) or (c) that corresponds, or substantially corresponds, to the expired provision.

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

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

#### **150**    **References to trawl regions**

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

*Note—*

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

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

- (1) This section applies to a reference in any of schedules 2B to 2D to a provision of the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, from the commencement to 31 August 2021.

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- (2) The reference is taken to be a reference to the provision of that number in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, as it will be in force on 1 September 2021.

*Note—*

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

### **152 Existing general fisheries permits**

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

### **153 Existing ITQ units**

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

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

### **154 Existing commercial fishing boat licences**

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

- (2) Section 32 does not apply in relation to tender boats authorised to be used under the licence until the licence is renewed or transferred.
- (3) Subsection (4) applies if—
  - (a) section 145 applied to the licence on the commencement of that section; and
  - (b) the licence has not been renewed or transferred between the commencement of that section and the commencement of this section.
- (4) Section 31(2) does not apply to the licence unless and until the licence is renewed or transferred.

## **155 Existing commercial harvest fishery licences**

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



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## 156 Existing commercial fisher licences

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

## 157 Existing carrier boat licences

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

## 158 Undecided applications for particular licences

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

*undecided application* means an application made, but not decided, before the commencement.

## 159 References to particular licences

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

## **Division 3                      Amendments commencing on 1 September 2021**

### **160      Fees for fishery symbols and quota authorities for financial year starting 1 July 2021**

- (1) The fees stated in new schedule 6, part 2 apply to fishery symbols and quota authorities from 1 January 2022.
- (2) For the financial year starting on 1 July 2021 (the ***21-22 financial year***)—
  - (a) the fees for a fishery symbol or quota authority for the period from 1 July 2021 to 31 December 2021 are the proportion of the fees stated in former schedule 6, part 2 attributable to the first 6 months of the financial year; and
  - (b) the fees for a fishery symbol or quota authority for the period from 1 January 2022 to 30 June 2022 are the proportion of the fees stated in new schedule 6, part 2 attributable to the last 6 months of the financial year.
- (3) However, the fee payable for a new quota authority for the 21-22 financial year—
  - (a) is the proportion of the annual fee stated in new schedule 6, part 2 for the authority attributable to the last 6 months of the financial year; and
  - (b) is payable on or before 1 January 2022.
- (4) Subsection (5) applies if—
  - (a) before the commencement, the holder of an existing authority paid a fee stated in former schedule 6, part 2 for the authority for the 21-22 financial year (the ***paid amount***); and
  - (b) the paid amount is different to the fee payable for the authority for the 21-22 financial year under subsection (2) (the ***payable amount***).
- (5) The chief executive must—

- 
- (a) if the paid amount is higher than the payable amount—refund the difference between the paid amount and payable amount to the holder; or
  - (b) if the paid amount is lower than the payable amount—give the holder a written notice stating the payable amount and the date, no earlier than 1 January 2022, by which the difference between the paid amount and payable amount is due.
- (6) This section does not limit section 142 or 143.
- (7) In this section—

*existing authority* means an authority other than a new quota authority.

*former schedule 6, part 2* means schedule 6, part 2 as in force immediately before the commencement.

*new quota authority* means—

- (a) an effort unit for the Moreton Bay trawl region; or
- (b) an ENL-ITQ unit; or
- (c) a C1-ITQ unit.

*new schedule 6, part 2* means schedule 6, part 2 as in force on the commencement.

## **161 Continued application of ch 5, pt 2 to particular licences**

- (1) This section applies if the relevant period under chapter 5, part 2 for the holder of a commercial fisher licence or primary commercial fishing licence started, but did not end, before the commencement.
- (2) Chapter 5, part 2 as in force immediately before the commencement continues to apply in relation to the holder for the relevant period.

**162 Continued application of ch 5, pt 3 to particular licences**

- (1) This section applies if the relevant period under chapter 5, part 3 for the holder of a commercial fisher licence or primary commercial fishing licence started, but did not end, before the commencement.
- (2) Chapter 5, part 3 as in force immediately before the commencement continues to apply in relation to the holder for the relevant period.

**163 References to T1 effort units and T2 effort units**

In a document, if the context permits—

- (a) a reference to T1 effort units is taken to be a reference to effort units for a trawl region; and
- (b) a reference to T2 effort units is taken to be a reference to effort units for the southern offshore trawl region B.

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## Schedule 1      Prescribed acts for which authority required

### section 20

#### Taking fish for trade or commerce

Prescribed act                      taking fish for trade or commerce

Who has authority to do prescribed act      a person who holds, or is acting under, an authority authorising the person to take the fish for trade or commerce

#### Using primary boat or tender boat to take fish for trade or commerce

Prescribed act                      using a primary boat or tender boat to take fish for trade or commerce

Who has authority to do prescribed act      a person who—

- (a) holds, or is acting under, an authority authorising the person to take the fish for trade or commerce; and
- (b) holds, or is acting under, a primary commercial fishing licence authorising the use of the boat to take the fish for trade or commerce

#### Using another boat to take fish for trade or commerce

Prescribed act                      using a boat, other than a primary boat or tender boat, to take fish for trade or commerce

Who has authority to do prescribed act      a person who holds, or is acting under, an authority authorising the person to take the fish for trade or commerce using the boat

#### Selling Queensland fisheries resources before second point of sale

Prescribed act                      selling fisheries resources taken from Queensland waters other than in the following circumstances—

- (a) sale of fisheries resources as authorised under the *Fisheries (Commercial Fisheries) Regulation 2019*;
- (b) sale of fisheries resources cultivated by the seller in a way that was authorised under the Planning Act;
- (c) sale of fisheries resources bought from a person who has authority under the Act to sell the fisheries resources or from a person selling the fisheries resources as mentioned paragraph (a) or (b)

Who has authority to do prescribed act              a person who—

- (a) holds, or is acting under, an authority that authorises the sale; and
- (b) gives the person buying the fisheries resources the number of the authority

Collecting dead marine wood from unallocated State land

Prescribed act                      removing, destroying or damaging dead marine wood on unallocated State land for trade or commerce

Who has authority to do prescribed act              a person who holds, or is acting under, a resource allocation authority authorising the person to collect dead marine wood for trade or commerce from the land

Conducting charter fishing trip in offshore waters

Prescribed act                      conducting a charter fishing trip in offshore waters

Who has authority to do prescribed act              a person who holds, or is acting under, a charter fishing licence

Placing fisheries resources cultivated other than for sale

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Prescribed act	placing fisheries resources cultivated other than for sale, whether taken in or outside Queensland, in an area in Queensland
Who has authority to do prescribed act	a person who holds an authority authorising the placement of the fisheries resources in the area
Carrying out particular development in fish habitat area	
Prescribed act	carrying out development mentioned in the <i>Planning Regulation 2017</i> , schedule 24, definition <i>non-referable building work</i> , paragraph (d), in a declared fish habitat area
Who has authority to do prescribed act	a person who holds, or is acting under, a resource allocation authority authorising the person to interfere with the declared fish habitat area
Entering, or taking particular oysters from, licensed areas	
Prescribed act	entering a marked licensed area, or taking a blacklip oyster or milky oyster from a marked licensed area  where—  <b><i>marked licensed area</i></b> means an area stated on an O licence that the holder of the licence, or a person nominated by the holder, has identified by using markers and signs as the area to which the licence relates.
Who has authority to do prescribed act	a person who holds, or is acting under, an O licence on which the area is stated
Taking freshwater fish from prescribed stocked impoundment	
Prescribed act	an adult taking freshwater fish from a prescribed stocked impoundment using a fishing line

Who has authority to do prescribed act      a person who holds a stocked impoundment permit or general fisheries permit authorising the person to take the freshwater fish from the prescribed stocked impoundment using a fishing line

Releasing aquaculture fisheries resources

Prescribed act      releasing aquaculture fisheries resources into Queensland waters other than in the following circumstances—

- (a) release of fisheries resources for fisheries development relating to aquaculture carried out in a way authorised under the Planning Act;
- (b) release into private non-tidal waters of fisheries resources that are indigenous fisheries resources for the waters;
- (c) release of fisheries resources mentioned in column 2 of the below table into private non-tidal waters in the river basin mentioned opposite the resources in column 1 of the table

where—

***private non-tidal waters*** means non-tidal waters, other than waters of a waterway, on privately-owned land.

Who has authority to do prescribed act      a person who holds a general fisheries permit authorising the person to release the fisheries resources into the waters



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**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Albert	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod
Alice	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Archer	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Auburn	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Baffle	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock)
Balonne	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Barambah	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Barcoo	golden perch (Lake Eyre drainage division stock)
Barron	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Belyando	sooty grunter
Black	barramundi (mid north-east coast stock)
Border Rivers	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Bowen	sooty grunter
Boyne	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) silver perch Southern saratoga
Bremer	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Brisbane	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
Burdekin	barramundi (mid north-east coast stock) sooty grunter
Burnett	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Burrum	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Caboolture	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Calliope	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock)
Clarke	sooty grunter

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Cliffdale	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Cloncurry	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Coen	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Coleman	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Comet	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Condamine	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Cooper Creek	golden perch (Lake Eyre drainage division stock)

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Curtis Island	barramundi (south-east coast stock)
Daintree	barramundi (mid north-east coast stock) khaki grunter
Dawson	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Diamantina	golden perch (Lake Eyre drainage division stock)
Dulhunty	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Edward	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Eight Mile	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Einasleyh	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Elliott	Australian bass barramundi (south-east coast stock) silver perch
Embley	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Endeavour	barramundi (mid north-east coast stock)
Fitzroy	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Flinders	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Fraser Island	freshwater catfish (east coast drainage division stock)
Georgina	golden perch (Lake Eyre drainage division stock)
Gilbert	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Gregory	Australian bass barramundi (south-east coast stock)

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Hann (with the river basin reference number 1050)	barramundi (east coast Cape York stock) redclaw
Hann (with the river basin reference number 9102)	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Haughton	barramundi (mid north-east coast stock)
Herbert	barramundi (mid north-east coast stock) sooty grunter
Hinchinbrook Island	barramundi (mid north-east coast stock)
Holroyd	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Isaac	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Jackson	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
Jacky Jacky	barramundi (east coast Cape York stock) redclaw

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Jardine	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
Kendall	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Kolan	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) silver perch
L Creek	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Leichhardt	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Lockhart	barramundi (east coast Cape York stock) redclaw
Lockyer	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga



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**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Logan	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch
Macintyre	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Mackenzie	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Maranoa	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Maroochy	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Mary	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Mission	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Mitchell	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Moonie	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Morning	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Mornington Island	redclaw
Mossman	barramundi (mid north-east coast stock)
Mulgrave	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Mulligan	golden perch (Lake Eyre drainage division stock)
Murray	barramundi (mid north-east coast stock) khaki grunter sooty grunter

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Nebine	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Nicholson	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Nogo	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Nogoa	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoa and Plane river basins stock) Southern saratoga
Noosa	Australian bass freshwater catfish (east coast drainage division stock)
Norman	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Normanby	barramundi (east coast Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
North Johnstone	barramundi (mid north-east coast stock) khaki grunter sooty grunter
North Pine	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
O'Connell	barramundi (central east coast stock)
Olive	barramundi (east coast Cape York stock) redclaw
Palmer	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Paroo	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Pascoe	barramundi (east coast Cape York stock) redclaw
Pioneer	barramundi (central east coast stock) sooty grunter

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Plane	barramundi (central east coast stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogo and Plane river basins stock)
Ross	barramundi (mid north-east coast stock)
Russell	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Saxby	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Settlement	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Severn	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Shoalwater	barramundi (central east coast stock) freshwater catfish (east coast drainage division stock)
Skardon	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)

**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Southcoast	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
South Johnstone	barramundi (mid north-east coast stock) khaki grunter
South Pine	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Staaten	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Stanley	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
Stewart	barramundi (east coast Cape York stock) redclaw
Styx	barramundi (central east coast stock)
Thomson	golden perch (Lake Eyre drainage division stock)
Torres Strait Islands	redclaw

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**Table for release of aquaculture fisheries resources without an authority**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Tully	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Walsh	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Warrego	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Waterpark	freshwater catfish (east coast drainage division stock)
Watson	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Wenlock	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

## **Schedule 2      River basins where non-indigenous fisheries resources can not be released**

section 57(2)

- Baffle
- Barron
- Bloomfield
- Bulloo
- Curtis Island
- Daintree
- Endeavour
- Fraser Island
- Hann (with the river basin reference number 1050)
- Hinchinbrook Island
- Jacky Jacky
- Jeannie
- Lockhart
- Mossman
- Mulgrave
- Murray
- Noosa
- Normanby
- North Johnstone
- Olive
- Pascoe



- river basins comprising the Gulf of Carpentaria drainage division
- river basins comprising the Lake Eyre drainage division
- river basins comprising the Murray–Darling drainage division
- Russell
- Shoalwater
- South Johnstone
- Stewart
- Stradbroke Islands
- Tully
- Waterpark
- Whitsunday Island

## Schedule 2A Effort units for trawl regions

sections 58 and 58A

### Part 1 Conversion of T1 and T2 effort units

#### 1 Purpose of part

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

#### 1A Application of part

This part applies only to T1 effort units or T2 effort units held by a person on 22 April 2021.

#### 2 Definition for part

In this part—

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

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

- (1) This section provides for working out, for the holder of T1 effort units or T2 effort units—
  - (a) the holder's number of used T1 effort units or T2 effort units for each trawl region; and
  - (b) the holder's number of unused T1 effort units or T2 effort units.
- (2) The holder's *used* T1 effort units or T2 effort units for a trawl region are worked out—

- 
- (a) by adding up the number of the T1 effort units or T2 effort units the holder used in each of the prescribed years in the region; and
  - (b) dividing that number by 10.
- (3) The holder's *unused* T1 effort units or T2 effort units is the difference between—
- (a) the total number of T1 effort units or T2 effort units held by the holder; and
  - (b) the total number of the holder's used T1 effort units or T2 effort units for all trawl regions worked out under subsection (2).

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

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

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

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

**5 Holder may nominate trawl region for unused T1 effort units**

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

**6 Allocation of trawl region for T1 effort units**

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

## 7 Conversion of T1 and T2 effort units

The chief executive must, before 31 August 2021—

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

## 8 When conversion takes effect

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

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

## Division 1 Preliminary

### 9 Definitions for part

In this part—

*eligible licence* means an M1 or M2 licence.

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

*prescribed year* means a financial year starting on 1 July of 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 or 2016.

### 10 Issue of effort units

The chief executive must, on or before 31 August 2021, issue to each eligible person the number of effort units for the

Moreton Bay trawl region worked out under division 2 for the person.

## **11 When effort units take effect**

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

## **Division 2 Deciding number of effort units to be issued**

### **12 Process for deciding number of effort units to be issued**

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

- (a) the chief executive must decide, under section 13, each eligible person's average yearly fishing days for the Moreton Bay trawl region for the prescribed years;
- (b) the chief executive must work out, under section 14, the extra fishing days available for allocation to eligible persons and allocate them to each eligible person;
- (c) the chief executive must apply the formula and process in section 15 to decide the number of effort units for the Moreton Bay trawl region to be issued to each eligible person under this part;
- (d) if applicable, the chief executive must adjust the number of effort units for the Moreton Bay trawl region to be issued to the eligible person under section 16.

### **13 Deciding eligible person's average yearly fishing days**

- (1) An eligible person's fishing days for the Moreton Bay trawl region are the days—
  - (a) that the person used a boat in the region under an eligible licence held by the person; and

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

#### **14 Allocation of extra fishing days**

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

## 15 Deciding number of units to be issued

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

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

where—

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

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

*ED* means the number of extra fishing days for the Moreton Bay trawl region allocated to the eligible person under section 14.

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

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

## 16 Adjustment of effort units to be issued to holder of M1 licence if more than T1 holding

- (1) This section applies if, under sections 13 to 15, the number of effort units for the Moreton Bay trawl region to be issued to an eligible person who holds an M1 licence would be higher than the number (the *capped number*) of T1 effort units held by the eligible person for the licence before the conversion of the effort units under part 1.
- (2) The number of effort units for the Moreton Bay trawl region to be issued to the eligible person must be reduced to the capped number.



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**Division 3                      Effort unit certificate****17            Effort unit certificate**

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

## Schedule 2B Issue of ENL-ITQ units

section 58B

### Part 1 Interpretation

#### 1 Definitions for schedule

In this schedule—

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

- (a) taken, in the combined area of all prescribed ENL management regions, in the prescribed years; and
- (b) reported to the chief executive under an information requirement before 1 July 2018.

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

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

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

*Note—*

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

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

In this schedule—

- (a) a reference to prescribed ENL-ITQ fish in relation to an ENL-ITQ unit is a reference to the fish stated for the

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ENL-ITQ unit in the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 9, part 2; and

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

## **Part 2                      Issue of ENL-ITQ units**

### **Division 1                      General**

#### **3                      Issue of ENL-ITQ units**

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

#### **4                      When ENL-ITQ units take effect**

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

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

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

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

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

### **6                      Deciding eligible person's eligible reported catch**

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

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

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

**8 Eligible person may apply for amended eligible reported catch**

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

- (b) decide not to amend the chief executive's decision under section 6(2).
- (4) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).

## **9 Eligible person may apply for substituted eligible reported catch**

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

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

*prescribed number*, of nil history years for an eligible person, means—

  - (a) if the eligible person has only 2 nil history years—1; or
  - (b) if the eligible person has 3 or 4 nil history years—2.

## 10 Deciding total reported catch for ENL-ITQ units

The total reported catch for ENL-ITQ units is the sum of each eligible person's eligible reported catch for the units as at 21 July 2021.

## 11 Deciding number of units to be issued

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

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

where—

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

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

**N** means the following number—

- (a) for BM1-ITQ units—5,580;
- (b) for BM2-ITQ units—35,038;
- (c) for BM3-ITQ units—127,962;
- (d) for BM4-ITQ units—54,275;
- (e) for BM5-ITQ units—20,744;
- (f) for GM1-ITQ units—1,091;
- (g) for GM2-ITQ units—26,805;
- (h) for GM3-ITQ units—67,133;
- (i) for GM4-ITQ units—13,625;
- (j) for GM5-ITQ units—20,347;
- (k) for KT1-ITQ units—2,167;
- (l) for KT2-ITQ units—13,619;
- (m) for KT3-ITQ units—11,231;
- (n) for KT4-ITQ units—23,600;
- (o) for KT5-ITQ units—21,383;
- (p) for SM5-ITQ units—69,100;
- (q) for WT5-ITQ units—162,000.

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

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



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**Division 3**                      **ENL-ITQ unit certificate****12**      **ENL-ITQ certificate**

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

## Schedule 2C Issue of C1-ITQ units

section 58C

### Part 1 Interpretation

#### 1 Definitions for schedule

In this schedule—

*eligible licence* means a C1 licence.

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

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

#### 2 References to prescribed crab and prescribed crab management region

In this schedule—

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

*Note*—

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

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## **Part 2                      Issue of C1-ITQ units**

### **Division 1                General**

#### **3                      Issue of C1-ITQ units**

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

#### **4                      When C1-ITQ units take effect**

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

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

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

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

- (a) the chief executive must decide, under section 6, the eligible person's eligible reported catch for the units;
- (b) the chief executive must give the eligible person an opportunity to apply for an amendment or substitution of the chief executive's decision under section 6, as provided under sections 7 to 9;
- (c) the chief executive must work out the total reported catch for the units under section 10;
- (d) the chief executive must apply the formula and process in section 11 to decide the number of C1-ITQ units to be issued to the eligible person.

## **6 Deciding eligible person's eligible reported catch**

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

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

- (1) After deciding an eligible person's eligible reported catch for C1-ITQ units under section 6, the chief executive must give the person a written notice stating—
  - (a) the details of the person's reported catch for the units for each prescribed year; and
  - (b) the person's eligible reported catch for the units decided by the chief executive under section 6(3); and
  - (c) that the person may, within 60 days after the notice is given to the person—
    - (i) apply for an amendment of the chief executive's decision under section 6(3) as provided in section 8; or

- (ii) apply for a substitution of the chief executive's decision under section 6(3) as provided in section 9.
- (2) The chief executive must also give the eligible person an information notice for the chief executive's decision under section 6(3).

## **8 Eligible person may apply for amended eligible reported catch**

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

## **9 Eligible person may apply for substituted eligible reported catch**

- (1) The eligible person may apply to the chief executive to substitute the chief executive's decision under section 6(3) if—
- (a) prescribed crab was not taken in the prescribed crab management region under the eligible licence in 3, 4, 5 or 6 prescribed years (each a *nil history year*); and

- (b) either of the following applies for each nil history year (each a ***substitution reason*** for the nil history year)—
  - (i) the eligible person did not take prescribed crab in the prescribed crab management region because of a natural disaster or a biosecurity event under the *Biosecurity Act 2014*;
  - (ii) the eligible person did not take fish in any commercial fishery because of the person's illness or injury.
- (2) The application must—
  - (a) be made in writing; and
  - (b) include details of, and evidence supporting, the substitution reason for each nil history year.
- (3) If the eligible person applies for a substitution under subsection (1), the chief executive must—
  - (a) substitute the chief executive's decision under section 6(3); or
  - (b) decide not to substitute the chief executive's decision under section 6(3).
- (4) However, the chief executive may substitute the chief executive's decision under section 6(3) only if the chief executive is satisfied there is a substitution reason for the nil history years.
- (5) The person's substituted eligible reported catch must be worked out by substituting the person's reported catch for the C1-ITQ units for the prescribed number of nil history years with the average of the person's reported catch for the C1-ITQ units for each of the prescribed years that were not nil history years.
- (6) The chief executive must give the eligible person an information notice for the chief executive's decision under subsection (3).
- (7) In this section—

***prescribed number***, of nil history years for an eligible person, means—

- (a) if the eligible person has only 3 nil history years—1; or
- (b) if the eligible person has 4, 5 or 6 nil history years—2.

## 10 Deciding total reported catch for C1-ITQ units

The total reported catch for C1-ITQ units is the sum of each eligible person's eligible reported catch for the units as at 21 July 2021.

## 11 Deciding number of units to be issued

- (1) The number of C1-ITQ units to be issued to an eligible person is the number worked out using the following formula—

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

where—

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

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

***N*** means—

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

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

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

## **Division 3                      C1-ITQ unit certificate**

### **12            C1-ITQ certificate**

- (1) The chief executive must issue a certificate (a *C1-ITQ certificate*) to each person who holds C1-ITQ units.
- (2) The C1-ITQ certificate must state the following—
  - (a) the holder's name;
  - (b) for each type of C1-ITQ units, that the units are issued for the taking of prescribed crab in the prescribed crab management region;
  - (c) how many C1-ITQ units of each type the holder has;
  - (d) if the chief executive has imposed conditions on the C1-ITQ units under section 61 of the Act—the conditions.



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## Schedule 2D Hand-harvest ITQ units

section 58D

### 1 Purpose of schedule

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

### 2 Definitions for schedule

In this schedule—

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

*eligible person* see section 1.

*relevant fishery symbol* means—

- (a) for B1B-ITQ units, B1W-ITQ units or B1O-ITQ units—‘B1’; or
- (b) for DS-ITQ units or DO-ITQ units—‘D’; or
- (c) for G-ITQ units—‘G’; or
- (d) for J1-ITQ units—‘J1’; or
- (e) for R-ITQ units—‘R’.

### 3 References to prescribed hand-harvest ITQ fish

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

*Note—*

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

#### **4 What is an eligible person's *quota entitlement***

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

#### **5 Issue of hand-harvest ITQ units**

The chief executive must, on or before 31 August 2021, issue to each eligible person a hand-harvest ITQ unit for each kilogram of the eligible person's quota entitlement for the units worked out under section 4.

#### **6 When hand-harvest ITQ units take effect**

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

#### **7 Hand-harvest ITQ certificate**

- (1) The chief executive must issue a certificate (a *hand-harvest ITQ certificate*) to each person who holds hand-harvest ITQ units.
- (2) The hand-harvest ITQ certificate must state the following—
  - (a) the holder's name;
  - (b) for each type of hand-harvest ITQ units, that the units are issued for the taking of prescribed hand-harvest ITQ fish;

- (c) how many hand-harvest ITQ units of each type the holder has;
- (d) if the chief executive has imposed conditions on the hand-harvest ITQ units under section 61 of the Act—the conditions.

## Schedule 2E Issue of select coral ITQ units

Section 58E

### 1 Definitions for schedule

In this schedule—

*eligible person* means a person who, on 19 June 2023, holds a hand-harvest ITQ certificate for DS-ITQ units.

*hand-harvest ITQ certificate* see schedule 2D, section 7(1).

### 2 References to prescribed select coral

In this schedule, a reference to prescribed select coral in relation to a select coral ITQ unit is a reference to fish of the species of select coral under the *Fisheries (Commercial Fisheries) Regulation 2019* stated for the select coral ITQ unit in schedule 9, part 5 of that regulation.

### 3 Issue of select coral ITQ units

The chief executive must, on or before 30 June 2023, issue to each eligible person the number of select coral ITQ units worked out under section 4 for the person.

### 4 Process for deciding number of select coral ITQ units to be issued

- (1) The chief executive must decide the number of select coral ITQ units to be issued to an eligible person for prescribed select coral using the following formula—

$$\text{SC-ITQ} = \frac{\text{D} \times \text{P}}{\text{Q}}$$

where—

***SC-ITQ*** means the number of select coral ITQ units to be issued to the eligible person for fish of a species of prescribed select coral.

***D*** means the number of DS-ITQ units held by the eligible person on 19 June 2023.

***P*** means the amount of fish of the species of prescribed select coral, in kilograms, that is the prescribed commercial catch for the species under the *Fisheries Declaration 2019*.

***Q*** means the total quota entitlement for specialty coral in the coral fishery under the *Fisheries Quota Declaration 2019*.

- (2) If, after applying the formula, the number of select coral ITQ units for fish of a species of prescribed select coral is not a whole number, the number of the units to be issued is taken to be the nearest whole number, rounded up.

## **5 When select coral ITQ units take effect**

Select coral ITQ units take effect on 1 July 2023.

## **6 Select coral ITQ certificate**

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

## Schedule 3 Declared fish habitat areas

sections 77 and 78

Column 1 Name and fish habitat area plan number	Column 2 Particular areas included in or excluded from the declared fish habitat area
Annan River FHA-049	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• the tidal land and waters of lot 68 on plan BS87</li> <li>• the esplanade adjacent to lot 253 on plan BK15762 that is within the outer boundary shown on the fish habitat area plan for the area.</li> </ul> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• the area 80m upstream and downstream from the centre line of the new Cooktown Development Road Bridge that crosses the river</li> <li>• the area under, and within, 50m of the boat ramp on the northern side of Annan River</li> <li>• the road adjacent to lot 29 on CP896317.</li> </ul>
Baffle Creek FHA-031 (revision 1)	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lot 8 on plan USL43165</li> <li>• lot 46 on plan FD268</li> <li>• lot 87 on plan FD963</li> <li>• lots 114 and 115 on plan FD1124.</li> </ul> <p>The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> <li>• lot 1 on plan SP143241</li> <li>• lot 21 on plan USL43249</li> <li>• lots 32 and 84 on plan FD381</li> <li>• lot 154 on plan FD752.</li> </ul>
Balban Dara Guya (Leekes Creek) FHA-076	<p>The declared fish habitat area includes the part of the esplanade near Leekes Beach that is within the outer boundary shown on the fish habitat area plan for the area.</p>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Barr Creek FHA-035	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• lot 147 on plan NR4789</li> <li>• lot 49 on plan N157300.</li> </ul>
Bassett Basin FHA-044 (Revision 1)	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• lot 102 on SP115933</li> <li>• tidal lands on lot 284 on plan CI4227, lot 135 on plan CI4228 and lot 329 on RP893174.</li> </ul> The declared fish habitat area excludes the following— <ul style="list-style-type: none"> <li>• lots 593 and 594 on plan CI3002</li> <li>• lot 265 on plan CI3220.</li> </ul>
Beelbi FHA-030 (revision 2)	
Bohle River FHA-027 (revision 1)	The declared fish habitat area includes the tidal land on the following— <ul style="list-style-type: none"> <li>• lot 69 on plan EP2023</li> <li>• lot 474 on plan OL357.</li> </ul> The declared fish habitat area excludes land within the following lots that is not tidal land— <ul style="list-style-type: none"> <li>• lot 1 on plan AP15635</li> <li>• lot 422 on plan EP1037</li> <li>• lot 70 on plan EP2023</li> <li>• lot 505 on plan NPW643</li> <li>• lot 2 on plan SP126297.</li> </ul>
Bowling Green Bay FHA-007	The declared fish habitat area excludes land within the following lots that is not tidal land— <ul style="list-style-type: none"> <li>• lot 2 on plan VCL38596 (Bray Islet)</li> <li>• lot 3 on plan VCL38596 (Bare Islet)</li> <li>• lots 4 to 7 on plan VCL38596 (Bald Islet)</li> <li>• lot 1 on plan VCL38321 (Sand Island).</li> </ul>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Broad Sound FHA-047	The declared fish habitat area excludes the area within 5m either side of the shortest line between lot 13 on plan MC108 and lot 5 on RP889520 at either end of the corridor as shown on the fish habitat area plan for the area.
Burdekin FHA-005 (revision 1)	<p>The declared fish habitat area includes the part of lot 2727 on plan PH1250 that is within the outer boundary shown on the fish habitat area plan for the area.</p> <p>The declared fish habitat area excludes the areas under, or within 50m of, the boat ramps at the following places—</p> <ul style="list-style-type: none"> <li>• the northern side of Ocean Creek</li> <li>• the northern side of Plantation Creek</li> <li>• the northern side of Hell Hole Creek</li> <li>• the southern side of Groper Creek</li> <li>• the eastern side of Yellow Gin Creek</li> <li>• Wallace’s Landing on the western side of Yellow Gin Creek</li> <li>• the eastern side of Molongle Creek.</li> </ul> <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> <li>• lot 1 on AP2107</li> <li>• lot 1 on AP6601</li> <li>• lot 2 on AP6601</li> <li>• lot 3 on AP6601.</li> </ul>



Column 1	Column 2
Name and fish habitat area plan number	Particular areas included in or excluded from the declared fish habitat area
Burrum FHA-029 (revision 2)	<p>The declared fish habitat area excludes lot 1 on plan AP20962.</p> <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> <li>• lot 16 on plan USL34557</li> <li>• lot 45 on plan USL34559</li> <li>• lots 53 and 65 on plan C37398.</li> </ul> <p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• lot 20 on plan CK3227</li> <li>• lot 75 on plan CK3132</li> <li>• the parts of the esplanades that are tidal land between the eastern boundary of lot 11 on SP295518 and the boat ramp identified as HB51 (as shown on the fish habitat plan for the area) near Burrum Heads Road that is within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
Cape Palmerston– Rocky Dam FHA-048	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lot 3 on plan USL 39270 (Taffy Island)</li> <li>• the part of lot 4 on plan USL 39270 that is not tidal land</li> <li>• the part of lot 801 on plan NPW8 that is not tidal land.</li> </ul>
Cattle–Palm Creeks FHA-074	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• lot 479 on plan OL223</li> <li>• the part of the Cattle Creek Esplanade between Sinclaire Road and the prolongation of the south-western boundary of lot 10 on plan CAR124284</li> <li>• lots 181 and 384 on plan CWL3001</li> <li>• the tidal land within lot 545 on plan CWL666</li> <li>• the tidal land on the part of lot 382 on SP136985 that is within the outer boundary shown on the fish habitat area plan for the area.</li> </ul> <p>The declared fish habitat area excludes the part of lot 123 on plan NPW597 that is within the outer boundary shown on the fish habitat area plan for the area.</p>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Cawarral Creek FHA-050 (revision 1)	<p>The declared fish habitat area includes the part of lot 2 on SP129098 shown within the outer boundary shown on the fish habitat area plan for the area.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• the area within 30m of the centre line of the trunk water main shown on the plan</li> <li>• the area under, or within 50m of, the boat ramp on the northern side of Cawarral Creek</li> <li>• the area under, or within 50m of, the boat ramp on the southern side of Cawarral Creek.</li> </ul>
Cleveland Bay FHA-071	<p>The declared fish habitat area includes lot 66 on plan EP1755.</p>
Colosseum Inlet FHA-037	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• the tidal land on the part of lot 4 on plan FD841442 that is within the outer boundary shown on the fish habitat area plan for the area</li> <li>• lots 5, 6, 9 and 11 on plan FD841442</li> <li>• lot 10 on plan FD841442 other than the part of the lot that is described on the plan as ‘Exclusion Area’.</li> </ul> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lot 697 on plan NPW443 and the esplanades surrounding the lot</li> <li>• the esplanade along the eastern boundary of lot 21 on SP114462 and the south-eastern boundary of lot 4450 on plan PH2277</li> <li>• lot 1 on USL43258.</li> </ul>
Coombabah FHA-016	
Coomera FHA-023	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• the part of lot 91 on plan WD3199 that is within the outer boundary shown on the fish habitat area plan for the area</li> <li>• the tidal land on the part of lot 84 on plan WD814529 that is within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Corio Bay FHA-067	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• the parts of lot 130 on plan NPW811 that are tidal land as indicated on the plan as areas ‘A’ and ‘B’</li> <li>• the part of lot 130 on plan NPW811 indicated on the plan as area ‘C’</li> <li>• lots 9 to 14 on plan PS104.</li> </ul>
Currumbin Creek FHA-020	The declared fish habitat area includes lots 260 and 261 on plan WD5078.
Dallachy Creek FHA-042	The declared fish habitat area excludes the part of lot 771 on plan NPW437 that is not tidal land.
Deception Bay FHA-013 (revision 3)	The declared fish habitat area includes lots 1 and 2 on AP5183.
De-ral-li (Calliope River) FHA-075	
Edgecumbe Bay FHA-069	
Eight Mile Creek FHA-063	
Elliott River FHA-052 (revision 1)	The declared fish habitat area excludes lot 21 on plan C371349. The declared fish habitat area includes the part of the esplanade adjoining the eastern boundaries of lot 11 on RP171643, lot 7 on RP909282 and lot 8 on RP93267, that is within the outer boundary shown on the fish habitat area plan for the area.
Escape River FHA-060	
Eurimbula FHA-038	The declared fish habitat area excludes the land within lot 35 on plan NPW865 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.

Column 1	Column 2
Name and fish habitat area plan number	Particular areas included in or excluded from the declared fish habitat area
Fitzroy River FHA-072 (revision 1)	The declared fish habitat area includes lot 18 on plan DS727. The declared fish habitat area excludes the following— <ul style="list-style-type: none"> <li>• the part of lot 169 on plan DT40169 that is not tidal land</li> <li>• the esplanade surrounding lot 535 on plan NPW714.</li> </ul>
Half Moon Creek FHA-033	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• lot 34 on SP113641</li> <li>• the part of lot 50 on plan USL9567 that is within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
Halifax FHA-024	The declared fish habitat area includes the part of lot 408 on CP91644 that is within the outer boundary shown on the fish habitat area plan for the area. The declared fish habitat area excludes the following— <ul style="list-style-type: none"> <li>• the parts of lot 15 on plan USL39609 and lot 72 on plan CWL1870 that are not tidal land</li> <li>• Halifax-Lucinda Point Road</li> <li>• Gentle Annie Creek Road</li> <li>• the small parcels shown and described on the fish habitat area plan for the area as 'area A'.</li> </ul>
Hays Inlet FHA-012	The declared fish habitat area excludes the following— <ul style="list-style-type: none"> <li>• the area (the <i>excluded area</i>) of Hays Inlet between the prolongation across the inlet of the northern and southern boundaries of lot 23 on RP210075</li> <li>• the area within 20m of the excluded area.</li> </ul>
Hinchinbrook FHA-028	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• lot 1 on plan CWL1111</li> <li>• lot 165 on plan CWL3150</li> <li>• the part of lot 18 on plan NPW529 within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
Hull River FHA-046	The declared fish habitat area excludes the land within lot 113 on plan NPW631 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Jumpinpin– Broadwater FHA–021 (revision 2)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• the esplanade surrounding lot 4 on plan WD2140;</li> <li>• lot 6 on plan WD2107</li> <li>• lot 4 on plan WD2140</li> <li>• lots 1 and 2 on plan SP267495;</li> <li>• the parts of the following lots that are within the outer boundary shown on the fish habitat area plan for the area— <ul style="list-style-type: none"> <li>• lot 91 on plan WD3199</li> <li>• lot 273 on plan SP180240</li> <li>• lots 274 and 275 on plan WD131</li> <li>• lots 264 and 266 on plan WD132</li> <li>• lot 271 on WD3598</li> <li>• lot 262 on plan W31252.</li> </ul> </li> </ul>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Jumpinpin– Broadwater FHA–021 (revision 2) (continued)	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• the land that is not tidal land in Southern Moreton Bay Islands National Park within the outer boundary shown on the fish habitat area plan for the area;</li> <li>• lot 21 on W31475</li> <li>• lots 243, 244 and 245 on plan W31330</li> <li>• lot 1 on plan AP7164</li> <li>• the small parcels (on Short Island) shown and described on the fish habitat area plan for the area as ‘Area “A”’</li> <li>• the area adjoining Cobby Cobby Island, identified on the fish habitat area plan for the area as ‘Exclusion Area’, that is 50m wide and 160m long and adjoins the north-eastern boundary of lot 408 on plan NPW645 starting at the most northern tip of the lot</li> <li>• the area adjoining Tabby Tabby Island, identified on the fish habitat area plan for the area as ‘Exclusion Area’, that is 50m wide and the length of, and adjoins, the western boundary of lot 243 on plan W31330</li> <li>• the 2 areas on Woogoompah Island— <ul style="list-style-type: none"> <li>• identified on the fish habitat area plan for the area as ‘Exclusion Areas (Oyster Industry Storage)’; and</li> <li>• each having part of its boundary on the south-eastern boundary of lot 408 on plan NPW645; and</li> <li>• described in table 1 of the document called ‘Oyster industry plan for Moreton Bay Marine Park’, dated December 2015 and published on the department’s website.</li> </ul> </li> </ul>
Kauri Creek FHA–055 (revision 1)	<p>The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> <li>• lot 3 on plan USL37849</li> <li>• lot 26 on plan MCH5091</li> <li>• lot 506 on plan NPW555.</li> </ul>
K’gari FHA–053	

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Kinkuna FHA-002 (revision 2)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>(a) the part of lot 112 on plan CK3120 within the outer boundary shown on the fish habitat area plan for the area</li> <li>(b) the part of the esplanade on the northern bank of Coonar Creek within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
Kippa-Ring FHA-014 (revision 1)	
Kolan River FHA-032 (revision 1)	<p>The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> <li>• lot 9 on plan USL43090</li> <li>• lot 12 on plan USL43095</li> <li>• lot 27 on plan USL43085</li> <li>• lot 49 on CP844223</li> <li>• lots 54 and 58 on plan USL43100</li> <li>• lot 59 on CP892216</li> <li>• lot 66 on plan CK2294</li> <li>• lot 90 on plan C37415</li> <li>• lots 92 and 189 on plan CK3500.</li> </ul>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
<p>Maaroom FHA-056 (revision 1)</p>	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lot 8 on plan USL34791</li> <li>• lot 13 on plan FS84</li> <li>• lot 14 on plan MCH1501</li> <li>• lot 41 on plan MCH2695</li> <li>• lot 47 on plan MCH3043.</li> </ul> <p>The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> <li>• lot 1 on plan AP21285</li> <li>• lot 1 on plan AP21287</li> <li>• lot 1 on plan AP23486</li> <li>• lot 4 on plan AP2756</li> <li>• lots 4, 5, 7, 8, 9 and 10 on plan USL34794</li> <li>• lots 7, 8, 9, 10 and 15 on plan USL34793</li> <li>• lot 9 on plan SP219811</li> <li>• lots 10 and 15 on plan USL36934</li> <li>• lot 17 on plan AP20933</li> <li>• lot 25 on plan SP107058</li> <li>• lot 38 on plan MCH3464</li> <li>• lot 46 on plan MCH5105</li> <li>• lot 49 on plan MCH3542</li> <li>• lot 506 on plan NPW555.</li> </ul>
<p>Margaret Bay (Wuthathi) FHA-070 (Revision 1)</p>	



Column 1	Column 2
Name and fish habitat area plan number	Particular areas included in or excluded from the declared fish habitat area
Maroochy FHA-008 (revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• the parts of the road and esplanade that are north of Channel Island and within the outer boundary shown on the fish habitat area plan for the area</li> <li>• the tidal land on lot 721 on plan CG5072 (Chambers Island).</li> </ul> <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> <li>• lot 3 on RP43727</li> <li>• lot 3 on RP48355</li> <li>• lot 361 on plan CG4295</li> <li>• lot 428 on plan C31740</li> <li>• lot 509 on plan NPW594.</li> </ul>
Meunga Creek FHA-040	
Midge FHA-001	The declared fish habitat area excludes land on Gould Island, Midge Island, Cave Island and Pigeon Island, that is not tidal land.
Moreton Banks FHA-015	
Morning Inlet-Bynoe River FHA-062	
Murray River FHA-009	
Myora-Amity Banks FHA-017	The declared fish habitat area includes lot 152 on plan SL806436.
Nassau River FHA-059	

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Noosa River FHA-051 (Revision 2)	<p>The declared fish habitat area includes the tidal land within the following lots—</p> <ul style="list-style-type: none"> <li>• lot 35 on plan MCH4795</li> <li>• lots 140 and 144 to 148 on plan MCH4796</li> <li>• lot 168 on CP849516</li> <li>• lot 307 on plan MCH4551</li> <li>• lots 34 and 35 on plan MCH5214.</li> </ul> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lots 55 and 386 on plan MCH1667</li> <li>• the land within lot 21 on plan NPW659 and lot 3 on plan USL30873 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
Peel Island FHA-010	<p>The declared fish habitat area excludes land within lot 12 on plan VCL32998 that is not tidal land.</p>
Pimpama FHA-022	<p>The declared fish habitat area includes lots 88 and 89 on plan WD6507.</p>
Pine River Bay FHA-073	<p>The declared fish habitat area includes the tidal lands on lots 4, 5, 6, 7 and 8 on plan WP50.</p>
Princess Charlotte Bay FHA-043	<p>The declared fish habitat area includes the part of lot 10 on plan SD19 that is shown within the boundary of the declared fish habitat area.</p> <p>The declared fish habitat area excludes the part of lot 16 on SP224292 that is not tidal land.</p>
Pumicestone Channel FHA-011 (revision 1)	<p>The declared fish habitat area excludes the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.</p>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Repulse FHA-004	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area</li> <li>• the area within 200m of the outer boundary, between 200m north and 200m south of the main building of the Newry Island Resort on Newry Island</li> <li>• the area between the outer boundary and the midstream line of Victor Creek and points 200m either side of the boat ramp (near Seaforth) marked 'A' on the plan</li> <li>• the area within 200m of a line running north-west from the northernmost point of Skull Knob to the nearest point of the outer boundary then along the outer boundary at St. Helens Beach to a point 1km west of Carpet Snake Point.</li> </ul>
Rodds Harbour FHA-036	
Sand Bay FHA-006 (Revision 1)	
Seventeen Seventy-Round Hill FHA-018	
Silver Plains FHA-057	<p>The declared fish habitat area includes the part of lot 10 on plan SD19 that is shown within the boundary of the declared fish habitat area.</p>
Staaten-Gilbert FHA-061	
Starcke River (Ngulun) FHA-068	<p>The declared fish habitat area includes the land within lot 18 on SP104580 that is tidal land within the outer boundary shown on the fish habitat area plan for the area.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> <li>• lot 7 on CP892329</li> <li>• the 150m x 350m area at the mouth of the Starcke River shown and described on the plan as 'Future Exclusion Area'.</li> </ul>

<b>Column 1</b>	<b>Column 2</b>
<b>Name and fish habitat area plan number</b>	<b>Particular areas included in or excluded from the declared fish habitat area</b>
Susan River FHA-054 (revision 1)	
Tallebudgera Creek FHA-019	The declared fish habitat area includes lot 94 on plan WD6256.
Temple Bay FHA-058	The declared fish habitat area includes the following— <ul style="list-style-type: none"><li>• the part of the esplanade that is shown on the fish habitat area plan for the area as within the boundary of the area</li><li>• the part of lot 152 on SP171834 that is tidal land south of latitude 12°20'25" and within the boundary of the declared fish habitat area.</li></ul>
Tin Can Inlet FHA-064 (revision 1)	

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Trinity Inlet FHA-003 (Revision 3)	<p>The declared fish habitat area includes the following—</p> <p>(a) the following lots—</p> <ul style="list-style-type: none"> <li>• lots 1 to 4 on plan C19823</li> <li>• lot 51 on plan NR3159</li> <li>• lot 92 on plan NR3051</li> <li>• lot 153 on plan NR4373</li> <li>• lot 36 on AP7416</li> <li>• lots 4 and 5 on AP12175</li> <li>• lot 4 on AP21277</li> <li>• lots 1 to 4 on AP12174</li> <li>• lot 1 on AP9494</li> <li>• lot 1 on SP222769;</li> </ul> <p>(b) the parts of the following lots that are within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> <li>• lot 1 on RP736304</li> <li>• lots 40, 41 and 771 on SP113657</li> <li>• lot 12 on AP3442</li> <li>• lot 146 on SP129134</li> <li>• lot 45 on AP3448</li> <li>• lots 14 and 18 on SP155099</li> <li>• lots 4, 773 and 775 on SP218291</li> <li>• lot 19 on SP214821</li> <li>• lot 4 on SP264282.</li> </ul>

<b>Column 1</b> <b>Name and fish habitat area plan number</b>	<b>Column 2</b> <b>Particular areas included in or excluded from the declared fish habitat area</b>
Trinity Inlet FHA-003 (Revision 3) (continued)	<p>The declared fish habitat area excludes—</p> <p>(a) the following—</p> <ul style="list-style-type: none"> <li>• lot 1 on RP738764</li> <li>• lot 1 on AP7415</li> <li>• the area within 10m of the centre line of the vehicular track from Airport Avenue to the Sand Stockpile on lot 1 on RP736304</li> <li>• the Sand Stockpile on lot 1 on RP736304</li> <li>• the area within 10m of the centre line of the vehicular track that crosses lot 151 on plan NR4172; and</li> </ul> <p>(b) the following esplanades—</p> <ul style="list-style-type: none"> <li>• the esplanade adjacent to lot 1 on RP736304 and Airport Avenue</li> <li>• the esplanade on the northern side of Pine Creek</li> <li>• the esplanade adjacent to lot 34 on plan USL9876</li> <li>• the esplanade adjacent to lot 36 on plan AP7416</li> <li>• the esplanade adjacent to part of lot 111 on plan NR7962</li> <li>• the esplanade adjacent to lot 158 on plan NR5877</li> <li>• the esplanades surrounding Mackey Creek; and</li> </ul> <p>(c) the roads surrounding Simmonds Creek.</p>
Tully River FHA-045	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> <li>• lot 116 on plan CWL2112</li> <li>• that part of lot 234 on plan CWL1830 within the outer boundary shown on the fish habitat area plan for the area.</li> </ul>
West Hill FHA-039	<p>The declared fish habitat area includes the part of lot 1 on plan PER3963 that is tidal land.</p> <p>The declared fish habitat area excludes the part of lot 156 on plan NPW878 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.</p>
Wreck Creek FHA-041	<p>The declared fish habitat area excludes the lands that are not tidal on lot 771 on plan NPW437 within the outer boundary shown on the fish habitat area plan for the area.</p>

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<b>Column 1</b>	<b>Column 2</b>
<b>Name and fish habitat area plan number</b>	<b>Particular areas included in or excluded from the declared fish habitat area</b>
Yorkey's Creek FHA-034 (Revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"><li>• lot 105 on plan AP7001</li><li>• lot 139 on plan NR3818.</li></ul> <p>The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"><li>• lot 75 on plan USL9604</li><li>• lot 12 on plan USL9940</li><li>• lot 16 on plan USL9940.</li></ul>

## Schedule 4      Matters for particular fisheries offences under the Act

sections 97 and 98

### Part 1      Prescribed quantities for priority fish

Priority fish	Commercial quantity		
	number	volume (L)	weight equivalent (kg)
barramundi	25		55
black jewfish	5		17.5 (or 2 if only bladders)
mud crab	35		28 (or 14 if only meat)
Murray cod	10		30
prawn		50	
ray	5		25 (or 5 if only fins)
redthroat emperor	40		40
regulated coral trout	35		35
sea cucumber	25		25
shark	5		25 (or 5 if only fins)
snapper	20		20
spanish mackerel	15		50
tropical rocklobster	25		25



**Part 2****Waters in which  
non-indigenous fisheries  
resources may be released****Column 1****Queensland waters**

Albert river basin

Auburn river basin

Barambah river basin

Barron river basin

Belyando river basin

Bowen river basin

Boyne river basin

**Column 2****Non-indigenous fisheries resources**

Australian lungfish

golden perch

Mary River cod

Australian bass

barramundi

golden perch

silver perch

Southern saratoga

Australian bass

barramundi

golden perch

silver perch

Southern saratoga

khaki grunter

sooty grunter

sooty grunter

sooty grunter

silver perch

Southern saratoga

<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Bremer river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Brisbane river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Burdekin river basin	sooty grunter
Burnett river basin	Australian bass golden perch silver perch Southern saratoga
Burrum river basin	Australian bass golden perch silver perch Southern saratoga
Caboolture river basin	golden perch Mary River cod silver perch
Comet river basin	barramundi

<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Dawson river basin	barramundi silver perch
Fitzroy river basin	silver perch
Gregory river basin	Australian bass
Kolan river basin	Australian bass silver perch
Lake Borumba	Southern saratoga
Lake Macdonald	Southern saratoga
Lockyer river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Logan river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Mackenzie river basin	barramundi
Maroochy river basin	golden perch Mary River cod silver perch
Mary river basin	Australian bass

<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
	golden perch
	silver perch
Nogoa river basin	barramundi
	silver perch
Nogo river basin	Australian bass
	barramundi
	golden perch
	silver perch
	Southern saratoga
North Pine river basin	Australian lungfish
	golden perch
	Mary River cod
	silver perch
	Southern saratoga
Southcoast river basin	Australian lungfish
	golden perch
	silver perch
	Southern saratoga
South Pine river basin	Australian lungfish
	golden perch
	Mary River cod
	silver perch
Stanley river basin	Australian bass

**Column 1**

**Queensland waters**

**Column 2**

**Non-indigenous fisheries resources**

Australian lungfish

golden perch

Mary River cod

silver perch

Southern saratoga

## Schedule 5 Fees for resource allocation authorities and fish movement exemption notices

section 137

### Part 1 Resource allocation authorities

	Fee units
1 Assessment of application for resource allocation authority (Act, s 54(1)(b))—	
(a) for a prescribed declared fish habitat area development—	
(i) for a level 1 assessment	636.95
(ii) for a level 2 assessment	1,961.70
(iii) for a level 3 assessment	3,760.10
(iv) for a level 4 assessment	7,682.40
(v) for a level 5 assessment	19,125.45
(b) for a development that is—	
(i) building work mentioned in the <i>Planning Regulation 2017</i> , schedule 24, definition <i>non-referable building work</i> , paragraph (d); or	
(ii) operational work impacting on marine plants that are dead marine wood on unallocated State land for trade or commerce	636.95
(c) for prescribed aquaculture development—	
(i) for a level 1 assessment	636.95
(ii) for a level 2 assessment	1,961.70

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(iii) for a level 3 assessment	3,760.10
(iv) for a level 4 assessment	7,682.40
(v) for a level 5 assessment	19,125.45
2 Assessment of application for renewal of resource allocation authority (Act, s 56(4)(b))	636.95

## Part 2 Fish movement exemption notices

	Fee units
1 Assessment of application for fish movement exemption notice (Act, s 76E(2)(b))—	
(a) for a level 1 assessment	636.95
(b) for a level 2 assessment	1,961.70
(c) for a level 3 assessment	3,760.10
(d) for a level 4 assessment	7,682.40
(e) for a level 5 assessment	19,125.45

**Schedule 6      Other fees**sections 139(1), 140, 141(5), definition *additional administrative fee***Part 1                      Fees for licences**

	<b>Fee units</b>
1    Application for issue of a licence (Act, s 54(1)(b))	346.85
2    Annual fee	346.85
3    Additional administrative fee if annual fee paid in 2 payments (s 141(5))	33.95

**Part 2                      Fees for fishery symbols or quota authorities**

<b>Fishery symbol or quota authority</b>	<b>Fee units</b>
<b>East coast trawl fishery</b>	
M1	nil
M2	402.35
T1	nil
T2	nil
T5	402.35
T6	402.35
T7	402.35
T8	402.35
T9	402.35
effort unit for a trawl region	0.42
<b>Commercial line fisheries</b>	



<b>Fishery symbol or quota authority</b>	<b>Fee units</b>
L1	402.35
L2	402.35
L3	402.35
L4	1,179.00
L8	1,179.00
<b>Commercial net fisheries</b>	
K1	804.65
K2	804.65
K3	804.65
K4	804.65
K5	804.65
K6	804.65
K7	804.65
K8	804.65
N3	1,526.05
N10	1,179.00
N11	208.05
N12	24,243.05
N13	13,468.40
ENL-ITQ unit	0.10
<b>Commercial crab fisheries</b>	
C1	402.35
C2	nil
C3	402.35
C2-ITQ unit	1.04
BC1-ITQ unit	3.48
EC1-ITQ unit	2.43
GC1-ITQ unit	3.88
<b>Hand-harvest fisheries</b>	
A1	402.35

## Schedule 6

<b>Fishery symbol or quota authority</b>	<b>Fee units</b>
A2	131.80
E	131.80
F	131.80
G	131.80
H	131.80
JE	131.80
O	69.36/area
P	402.35
W1	131.80
W2	131.80
Y	131.80
B1B-ITQ unit	0.14
B1W-ITQ unit	0.14
B1O-ITQ unit	0.14
DO-ITQ unit	0.07
DS-ITQ unit	0.07
J1-ITQ unit	0.14
R-ITQ unit	0.42/unit
DS22-ITQ unit	nil
DS23-ITQ unit	nil
DS28-ITQ unit	nil
DS36-ITQ unit	nil
DS39-ITQ unit	nil
DS48-ITQ unit	nil
DS74-ITQ unit	nil
<b>Other commercial fisheries</b>	
SM	nil
SM unit	0.21
T4	402.35
T4-ITQ unit	0.04

<b>Fishery symbol or quota authority</b>	<b>Fee units</b>
RQ	nil
CT line unit	0.42
OS line unit	0.21
RTE line unit	0.21

### **Part 3                      Other fees**

	<b>Fee units</b>
1 Application for developmental fishing permit (Act, s 54(1)(b))	6,520.05
2 Application for indigenous fishing permit (Act, s 54(1)(b))	nil
3 Application for stocked impoundment permit (Act, s 54(1)(b))—	
(a) if the permit is issued for 1 week	12.00
(b) if the permit is issued for 1 year to a person who holds—	
(i) a Queensland Government seniors card; or	
(ii) any of the following cards issued by the Commonwealth department in which the <i>Social Security Act 1991</i> (Cwlth) or the <i>Veterans' Entitlements Act 1986</i> (Cwlth) is administered—	
(A) a pensioner concession card;	
(B) a health care card;	
(C) a repatriation health card for all conditions	41.00
(c) if the permit is issued for 1 year to a person other than a person mentioned in paragraph (b)	57.00

	<b>Fee units</b>
4 Application for a filleting permit or general fisheries permit (Act, s 54(1)(b))	346.85
5 Request to amend a licence under section 63(4)(d) of the Act—	
(a) if the request is to replace a boat identified in the licence	173.45
(b) otherwise	at reasonable cost, but no more than actual cost
6 Application to move a fishery symbol to another licence ( <i>Fisheries (Commercial Fisheries) Regulation 2019</i> , section 62(3)(b)(i))	173.45
7 Application to register the transfer of an authority (Act, s 65A(4))—	
(a) for a temporary transfer under s 65C of the Act	34.75
(b) otherwise	173.45
8 Application for a replacement authority (Act, s 71(2)(b))	34.75
9 Fee for a person to inspect, take extracts from, or obtain a copy of details in, the register (Act, s 73(4))	the reasonable cost, but no more than the actual cost, of allowing the person to inspect, take extracts from, or obtain a copy of details in, the register
10 Application for a certificate about an authority (Act, s 74(3))	173.45

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## Schedule 7      References relating to particular fish

section 16

### Part 1                      Scientific names for fish

#### 1            Definitions for part

In this part—

*alternative*, in relation to a scientific name for a species of fish, includes a variation of the name.

*prescribed reference document* see section 3(1)(a).

*species* includes another taxonomic grouping.

#### 2            Scientific names generally

The scientific name for a species of fish mentioned in column 1 of a table in this schedule is the scientific name stated opposite the species of fish in column 2.

#### 3            Relevant reference documents

The scientific name for a species of fish mentioned in a provision follows—

- (a) generally—the scientific name for the species stated in a document mentioned in part 7 (a *prescribed reference document*); or
- (b) if scientific names for the species, including alternative scientific names, are stated in more than 1 prescribed reference document—the scientific name for the species stated in the prescribed reference document with the lowest item number.

#### **4 Different scientific name in prescribed reference document**

- (1) This section applies if—
  - (a) a provision (the *relevant provision*) refers to a scientific name for a species of fish; and
  - (b) either of the following applies—
    - (i) the scientific name for the species of fish stated in a prescribed reference document is amended;
    - (ii) the scientific name for the species of fish is not stated in a prescribed reference document but an alternative scientific name for the same species is stated in a prescribed reference document; and
  - (c) because of the matter mentioned in paragraph (b), section 3 cannot be applied to the reference to the scientific name for the species of fish in the relevant provision.
- (2) The reference to the scientific name for the species of fish in the relevant provision may, if the context permits, be taken to be a reference to—
  - (a) if subsection (1)(b)(i) applies—the scientific name for the species of fish as stated in the prescribed reference document after the amendment; or
  - (b) if subsection (1)(b)(ii) applies—the alternative scientific name for the species of fish stated in the prescribed reference document.

## **Part 2 Regulated coral reef fin fish**

### **1 Reference to group of regulated coral reef fin fish includes other taxonomic grouping**

A reference to a group of species of fish identified in a table in this part is a reference to a group consisting of each species of fish expressly mentioned in the table and each other taxonomic grouping of the fish.

**Table 1—Particular cod and grouper**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
barramundi cod	<i>Cromileptes altivelis</i>
bar rockcod	<i>Epinephelus ergastularius</i> and <i>Epinephelus septemfasciatus</i>
bass groper	<i>Polyprion americanus</i>
birdwire rockcod	<i>Epinephelus merra</i>
blacksaddle rockcod	<i>Epinephelus howlandi</i>
blacktip rockcod	<i>Epinephelus fasciatus</i>
bluelined rockcod	<i>Cephalopholis formosa</i>
bluespotted rockcod	<i>Cephalopholis cyanostigma</i>
brownbarred rockcod	<i>Cephalopholis boenak</i>
camouflage grouper	<i>Epinephelus polyphekadion</i>
Chinaman rockcod	<i>Epinephelus rivulatus</i>
comet grouper	<i>Epinephelus morrhua</i>
coral grouper	<i>Epinephelus corallicola</i>
coral rockcod	<i>Cephalopholis miniata</i>
dot-head rockcod	<i>Cephalopholis microprion</i>
eightbar grouper	<i>Epinephelus octofasciatus</i>
flagtail rockcod	<i>Cephalopholis urodeta</i>
flowery rockcod	<i>Epinephelus fuscoguttatus</i>
foursaddle grouper	<i>Epinephelus spilotoceps</i>
greasy rockcod	<i>Epinephelus tauvina</i>
hapuku	<i>Polyprion oxygeneios</i>

**Table 1—Particular cod and grouper**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
highfin grouper	<i>Epinephelus maculatus</i>
leopard rockcod	<i>Cephalopholis leopardus</i>
longfin rockcod	<i>Epinephelus quoyanus</i>
Maori rockcod	<i>Epinephelus undulatostriatu</i>
peacock rockcod	<i>Cephalopholis argus</i>
potato rockcod	<i>Epinephelus tukula</i>
purple rockcod	<i>Epinephelus cyanopodus</i>
Queensland groper	<i>Epinephelus lanceolatus</i>
radiant rockcod	<i>Epinephelus radiatus</i>
redmouth rockcod	<i>Aethaloperca rogaa</i>
sixband rockcod	<i>Cephalopholis sexmaculata</i>
sixbar grouper	<i>Epinephelus sexfasciatus</i>
snubnose grouper	<i>Epinephelus macrospilos</i>
speckled grouper	<i>Epinephelus magniscuttis</i>
specklefin grouper	<i>Epinephelus ongus</i>
strawberry rockcod	<i>Cephalopholis spiloparaea</i>
thinspine grouper	<i>Gracila albomarginata</i>
tomato rockcod	<i>Cephalopholis sonnerati</i>
whitelined rockcod	<i>Anyperodon leucogrammicus</i>
whitespotted grouper	<i>Epinephelus coeruleopunctatus</i>
wirenet rockcod	<i>Epinephelus hexagonatus</i>
yellowspotted rockcod	<i>Epinephelus areolatus</i>



**Table 2—Particular coral trout**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
barcheek coral trout	<i>Plectropomus maculatus</i>
bluespotted coral trout	<i>Plectropomus laevis</i>
common coral trout	<i>Plectropomus leopardus</i>
coral trout	<i>Plectropomus</i> spp. and <i>Variola</i> spp.
passionfruit coral trout	<i>Plectropomus areolatus</i>
vermicular cod	<i>Plectropomus oligacanthus</i>
white-edge coronation trout	<i>Variola albimarginata</i>
yellowedge coronation trout	<i>Variola louti</i>

**Table 3—Particular emperor**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
bigeye seabream	<i>Monotaxis grandoculis</i>
collar seabream	<i>Gymnocranius audleyi</i>
goldspot seabream	<i>Gnathodentex aureolineatus</i>
longnose emperor	<i>Lethrinus olivaceus</i>
miscellaneous emperor, other than grass emperor	<i>Lethrinus</i> spp., other than <i>Lethrinus laticaudis</i>
Mozambique seabream	<i>Wattsia mossambica</i>
orangespotted emperor	<i>Lethrinus erythracanthus</i>
orangestriped emperor	<i>Lethrinus obsoletus</i>
ornate emperor	<i>Lethrinus ornatus</i>
paddletail seabream	<i>Gymnocranius euanus</i>

**Table 3—Particular emperor**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
spotcheek emperor	<i>Lethrinus rubrioperculatus</i>
redspot emperor	<i>Lethrinus lentjan</i>
redthroat emperor	<i>Lethrinus miniatus</i>
Robinson's seabream	<i>Gymnocranius grandoculis</i>
seabream	<i>Gymnocranius</i> spp.
spangled emperor	<i>Lethrinus nebulosus</i>
threadfin emperor	<i>Lethrinus genivittatus</i>
thumbprint emperor	<i>Lethrinus harak</i>
variegated emperor	<i>Lethrinus variegatus</i>
yellowlip emperor	<i>Lethrinus xanthochilus</i>
yellowtail emperor	<i>Lethrinus atkinsoni</i>

**Table 4—Fusilier**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
fusilier	family Caesionidae

**Table 5—Particular parrotfish**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
bicolour parrotfish	<i>Cetoscarus bicolor</i>
bumphead parrotfish	<i>Bolbometopon muricatum</i>
miscellaneous parrotfish	family Scaridae

**Table 6—Particular surgeonfish**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
surgeonfish	<i>Acanthurus</i> spp. and <i>Ctenochaetus</i> spp.
unicornfish	<i>Naso</i> spp. and <i>Prionurus</i> spp.

**Table 7—Particular sweetlip**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
miscellaneous sweetlip	<i>Plectorhinchus</i> spp.
painted sweetlip	<i>Diagramma pictum labiosum</i>

**Table 8—Particular tropical snapper and seaperch**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
bigeye snapper	<i>Lutjanus lutjanus</i>
black-and-white snapper	<i>Macolor niger</i>
blackspot snapper	<i>Lutjanus fulviflamma</i>
blacktail snapper	<i>Lutjanus fulvus</i>
bluestriped snapper	<i>Lutjanus kasmira</i>
brownstripe snapper	<i>Lutjanus vitta</i>
Chinamanfish	<i>Symphorus nematophorus</i>
crimson snapper	<i>Lutjanus erythropterus</i>
darktail snapper	<i>Lutjanus lemniscatus</i>
fiveline snapper	<i>Lutjanus quinquelineatus</i>
flame snapper	<i>Etelis coruscans</i>

**Table 8—Particular tropical snapper and seaperch**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
goldband snapper	<i>Pristipomoides multidentis</i> and <i>Pristipomoides typus</i>
green jobfish	<i>Aprion virescens</i>
hussar	<i>Lutjanus adetii</i>
lavender snapper	<i>Pristipomoides sieboldii</i>
Maori snapper	<i>Lutjanus rivulatus</i>
midnight snapper	<i>Macolor macularis</i>
miscellaneous jobfish and snapper, other than mangrove jack and golden snapper	<i>Aphareus</i> spp., <i>Etelis</i> spp., <i>Pristipomoides</i> spp., and <i>Lutjanus</i> spp., other than <i>Lutjanus</i> <i>argentimaculatus</i> and <i>Lutjanus</i> <i>johnii</i>
Moses snapper	<i>Lutjanus russelli</i>
onespot snapper	<i>Lutjanus monostigma</i>
paddletail	<i>Lutjanus gibbus</i>
red bass	<i>Lutjanus bohar</i>
red emperor	<i>Lutjanus sebae</i>
rosy snapper	<i>Pristipomoides filamentosus</i>
ruby snapper	<i>Etelis carbunculus</i>
saddletail snapper	<i>Lutjanus malabaricus</i>
sailfin snapper	<i>Symphorichthys spilurus</i>
smalltooth jobfish	<i>Aphareus furca</i>
stripey snapper	<i>Lutjanus carponotatus</i>

**Table 9—Particular wrasse**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
anchor tuskfish	<i>Choerodon anchorago</i>
blackspot tuskfish	<i>Choerodon schoenleinii</i>
blue tuskfish	<i>Choerodon cyanodus</i>
humphead Maori wrasse	<i>Cheilinus undulatus</i>
pigfish	<i>Bodianus</i> spp.
purple tuskfish	<i>Choerodon cephalotes</i>
redbreast Maori wrasse	<i>Cheilinus fasciatus</i>
tripletail Maori wrasse	<i>Cheilinus trilobatus</i>
Venus tuskfish	<i>Choerodon venustus</i>

## **Part 3**                      **Particular non-indigenous fish**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
African mono	<i>Monodactylus sebae</i>
angel fish	<i>Pterophyllum</i> spp.
archerfish	<i>Toxotes jaculatrix</i>
Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>
armoured (cory) catfish	<i>Corydoras</i> spp.
asoka barb	<i>Puntius asoka</i>
auratus	<i>Melanochromis auratus</i>
banded barb	<i>Barbodes pentazona</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
banded leporinus	<i>Leporinus fasciatus</i>
betta	<i>Betta</i> spp.
big-spot rasbora	<i>Rasbora kalochroma</i>
bitterling	<i>Rhodeus amarus</i> and <i>Rhodeus sericeus</i>
black-banded headstander	<i>Chilodus punctatus</i>
black-banded osteochilus	<i>Osteochilus vittatus</i>
black-finned rummy-nose	<i>Petitella georgiae</i>
black ghost knife fish	<i>Apteronotus albifrons</i>
black-line silver hatchet fish	<i>Gasteropelecus</i> spp.
black phantom tetra	<i>Megalamphodus megalopterus</i>
black ruby barb	<i>Puntius nigrofasciatus</i>
black shark	<i>Morulius chrysophekadion</i>
black-spot filament barb	<i>Puntius filamentosus</i>
black-spotted upsidedown catfish	<i>Synodontis nigriventris</i>
black tetra	<i>Gymnocorymbus ternetzi</i>
blind cave tetra	<i>Astyanax mexicanus</i>
blue acara	<i>Aequidens pulchrus</i>
blue gourami	<i>Trichogaster trichopterus</i>
blue line rasbora	<i>Rasbora taeniata</i>
brichardi	<i>Lamprologus brichardi</i>
bumblebee fish	<i>Brachygobius</i> spp.
butterfly fish	<i>Pantodon buchholzi</i>
cardinal tetra	<i>Paracheirodon axelrodi</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
Celebes rainbow	<i>Telmatherina ladigesi</i>
chalinochromis	<i>Chalinochromis</i> spp.
checkerboard barb	<i>Capoeta oligolepis</i>
cherry barb	<i>Capoeta titteya</i>
Chinese algae eater	<i>Gyrinocheilos aymonieri</i>
chocolate gourami	<i>Sphaerichthys osphromenoides</i>
clown barb	<i>Barbodes everetti</i>
clown loach	<i>Botia macracantha</i>
Cochu's blue tetra	<i>Boehlkea fredcochui</i>
common brochis	<i>Brochis splendens</i>
Congo tetra	<i>Phenacogrammus interruptus</i>
copper striped rasbora	<i>Rasbora leptosoma</i>
croaking gourami	<i>Trichopsis vittatus</i>
Cumming's barb	<i>Puntius cummingi</i>
discus	<i>Symphysodon</i> spp.
duboisii	<i>Tropheus duboisi</i>
dusky krib	<i>Pelvicachromis pulcher</i>
dwarf cichlid	<i>Apistogramma</i> spp.
dwarf flag cichlid	<i>Aequidens curviceps</i>
dwarf gourami	<i>Colisa lalia</i>
dwarf lattice cichlid	<i>Nannacara</i> spp.
dwarf loach	<i>Botia sidthimunki</i>
elegant rasbora	<i>Rasbora elegans</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
elephantnose	<i>Gnathonemus macrolepidotus</i>
elephantnose (Peter's)	<i>Gnathonemus petersii</i>
emperor tetra	<i>Nematobrycon palmeri</i>
false magnificent rasbora	<i>Rasbora borapetensis</i>
flag cichlid	<i>Cichlasoma festivum</i>
flagtail porthole catfish	<i>Dianema urostriata</i>
flying fox	<i>Epalzeorhynchus kalopterus</i>
freshwater flounder	<i>Trinectes maculatus</i>
Frideric's leporinus	<i>Leporinus friderici</i>
giant danio	<i>Danio aequipinnatus</i>
glass barb	<i>Puntius puellus</i>
glass bloodfin	<i>Prionobrama filigera</i>
glass catfish	<i>Kryptopterus bicirrhis</i>
glass fish	<i>Chanda</i> spp.
gold-cheek krib	<i>Pelvicachromis subocellatus</i>
golden dwarf cichlid	<i>Nannacara anomala</i>
golden gourami	<i>Trichogaster trichopterus</i>
goldfish	<i>Carassius auratus</i>
gold line rasbora	<i>Rasbora steineri</i>
guppy	<i>Poecilia reticulata</i>
hard lipped barb	<i>Osteochilus hasseltii</i>
harlequin rasbora	<i>Rasbora heteromorpha</i>
hatchetfish	<i>Carnegiella</i> and <i>Thoracocharax</i> spp.



<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
headstander	<i>Abramites hypselonotus</i> and <i>Anostomus</i> spp.
hi-spot rasbora	<i>Rasbora dorsiocellata</i>
honey dwarf gourami	<i>Colisa chuna</i>
Indian hatchetfish	<i>Chela laubuca</i>
Javanese rice fish	<i>Oryzias javanicus</i>
julie	<i>Julidochromis</i> spp.
Kerr's danio	<i>Brachydanio kerri</i>
keyhole cichlid	<i>Aequidens maroni</i>
killie fish	<i>Aphyosemion</i> spp.
kissing gourami	<i>Helostoma temmincki</i>
kooli barb	<i>Puntius vittatus</i>
kuhli loach	<i>Acanthopthalmus kuhli</i>
latticed cichlid	<i>Limnotilapia dardennii</i>
leopard danio	<i>Brachydanio frankei</i>
lipstick leporinus	<i>Leporinus arcus</i>
little giant gourami	<i>Colisa fasciata</i>
long-band rasbora	<i>Rasbora einthoveni</i>
longfin barb	<i>Capoeta arulius</i>
long-finned African tetra	<i>Brycinus longipinnis</i>
Malayan flying barb	<i>Esomus malayensis</i>
Malayan halfbeak	<i>Dermogenys pusillus</i>
medaka	<i>Oryzias latipes</i>
melanochromis	<i>Melanochromis similis</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
microbrycon	<i>Microbrycon fredcochui</i>
mono	<i>Monodactylus argenteus</i>
moonlight gourami	<i>Trichogaster microlepis</i>
moorii	<i>Tropheus moorii</i>
multi-banded leporinus	<i>Leporinus multifasciatus</i>
Myers's hillstream loach	<i>Pseudogastromyzon myersi</i>
neon tetra	<i>Paracheirodon innesi</i>
opaline gourami	<i>Trichogaster trichopterus</i>
orange-finned rasbora	<i>Rasbora vaterifloris</i>
ornate pimelodus	<i>Pimelodus ornatus</i>
oscar	<i>Astronotus ocellatus</i>
panchax	<i>Aplocheilus</i> and <i>Epiplatys</i> spp.
paradise fish (only males)	<i>Macropodus opercularis</i>
pearl danio	<i>Brachydanio albolineatus</i>
pearl gourami	<i>Trichogaster leeri</i>
pencil fish	<i>Nannostomus</i> and <i>Poecilobrycon</i> spp.
penguin fish	<i>Thayeria</i> spp.
platy	<i>Xiphophorus maculatus</i>
platy variatus	<i>Xiphophorus variatus</i>
poorman's glass catfish	<i>Kryptopterus macrocephalus</i>
pristella	<i>Pristella maxillaris</i>
pygmy gourami	<i>Trichopsis pumilus</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
rainbow fish	<i>Glossolepsis, Chilatherina, Melanotaenia</i> spp.
rainbow shark	<i>Labeo erythrurus</i>
ram	<i>Microgeophagus ramirezi</i>
red-finned black shark	<i>Labeo bicolor</i>
red-finned shark	<i>Labeo frenatus</i>
red line rasbora	<i>Rasbora pauciperforata</i>
red-striped barb	<i>Puntius bimaculatus</i>
rosy barb	<i>Puntius conchoniuis</i>
saddled hillstream loach	<i>Homaloptera orthogoniata</i>
sailfin molly	<i>Poecilia latipinna</i>
sarawak rasbora	<i>Rasbora sarawakensis</i>
scissortail rasbora	<i>Rasbora trilineata</i>
Siamese flying fox	<i>Epalzeorhynchus siamensis</i>
silver prochilodus	<i>Prochilodus insignis</i>
silver rasbora	<i>Rasbora argyrotaenia</i>
sphenops mollie	<i>Poecilia sphenops</i>
spiny eel	<i>Macrognathus aculeatus</i>
spot-tailed leporinus	<i>Leporinus melanopleura</i>
spot-tailed rasbora	<i>Rasbora caudimaculata</i>
spotted danio	<i>Brachydanio nigrofasciatus</i>
spotted leporinus	<i>Leporinus maculatus</i>
spotted rasbora	<i>Rasbora maculata</i>
striped barb	<i>Puntius lineatus</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
striped kribensis	<i>Pelvicachromis taeniatus</i>
striped leporinus	<i>Leporinus striatus</i>
sucker catfish	<i>Otocinclus arnoldi</i>
Swegle's tetra	<i>Megalamphodus sweglesi</i>
swordtail	<i>Xiphophorus helleri</i>
tetra	<i>Hemigrammus, Hyphessobrycon and Moenkhausia spp.</i>
thick-lipped gourami	<i>Colisa labiosa</i>
thin-banded barb	<i>Capoeta semifasciolatus</i>
tic-tac-toe barb	<i>Puntius ticto</i>
tiger barb	<i>Capoeta tetrazona</i>
tricolor shark	<i>Balantiocheilos melanopterus</i>
twig catfish	<i>Farlowella acus</i>
variegated shark	<i>Labeo variegatus</i>
whiptail catfish	<i>Loricaria filamentosa</i>
white cloud mountain minnow	<i>Tanichthys albonubes</i>
yellow tail rasbora	<i>Rasbora dusonensis</i>
Yucatan mollie	<i>Poecilia velifera</i>
zebra danio	<i>Brachydanio rerio</i>

## Part 4 Particular freshwater fish

Column 1	Column 2
Common name	Scientific name
Agassiz's glassfish	<i>Ambassis agassizii</i>
Aru gudgeon	<i>Oxyeleotris aruensis</i>
Australian bass	<i>Macquaria novemaculeata</i>
Australian lungfish	<i>Neoceratodus forsteri</i>
Australian smelt	<i>Retropinna semoni</i>
banded rainbowfish	<i>Melanotaenia trifasciata</i>
Barcoo grunter	<i>Scortum barcoo</i>
barred grunter	<i>Amniataba percoides</i>
blackbanded rainbowfish	<i>Melanotaenia nigrans</i>
blackmast	<i>Craterocephalus stramineus</i>
Bloomfield River cod	<i>Guyu wujalwujalensis</i>
blue catfish	<i>Neoarius graeffei</i>
bony bream	<i>Nematalosa erebi</i>
boofhead catfish	<i>Neoarius leptaspis</i>
Cairns rainbowfish	<i>Cairnsichthys rhombosomoides</i>
Celebes flathead goby	<i>Glossogobius</i> sp 1
chequered rainbowfish	<i>Melanotaenia inornata</i>
cherabins	<i>Macrobrachium rosenbergii</i> or <i>Macrobrachium lar</i>
coal grunter	<i>Hephaestus carbo</i>
concave flathead goby	<i>Glossogobius concavifrons</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
Cooper Creek catfish	<i>Neosiluroides cooperensis</i>
crimson spotted rainbowfish	<i>Melanotaenia duboulayi</i>
delicate blue eye	<i>Pseudomugil tenellus</i>
desert goby	<i>Chlamydogobius eremius</i>
desert rainbowfish	<i>Melanotaenia tatei</i>
Eastern rainbowfish	<i>Melanotaenia splendida</i>
Edgbaston hardyhead	<i>Craterocephalus</i> sp.
elongate glassfish	<i>Ambassis elongatus</i>
empire gudgeon	<i>Hypseleotris compressa</i>
fimbriate gudgeon	<i>Oxyeleotris fimbriata</i>
firetail gudgeon	<i>Hypseleotris galii</i>
flagtail glassfish	<i>Ambassis miops</i>
flathead gudgeon	<i>Philypnodon grandiceps</i>
forktail catfish	family Ariidae
freshwater catfish	<i>Tandanus tandanus</i>
freshwater longtom	<i>Strongylura krefftii</i>
freshwater prawn	family Palaemonidae
Gilbert's grunter	<i>Pingalla gilberti</i>
golden flathead goby	<i>Glossogobius aureus</i>
golden perch	<i>Macquaria ambigua</i>
Gulf Grunter	<i>Scortum ogilbyi</i>
highfin catfish	<i>Neoarius berneyi</i>
jungle perch	<i>Kuhlia rupestris</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
khaki grunter	<i>Hephaestus tulliensis</i>
Lake Eacham rainbowfish	<i>Melanotaenia eachamensis</i>
Lake's carp gudgeon	<i>Hypseleotris</i> sp B
leathery grunter	<i>Scortum hillii</i>
longfin eel	<i>Anguilla reinhardtii</i>
Lorentz grunter	<i>Pingalla lorentzi</i>
Macleay's glassfish	<i>Ambassis macleayi</i>
Mary River cod	<i>Maccullochella peelii mariensis</i>
McCulloch's rainbowfish	<i>Melanotaenia maccullochi</i>
Midgley's carp gudgeon	<i>Hypseleotris</i> sp A
Mueller's glassfish	<i>Ambassis mulleri</i>
Mulgrave goby	<i>Glossogobius</i> sp B
Murray cod	<i>Maccullochella peelii peelii</i>
Murray River rainbowfish	<i>Melanotaenia fluviatilis</i>
Myross hardyhead	<i>Craterocephalus</i> sp.
Northern purplespotted gudgeon	<i>Mogurnda mogurnda</i>
Northern saratoga	<i>Scleropages jardinii</i>
Obbes' catfish	<i>Porochilus obbesi</i>
ornate rainbowfish	<i>Rhadinocentrus ornatus</i>
Pacific blue eye	<i>Pseudomugil signifer</i>
Pacific shortfin eel	<i>Anguilla obscura</i>
pennyfish	<i>Denarius australis</i>
poreless gudgeon	<i>Oxyeleotris nullipora</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
redclaw	<i>Cherax quadricarinatus</i>
Rendahl's catfish	<i>Porochilus rendahli</i>
river blackfish	<i>Gadopsis marmoratus</i>
Roman-nose goby	<i>Awaous acritosus</i>
sailfin glassfish	<i>Ambassis agrammus</i>
scaleless goby	<i>Schismatogobius insignum</i>
sevenspot archerfish	<i>Toxotes chatareus</i>
silver catfish	<i>Porochilus argenteus</i>
silver cobbler	<i>Neoarius midgleyi</i>
silver perch	<i>Bidyanus bidyanus</i>
sleepy cod	<i>Oxyeleotris lineolata</i>
smallhead grunter	<i>Scortum parviceps</i>
snakehead gudgeon	<i>Giurus margaritacea</i>
sooty grunter	<i>Hephaestus fuliginosus</i>
Southern purplespotted gudgeon	<i>Mogurnda adspersa</i>
Southern saratoga	<i>Scleropages leichardti</i>
Southern shortfin eel	<i>Anguilla australis</i>
spangled perch	<i>Leiopotherapon unicolor</i>
speckled goby	<i>Redigobius bikolanus</i>
spiny crayfish	<i>Euastacus spp.</i>
spotted blue eye	<i>Pseudomugil gertrudae</i>
spotted flagtail	<i>Kuhlia marginata</i>
square blotch goby	<i>Glossogobius sp C</i>



<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
striped gudgeon	<i>Gobiomorphus australis</i>
tank goby	<i>Glossogobius giurus</i>
threadfin rainbowfish	<i>Iriatherina wernerii</i>
Utchee Creek rainbowfish	<i>Melanotaenia utcheensis</i>
Welch's grunter	<i>Bidyanus welchi</i>
western carp gudgeon	<i>Hypseleotris klunzingeri</i>
yabby	<i>Cherax destructor</i>

## **Part 5**                      **Particular fish found in the fishery area of the east coast trawl fishery**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
Balmain bug	<i>Ibacus</i> spp.
cuttlefish	<i>Metasepia</i> spp., <i>Sepia</i> spp.
deepwater bug	<i>Ibacus alticrenatus</i>
goatfish	family Mullidae
mantis shrimp	family Squillidae
Moreton Bay bug	<i>Thenus</i> spp.
octopus	<i>Octopus</i> spp.
pipefish	<i>Solegnathus dunckeri</i> , <i>Solegnathus hardwickii</i>
prawn	family Penaeidae

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
red champagne lobster	<i>Linuparus trigonus</i>
saucer scallop	<i>Yilstrum balloti</i>
scallop	family Pectinidae
shovel-nosed lobster	<i>Ibacus brucei</i>
slipper lobster	<i>Scyllarides</i> spp.
smooth bug	<i>Ibacus chacei</i>
squid	<i>Loliolus, Nototodarus, Photololigo, Sepioteuthis</i> spp.
threadfin bream	family Nemipteridae
three-spotted crab	<i>Portunus sanguinolentus</i>
yellowtail scad	<i>Trachurus novaezelandiae</i> and <i>Trachurus declivis</i>

## **Part 6                      Other particular fish**

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
albacore	<i>Thunnus alalunga</i>
amberjack	<i>Seriola dumerili</i> and <i>S. rivoliana</i>
Australian anchovy	<i>Engraulis australis</i>
Australian sardine	<i>Sardinops neopilchardus</i> or <i>Sardinops sagax</i>
barramundi	<i>Lates calcarifer</i>
barred javelin	<i>Pomadasys kaakan</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
beachworm	family Onuphidae
bigeye tuna	<i>Thunnus obesus</i>
billfish	families Istiophoridae and Xiphiidae
bivalve mollusc	class Bivalvia
black jewfish	<i>Protonibea diacanthus</i>
blacklip oyster	<i>Striostrea mytiloides</i>
blacklip pearl oyster	<i>Pinctada margaritifera</i>
blackspotted rockcod	<i>Epinephelus malabaricus</i>
black teatfish	<i>Holothuria whitmaei</i> (previously <i>Holothuria nobilis</i> )
bloodworm	family Eunicidae
blue swimmer crab	<i>Portunus armatus</i>
blue threadfin	<i>Eleutheronema tetradactylum</i>
cobia	<i>Rachycentron canadum</i>
common hardyhead	<i>Atherinomorus vaigiensis</i>
Cribb Island worm	<i>Marphysa mullawa</i>
diamondscale mullet	<i>Liza vaigiensis</i>
Dorab wolf herring	<i>Chirocentrus dorab</i>
dusky flathead	<i>Platycephalus fuscus</i>
eel	<i>Anguilla</i> spp.
fanfish	family Bramidae
flathead	<i>Platycephalus</i> spp.
freshwater mullet	<i>Trachystoma petardi</i>
garfish	family Hemiramphidae

## Schedule 7

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
gastropod	class Gastropoda
giant clam	family Tridacnidae
giant helmet shell	<i>Cassis cornuta</i>
giant queenfish	<i>Scomberoides commersonianus</i>
goldenline whiting	<i>Sillago analis</i>
golden snapper	<i>Lutjanus johnii</i>
goldlip pearl oyster	<i>Pinctada maxima</i>
goldspotted rockcod	<i>Epinephelus coioides</i>
grass emperor	<i>Lethrinus laticaudis</i>
great barracuda	<i>Sphyraena barracuda</i>
green snail	<i>Turbo marmoratus</i>
grey mackerel	<i>Scomberomorus semifasciatus</i>
grey reef shark	<i>Carcharhinus amblyrhynchos</i>
guitarfish	family Rhynchobatidae
hammerhead shark	family Sphyrnidae
helmet shell	<i>Cassis cornuta</i>
herring	genus <i>Herklotsichthys</i>
king threadfin	<i>Polydactylus macrochir</i>
longtail tuna	<i>Thunnus tonggol</i>
luderick	<i>Girella tricuspidata</i>
mahi mahi	<i>Coryphaena</i> spp.
mangrove jack	<i>Lutjanus argentimaculatus</i>
manta ray	<i>Manta</i> spp.

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
maray	<i>Etrumeus teres</i>
marine yabby	<i>Trypaea australiensis</i>
milky oyster	<i>Saccostrea cucullata</i>
mud crab	<i>Scylla</i> spp.
mullet	family Mugilidae
mulloway	<i>Argyrosomus hololepidotus</i>
Northern bluefin tuna	<i>Thunnus orientalis</i>
Northern whiting	<i>Sillago sihama</i>
ornate crayfish	<i>Panulirus ornatus</i>
pearl oyster—see entries for blacklip pearl oyster and goldlip pearl oyster	
pearl perch	<i>Glaucosoma scapulare</i>
pickhandle barracuda	<i>Sphyaena jello</i>
pikey bream	<i>Acanthopagrus berda</i>
pipi	family Donacidae
pomfret	family Bramidae
queenfish	<i>Scomberoides</i> spp.
ray	orders Myliobatiformes, Rajiformes, Torpediniformes, Rhiniformes and Rhinobatiformes
red spot whiting	<i>Sillago flindersi</i>
samsonfish	<i>Seriola hippos</i>
sandtiger shark	<i>Odontaspis ferox</i>
sand whiting	<i>Sillago ciliata</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
sawfish	family Pristidae
scaly jewfish	<i>Nibea squamosa</i>
school mackerel	<i>Scomberomorus queenslandicus</i>
sea cucumber	families Holothuriidae and Stichopodidae
sea mullet	<i>Mugil cephalus</i>
shark	orders Carcharhiniiformes, Lamniformes and Orectolobiformes
shark mackerel	<i>Grammatorcynus bicarinatus</i>
shovelnose ray	family Rhinobatidae
silver biddy	<i>Gerres subfasciatus</i>
silver javelin	<i>Pomadasys argenteus</i>
skipjack tuna	<i>Katsuwonus pelamis</i>
smooth-clawed rock crab	<i>Leptodius affinis</i>
snapper	<i>Chrysophrys auratus</i>
soldier crab	<i>Mictyris longicarpus</i>
Southern bluefin tuna	<i>Thunnus maccoyii</i>
spanish mackerel	<i>Scomberomorus commerson</i>
spanner crab	<i>Ranina ranina</i>
spartooth shark	genus <i>Glyphis</i>
spotted mackerel	<i>Scomberomorus munroi</i>
stout whiting	<i>Sillago robusta</i>
swallowtail dart	<i>Trachinotus coppingeri</i>
tailor	<i>Pomatomus saltatrix</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Common name</b>	<b>Scientific name</b>
tarwhine	<i>Rhabdosargus sarba</i>
teraglin	<i>Atractoscion aequidens</i>
three-spotted crab	<i>Portunus sanguinolentus</i>
tiger squid	<i>Sepioteuthis lessoniana</i>
trevally	family Carangidae
trochus	<i>Trochus niloticus</i>
tropical rocklobster	family Palinuridae
trumpeter whiting	<i>Sillago maculata</i>
trumpet shell	<i>Charonia tritonis</i>
wahoo	<i>Acanthocybium solandri</i>
white shark	<i>Carcharodon carcharias</i>
white teatfish	<i>Holothuria fuscogilva</i>
whitetip reef shark	<i>Triaenodon obesus</i>
whiting	<i>Sillago</i> spp.
yellowfin bream	<i>Acanthopagrus australis</i>
yellowfin tuna	<i>Thunnus albacares</i>
yellowtail kingfish	<i>Seriola lalandi</i>
yellowtail pike	<i>Sphyraena obtusata</i>

## Part 7 Reference documents for scientific names

- 1 Rees, A.J.J., Yearsley, G.K., and Gowlett-Holmes, K., *Codes for Australian Aquatic Biota*, CSIRO Marine and Atmospheric Research, World Wide Web electronic publications, 1999 onwards. Available at [www.marine.csiro.au/caab/](http://www.marine.csiro.au/caab/).
- 2 Froese, R. and Pauly, D., Editors, 2019, FishBase, World Wide Web electronic publication. Available at [www.fishbase.org](http://www.fishbase.org).

## Part 8 References to stocks of fish

### 1 References to a *stock* of fish by location generally

A reference to a *stock* of fish by its geographical location is a reference to the population of the fish that is indigenous to the location.

*Example—*

A reference to the sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) is a reference to the population of sleepy cod that is indigenous to the Gulf of Carpentaria drainage division and Normanby river basin.

### 2 References to stocks of barramundi by particular locations

In this regulation—

*barramundi (central east coast stock)* means barramundi of the population indigenous to the area from the northern boundary of the O'Connell river basin to the southern boundary of the Shoalwater river basin.

*barramundi (east coast Cape York stock)* means barramundi of the population indigenous to the area from the northern boundary of the Jacky Jacky river basin to the eastern boundary of the Normanby river basin.



***barramundi (mid north-east coast stock)*** means barramundi of the population indigenous to the area from the northern boundary of the Endeavour river basin to the southern boundary of the Burdekin river basin.

***barramundi (north-west Cape York stock)*** means barramundi of the population indigenous to the area from the southern boundary of the Embley river basin to the northern boundary of the Jardine river basin.

***barramundi (south-east coast stock)*** means barramundi of the population indigenous to the area from the northern boundary of the Fitzroy river basin to the southern boundary of the Mary river basin.

***barramundi (south-east Gulf of Carpentaria stock)*** means barramundi of the population indigenous to the area from the north-western boundary of the Nicholson river basin to the northern boundary of the Watson river basin.

## **Schedule 8      References relating to waters or areas**

section 17

### **Part 1                      Working out boundaries of waters or areas generally**

#### **1                      References to latitudes and longitudes**

- (1) Subject to subsection (2), the latitudes and longitudes used to describe the boundary of an area are worked out using GDA 94.
- (2) The latitudes and longitudes used to describe the boundary of an area shown on a fish habitat area plan mentioned in schedule 3 are worked out using the geodetic datum shown on the plan.

#### **2                      References to boundaries, lines, shores and other points**

Unless otherwise provided, the following apply—

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

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### 3 References to waterways

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

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

### 4 References to banks of waterways

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

### 5 References to aids to navigation

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

## Part 2                      **Meaning of particular terms used to describe waters or areas**

### 6 Meaning of *7n mile line*

*7n mile line* is a line parallel to the territorial sea baseline and 7n miles out to sea.

### 7 Meaning of *25n mile line*

*25n mile line* is a line parallel to the territorial sea baseline and 25n miles out to sea.

## **8 Meaning of *coastal 500m line***

*Coastal 500m line*, around the mainland or an island, means the line worked out as follows—

- (a) for any part of the mainland or island where there is a coral reef within 100m of the mainland or island—the line every point of which is 500m seaward from the seaward edge of the reef at low water mark;
- (b) for any other part of the mainland or island—the line every point of which is 500m seaward from the shore of the mainland or island at low water mark.

## **9 Meaning of *dam***

A *dam* is an artificial structure that is designed and constructed to hold water above the level of the banks of a waterway.

## **10 Meaning of *F↑B sign* and *SF↑B sign***

- (1) An *F↑B* is a sign with the marking F↑B on it, erected or displayed by the chief executive.
- (2) An *SF↑B* is a sign with the marking SF↑B on it, erected or displayed by the chief executive.

## **11 Meaning of *full supply level***

*Full supply level*, for an impoundment, is the level of the water surface when the impoundment is holding as much water as it can hold while not affected by flood.

## **12 Meaning of *inlet***

An *inlet* is an inlet that includes the word ‘inlet’ in its name as obtained by using the online tool for searching place names on Geoscience Australia’s website.

**13 Meaning of *territorial sea baseline***

The *territorial sea baseline* is the baseline adjacent to the coast of the State as for the time being decided under the *Seas and Submerged Lands Act 1973* (Cwlth), section 7(2)(b).

**Part 3 References to particular waters or areas****14 References to *river basins* by name or reference number**

- (1) A reference to a *river basin* of a particular name is a reference to the river basin of that name shown on the freshwater basins map.
- (2) However, a reference to a *river basin* does not include tidal waters in the river basin.
- (3) A reference to a reference number for a *river basin* is a reference to the reference number for the river basin shown on the freshwater basins map.
- (4) In this section—

*freshwater basins map* means the map of that name held by the chief executive.

*Note—*

The freshwater basins map is available for inspection during office hours on business days at the department's head office.

**15 References to *drainage divisions* by name**

- (1) A reference to a *drainage division* of a particular name is a reference to the drainage division of that name shown on the freshwater basins map.
- (2) However, a reference to a *drainage division* does not include tidal waters in the drainage division.
- (3) In this section—

*freshwater basins map* see section 14(4).

**16 Meaning of *nearshore waters***

*Nearshore waters* are tidal waters that are less than 2m deep at low water, but do not include waters—

- (a) in a river or creek upstream of a line across its banks at low water; or
- (b) in an inlet.

**17 Meaning of *offshore waters***

*Offshore waters* are tidal waters that are at least 2m deep at low water, but do not include waters—

- (a) in a river or creek upstream of a line across its banks at low water; or
- (b) in an inlet.

**18 Meaning of *prescribed stocked impoundment***

(1) Each of the following impoundments is a *prescribed stocked impoundment*—

- Aplins Weir
- Baroon Pocket Dam
- Beehive Dam
- Ben Anderson Barrage
- Ben Dor Weir
- Bill Gunn Dam (Lake Dyer)
- Bjelke-Petersen Dam
- Black Weir
- Bonshaw Weir
- Boondooma Dam
- Borumba Dam
- Burdekin Falls Dam
- Caboolture River Weir

- Callide Dam
- Cania Dam
- Cecil Plains Weir
- Chinchilla Weir
- Claude Wharton Weir
- Connolly Dam
- Cooby Dam
- Coolmunda Dam
- Cressbrook Dam
- Cunningham (Beebo) Weir
- Eungella Dam
- Ewen Maddock Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Gil Weir
- Gleeson Weir
- Glenarbon Weir
- Glenlyon Dam
- Goondiwindi (Hilton) Weir
- Gordonbrook Dam
- Hinze Dam
- Inglewood Town Weir
- Isis Balancing Storage (Lake Gregory)
- Jones Weir
- Kinchant Dam
- Koombooloomba Dam
- Lake Belmore
- Lake Kurwongbah

- Lake MacDonald
- Lemon Tree Weir
- Lenthalls Dam
- Leslie Dam
- Maroon Dam
- Miles Weir
- Moogerah Dam
- North Pine Dam
- Peter Faust Dam
- Somerset Dam
- Storm King Dam
- Surat Weir
- Talgai Weir
- Teemburra Dam
- Theresa Creek Dam
- Tinaroo Falls Dam (Lake Tinaroo)
- Whetstone Weir
- Wivenhoe Dam
- Woodford Weir
- Wuruma Dam
- Wyaralong Dam
- Yarramalong Weir

- (2) However, a *prescribed stocked impoundment* includes only the waters up to the full supply level of the impoundment.



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## Schedule 9      References relating to boats

section 18

### 1      **Definition for schedule**

In this schedule—

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

### 2      **Meaning of *breadth* of particular boats**

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

### 3      **Meaning of *depth* of particular boats**

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

### 4      **Meaning of *length* of particular boats**

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

### 5      **Meaning of *hull units* for particular boats**

The *hull units*, for a boat that is a domestic commercial vessel, is the number of hull units worked out by using the following formula and rounding the amount worked out to the nearest whole number—

$$HU = \frac{L \times B \times D \times 0.6}{2.83}$$

where—

*HU* means the number of hull units for the boat.

*L* means the length of the boat measured in metres.

*B* means the breadth of the boat measured in metres.

*D* means the depth of the boat measured in metres.

*Note*—

The figure of 0.6 represents a block coefficient to standardise variations in boat design and the figure of 2.83 represents a constant which converts cubic metres to units of 100 cubic feet.

## 6 Working out boat engine's *maximum continuous brake kW*

- (1) A boat engine's *maximum continuous brake kW* must be worked out from the manufacturer's recommended maximum continuous brake kW for the boat's engine type.
- (2) The engine must be identified by the following—
  - (a) make;
  - (b) model;
  - (c) year of manufacture;
  - (d) serial number;
  - (e) cylinder block;
  - (f) aspiration and cooling systems.
- (3) The following aspects of the recommendation must be considered—
  - (a) ambient water temperature in the range 25°C to 27°C or the temperature mentioned in the recommendation closest to the range;
  - (b) fuel injectors consistent with the recommended maximum continuous brake kW of the engine type.

- (4) If the manufacturer revises the recommendation for the engine type, the revised rating is taken to apply to all new engines of that type installed on boats from the day the revised rating took effect.
- (5) The following must be disregarded—
- (a) variation from the standard power output, including, for example, engine deratings;
  - (b) different gear boxes or transmission trains associated with individual engines.
- (6) In this section—
- engine type* means the type of main propulsion engine or engines installed on the boat.

## **Schedule 10**      **References relating to fishing apparatus**

section 19

### **Part 1**                      **Lines**

#### **1**      **Bottom set line**

A *bottom set line* is a line that is anchored to the bed of a body of water in which the line is being used.

#### **2**      **Cross-line**

A *cross-line* is a line fixed at both ends and set across or in water.

#### **3**      **Drum line**

A *drum line* is a line, to which a hook is attached, that is suspended from a float anchored to the bed of a body of water in which the line is being used.

#### **4**      **Fishing line**

A *fishing line* is fishing apparatus consisting of a line that is hand-held or attached to a rod or reel, but does not include the following—

- (a) a cross-line;
- (b) a drum line;
- (c) a free-floating line;
- (d) a set line.

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**5 Free-floating line**

A *free-floating line* is a line—

- (a) with or without a float; and
- (b) to which is attached a hook; and
- (c) that is not fixed.

**6 Set line**

A *set line* is line used to take fish that—

- (a) is prevented from unwinding freely by a device attached to the line; and
- (b) is attached to—
  - (i) a boat; or
  - (ii) something else outside, but not floating on, the water in which the line is being used.

*Example for subparagraph (ii)—*

a line used to take fish that is attached to a branch of a tree growing in the water in which the line is being used if the attachment is at a point above the surface of the water

**Part 2 Nets****Division 1 Particular types of nets****1 Beam trawl net**

A *beam trawl net* is a net with its mouth attached to a beam or pole to keep the net open.

**2 Bottom set net**

A *bottom set net* is a mesh net that is set along the seabed.

**3 Cast net**

A *cast net* is a circular net that—

- (a) is weighted around its outside; and
- (b) has a rope attached to its centre to allow the net to be cast and retrieved.

**4 General purpose mesh net**

A *general purpose mesh net* is a mesh net that may be used in the net fishery (no. 15) under the fishery provisions about the fishery.

**5 Mesh net**

A *mesh net* is a net suspended vertically through a water column that can be used, for example, as a general purpose mesh net, ring net, seine net, set mesh net or a net that is neither fixed nor hauled, but does not include a net that is hauled by use of a boat for taking fish.

**6 Otter trawl net**

An *otter trawl net* is a net with its mouth kept open by otter boards and the force of water.

**7 Purse seine net**

A *purse seine net* is a seine net that is used to trap fish by drawing together or pursing the lower edge of the net with a drawstring attached to the edge.

**8 Ring net**

A *ring net* is a mesh net shot in a way that allows it to encircle the fish being targeted.

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**9 Scoop net**

A *scoop net* is a mesh net, with a handle, that can be used to take fish by being formed into a scoop.

**10 Seine net**

A *seine net* is a mesh net, with or without a pocket, that can be—

- (a) shot in a way that partly encircles the fish being targeted; and
- (b) hauled in a way that concentrates the fish in an area for taking them.

**11 Set mesh net**

A *set mesh net* is a mesh net that has—

- (a) 2 or more points that are each fixed to the ground, the bed of a body of water or a thing to prevent the net from moving from the position in which it is set; or
- (b) a point that is fixed to a boat and another point that is fixed to the ground, the bed of a body of water or a thing.

**12 Set pocket net**

A *set pocket net* is a bag shaped set net placed across a current or tide to trap fish.

**13 Trawl net**

A *trawl net* is a net that may be used in the east coast trawl fishery and includes any other fishing apparatus normally used with the net.

*Examples of other fishing apparatus—*

ground chains or ropes

## 14 Try net

- (1) A *try net* is an otter trawl net no longer than 10m, or a beam trawl net no longer than 2.5m, used for no longer than 25 minutes at a time, for sampling or testing or to work out the abundance or presence of principal fish.
- (2) In this section—  
*principal fish* see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 4(a).

## 15 Tunnel net

A *tunnel net* is a net, supported by stakes, in which there is an opening so fish trapped by the net can enter a trough or tunnel formed by the net.

## Division 2 Particular parts of nets or things used with nets

### 16 Meaning of *back net* for a mesh net

A *back net* is a part of a mesh net that—

- (a) is part of the total length of the mesh net; and
- (b) is no more than 1 quarter of the total length of the mesh net; and
- (c) is supported by no more than 12 stakes; and
- (d) if it is being used to take fish as part of a ring net or seine net, remains in the water while the ring net or seine net is being used; and
- (e) is used as an artificial shore for concentrating fish to remove them from the water.

### 17 Meaning of *bar* for a trawl net

A *bar*, in relation to mesh in a trawl net, is—



- 
- (a) for a trawl net that is knotted—a side of a mesh of the net from 1 knot to the next knot on the same side of the mesh; or
  - (b) for a trawl net that is knotless—a side of a mesh of the net from 1 corner to the next corner.

**18 Meaning of *belly rope* for a cod end**

The *belly rope* for a cod end is rope that—

- (a) is made from at least 12mm polyethylene rope; and
- (b) runs the length of the cod end.

**18A Meaning of *diameter* of monofilament of a net**

The *diameter*, of monofilament of a net, is the average diameter of the monofilament of 10 meshes of the net, each of which is at least 30cm from the other 9.

**19 Meaning of *front opening* of a net**

The *front opening*, of a net, is the opening through which fish enter the net.

**20 Meaning of *ground chain* for an otter trawl net**

A *ground chain* is a chain attached at 1 or more points to the bottom rope of an otter trawl net so that the chain is suspended below the bottom rope when the net is in use.

**21 Meaning of *leading edge* for a part of a net or thing used with a net**

The *leading edge*, for a part of a net or a thing used with a net, is the edge nearest to the front opening of the net.

**21A Meaning of *monofilament* of a net**

The *monofilament*, of a net, is a single continuous filament or strand of synthetic fibre, joined, knitted or woven into meshes.

**22 Meaning of *square mesh* for a net**

For a net, *square mesh* means netting material orientated so the direction of the mesh twine is longitudinal and transverse to the length of the cod end.

**23 Meaning of *sweep* of a net**

- (1) The *sweep*, of a net, includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the point on the head rope or bottom rope of the net where the outermost meshes are attached.
- (2) If fittings mentioned in subsection (1) are joined to make a single fitting, the single fitting is 1 sweep.

**24 Meaning of *tickler chain* in relation to a trawl net**

A *tickler chain* is a chain attached to a trawl net or the otter boards of an otter trawl net that is in front of the mouth of the net when the net is in use.

**25 Meaning of *trailing edge* for a part of a net or thing used with a net**

The *trailing edge*, for a part of a net or a thing used with a net, is the edge furthest from the front opening of the net.

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## Division 3                      References to particular actions    involving nets

### 26        **Meaning of *fix* a net**

*Fix*, a net, means attach or anchor the net or part of the net to a place or thing to prevent the net or the part of the net from moving away from the position in which it is set.

### 27        **Meaning of *haul* a net**

*Haul*, a net, means gather or retrieve the net or a part of the net, without the use of a boat, for taking fish.

### 28        **Meaning of *set* a net**

*Set*, a net, means fix the net or part of it in a way that it can trap fish.

### 29        **Meaning of *shoot* a net**

*Shoot*, a net, means place or spread the net, or part of it, in a way that it can trap fish.

### 30        **Meaning of *use* a net**

For a net, *use* includes—

- (a) generally, setting and shooting the net; or
- (b) for a trawl net—
  - (i) setting and shooting the net; and
  - (ii) having the net rigged for fishing.

*Example of rigged for fishing for subparagraph (ii)—*  
having a cod end and ground chains attached

## **Division 4                      Other matters**

### **31            References to distances between nets**

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

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

### **32            References to drops and number of meshes**

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

### **33            Meaning of *length* of a net**

- (1) The *length*, of a beam trawl net, is the distance the net is capable of extending across the beam or pole used to open the net.
- (2) The *length*, of a cast net, is the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following—
  - (a) the net's lead line;
  - (b) the bottom of the net's lowest pocket.
- (3) The *length*, of an otter trawl net, is—
  - (a) for an otter trawl net used under the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 8, part 3—see schedule 8, section 22(3) of that regulation; or

- (b) otherwise—the combined length of the head rope and bottom rope when taut between the outermost points of the meshes attached to the head rope and bottom rope.
- (4) The *length*, of a net, other than a cast net or trawl net, is the distance between the outer ends of its mesh measured along the head or bottom rope, whichever rope is longer when taut.
- (5) The *length*, of a net used with a separate back net, is the total length of the net and the back net in use.

### 34 Meaning of *mesh size* of a net

- (1) *Mesh size*, of a net that is knotted, is the average distance, when the mesh of the net is closed, between the inner edges of 2 diagonally opposite knots of 10 meshes at least 30cm from each other.
- (2) *Mesh size*, of a net that is knotless, is the average distance, when the mesh of the net is closed, between the inner edges of 2 diagonally opposite corners of 10 meshes at least 30cm from each other.
- (3) For this section, the mesh of a net is closed when the inner edges of 2 diagonally opposing knots or corners of the mesh are pulled by hand in opposite directions so that the sides of the mesh, when the knots or corners are pulled, are as close to touching each other as is reasonably practicable.
- (4) However, for pulling the knots or corners of the mesh under subsection (3), no more force may be used than is reasonably necessary to pull the mesh, or the material from which it is made, to its natural length.

### 35 Meaning of *behind* or *in front of* in relation to a part of a net or thing used with a net

- (1) *Behind*, in relation to a part of a net or a thing used with a net, means away from the front opening of the net.
- (2) *In front of*, in relation to a part of a net or a thing used with a net, means towards the front opening of the net.

**36 Meaning of *net that is neither fixed nor hauled***

A *net that is neither fixed nor hauled* is a mesh net that, while it is being used for taking fish, is—

- (a) allowed to move freely in the water; and
- (b) is not fixed to a place or otherwise restricted in its movement by the person using the net.

## **Part 3 Traps**

**1 Canister trap**

A *canister trap* is a trap consisting of a bucket with perforations in the bottom and sides or a similar type of device.

**2 Collapsible trap**

A *collapsible trap* is a trap made of rigid material, with 1 or more collapsible sides.

**3 Eel trap**

An *eel trap* is a mesh trap—

- (a) supported by a rigid rectangular frame; and
- (b) to which a cod end or pocket is attached.

**3A Flow trap**

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

**4 Funnel trap**

A *funnel trap* is a mesh trap consisting of a rigid frame with funnel-shaped entrances or a similar device.

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**5 Pyramid trap**

A *pyramid trap* is a mesh trap with a square-shaped base and 4 triangular sides that meet at a point where there is a trap opening.

**6 Round eel trap**

A *round eel trap* is a mesh trap—

- (a) supported by a rigid cylindrical frame; and
- (b) to which a cod end or pocket is attached.

**7 Round trap**

A *round trap* is a mesh trap supported by a rigid cylindrical frame.

## Part 4 Other fishing apparatus

**1 Crab pot**

A *crab pot* is fishing apparatus consisting of a cage with a round opening in the top, or an elongated opening (parallel to the base) in the side, for trapping crabs.

**2 Dilly**

A *dilly* is fishing apparatus consisting of a frame and a net that hangs below the frame's horizontal plane when the apparatus is in use.

**3 Hand pump**

A *hand pump* is a hand-operated pump used for taking bait.

**4 Hook**

A *hook* includes—

- (a) a hook with more than 1 prong, including, for example, fishing apparatus known as a treble hook; and
- (b) a device consisting of more than 1 hook attached to a fishing line at a single point, including, for example, a fishing apparatus known as a gang hook.

## 5 **Lobster loop**

A *lobster loop* is fishing apparatus for catching a lobster consisting of a pole—

- (a) with a loop on one end that can be drawn around the lobster to secure it; and
- (b) without anything attached that may pierce the carapace of the lobster.

## 6 **Lure**

A *lure* is an artificial bait with 1 or more hooks attached to it.

## 7 **Shell dredge**

A *shell dredge* is a rigid device that is used for gathering shells as it is dragged along the substrate.

## 8 **Spear gun**

A *spear gun* includes a bow for propelling a spear.

## 9 **Trawl shoe**

A *trawl shoe*, of a beam, otter board or trawl sled, is the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor.



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## Schedule 11 Dictionary

## section 4

**7n mile line** see schedule 8, section 6.

**25n mile line** see schedule 8, section 7.

**AIVR system** see section 124.

**alternative**, for schedule 7, part 1, see schedule 7, part 1, section 1.

**approved way**, for chapter 4, part 1, division 3, see section 87.

**assistant fisher** see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 44.

**back net** see schedule 10, part 2, section 16.

**bar**, in relation to mesh in a trawl net, see schedule 10, part 2, section 17.

**barramundi (central east coast stock)** see schedule 7, part 8, section 2.

**barramundi (east coast Cape York stock)** see schedule 7, part 8, section 2.

**barramundi (mid north-east coast stock)** see schedule 7, part 8, section 2.

**barramundi (north-west Cape York stock)** see schedule 7, part 8, section 2.

**barramundi (south-east coast stock)** see schedule 7, part 8, section 2.

**barramundi (south-east Gulf of Carpentaria stock)** see schedule 7, part 8, section 2.

**beam trawl net** see schedule 10, part 2, section 1.

**behind**, in relation to a part of a net or a thing used with a net, see schedule 10, part 2, section 35(1).

**belly rope**, for a cod end, see schedule 10, part 2, section 18.

***boat communication notice*** see section 90(1).

***boat mark***, for a boat used under an authority, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 25.

***bottom set line*** see schedule 10, part 1, section 1.

***bottom set net*** see schedule 10, part 2, section 2.

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

***buyer***, for chapter 5, part 4, see section 109(a).

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

***canister trap*** see schedule 10, part 3, section 1.

***cast net*** see schedule 10, part 2, section 3.

***central trawl region*** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 139.

***charter fishing trip*** means a trip on a boat involving a person using the boat to take paying passengers to fish as recreational fishers from, or by otherwise using, the boat.

*Examples of using a boat to fish—*

- 1 using the boat to tow a tender that is being used for fishing
- 2 using the boat as a platform for spearfishing or to fish on a reef or sandbank

***coastal 500m line*** see schedule 8, section 8.

***collapsible trap*** see schedule 10, part 3, section 2.

***commercial fisher*** see section 5.

***commercial fisher in control***, of a fishing operation, see section 15B.

***commercial fishery*** see section 10.

***commercial fishing apparatus*** see section 7(1).

***commercial fishing boat*** means a primary boat or a tender boat.

***crab pot*** see schedule 10, part 4, section 1.

**cross-line** see schedule 10, part 1, section 2.

**dam** see schedule 8, section 9.

**day**, of a fishing operation, see section 15A(2).

**department's website** means a website, or part of a website—

- (a) administered by the department; and
- (b) with a URL that contains qld.gov.au.

**depth**, of a boat that is a domestic commercial vessel, see schedule 9, section 3.

**detected by vessel tracking equipment**, in relation to the location or movement of a boat, means the details of the location or movement have been sent to the chief executive from the vessel tracking equipment installed on the boat.

**development** see the Planning Act, schedule 2.

**diameter**, of monofilament of a net, see schedule 10, part 2, section 18A.

**dilly** see schedule 10, part 4, section 2.

**domestic commercial vessel** see the domestic commercial vessel national law, section 7.

**domestic commercial vessel (class 1, 2 or 4)** means a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the domestic commercial vessel national law stating it is a class 1, 2 or 4 vessel.

**domestic commercial vessel national law** see the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*, section 20.

**drainage division** see schedule 8, section 15.

**drum line** see schedule 10, part 1, section 3.

**eel trap** see schedule 10, part 3, section 3.

**ends**, for a fishing operation, see section 15A(1).

**ENL-ITQ unit** means a GM5-ITQ unit, SCM5-ITQ unit or WT5-ITQ unit.

**entitlement**—

- (a) under effort units, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 69; or
- (b) under a C2-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 99; or
- (c) under a CT line unit, OS line unit or RTE line unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 93; or
- (d) under an SM unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 86; or
- (e) under a T4-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 104; or
- (f) under an ENL-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106E; or
- (g) under a C1-ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106L; or
- (h) under a hand-harvest ITQ unit, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 106T.

***F*↑**B** sign** see schedule 8, section 10(1).

***fin fish*** means a fish that has a fin at any stage of its life cycle.

***fisher PIN*** means the fisher PIN for line units, SM units, or T4-ITQ units under the *Fisheries (Commercial Fisheries) Regulation 2019*.

***fishery area***, of a commercial fishery, means the area stated in a fishery provision about the fishery as the fishery area of the fishery.

***fishery provision***, about a commercial fishery, means a provision of the *Fisheries (Commercial Fisheries) Regulation 2019*, schedules 2 to 8 about the fishery.

***fishery symbol*** means a symbol for a commercial fishery stated in a fishery provision about the fishery as a fishery symbol for the fishery.

***fish habitat area plan*** see section 77(1).

***fishing line*** see schedule 10, part 1, section 4.

- fix**, a net, see schedule 10, part 2, section 26.
- flow trap** see schedule 10, part 3, section 3A.
- free-floating line** see schedule 10, part 1, section 5.
- freshwater fish** means a fish that at any stage of its life cycle is found in waters that are not tidal.
- front opening**, of a net, see schedule 10, part 2, section 19.
- full supply level**, for an impoundment, see schedule 8, section 11.
- funnel trap** see schedule 10, part 3, section 4.
- general fisheries permit** means a permit issued under the Act of the type mentioned in section 25(e).
- general purpose mesh net** see schedule 10, part 2, section 4.
- ground chain** see schedule 10, part 2, section 20.
- hand-harvest ITQ unit** means a B1B-ITQ unit, B1W-ITQ unit, B1O-ITQ unit, DS-ITQ unit, DO-ITQ unit, G-ITQ unit, J1-ITQ unit or R-ITQ unit.
- hand pump** see schedule 10, part 4, section 3.
- haul**, a net, see schedule 10, part 2, section 27.
- holder**, of a licence or other authority, for chapter 6, part 4, division 2, see section 138.
- hook** see schedule 10, part 4, section 4.
- hull units**, for a boat that is a domestic commercial vessel, see schedule 9, section 5.
- information requirement** means—
- (a) an information requirement under section 118(1) of the Act; or
  - (b) a requirement to give the chief executive information under a condition of an authority.
- in front of**, in relation to a part of a net or a thing used with a net, see schedule 10, part 2, section 35(2).
- inlet** see schedule 8, section 12.

***landing place***—

- (a) for a boat, see section 15C(2); or
- (b) for fish taken without using a boat, see section 15D(2).

***lands***—

- (a) for a boat, see section 15C(1); or
- (b) for a fish taken without using a boat, see section 15D(1).

***leading edge***, for a part of a net or a thing used with a net, see schedule 10, part 2, section 21.

***length***—

- (a) of a boat that is a domestic commercial vessel, see schedule 9, section 4; or
- (b) of a net, see schedule 10, part 2, section 33.

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

***line year***, for CT line units, OS line units or RTE line units, see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 90.

***lobster loop*** see schedule 10, part 4, section 5.

***lure*** see schedule 10, part 4, section 6.

***malfunction***, for chapter 4, part 1, see section 82.

***management A area*** means an area within a declared fish habitat area identified by the words ‘management A’ on the fish habitat area plan for the declared fish habitat area.

***management B area*** means an area within a declared fish habitat area identified by the words ‘management B’ on the fish habitat area plan for the declared fish habitat area.

***manually reported***, for a boat, means a notice about a boat’s location given under section 93.

***maximum continuous brake kW***, for a boat’s engine, see schedule 9, section 6.

***mesh net*** see schedule 10, part 2, section 5.

***mesh size***, of a net, see schedule 10, part 2, section 34.

**monofilament**, of a net, see schedule 10, part 2, section 21A.

**Moreton Bay trawl region** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 143.

**national park land** means land that is dedicated under the *Nature Conservation Act 1992* as a national park, national park (scientific), national park (Aboriginal land), national park (Torres Strait Islander land), national park (Cape York Peninsula Aboriginal land), conservation park or resources reserve.

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

**nearshore waters** see schedule 8, section 16.

**net that is neither fixed nor hauled** see schedule 10, part 2, section 36.

**n mile** means nautical mile.

**northern trawl region** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 138.

**offshore waters** see schedule 8, section 17.

**other Queensland regulated ship** means an other Queensland regulated ship registered under the *Transport Operations (Marine Safety) Regulation 2016*.

**otter trawl net** see schedule 10, part 2, section 6.

**outside fishing operation day**, for a primary commercial fishing licence, see section 15A(3).

**prescribed development purpose**, for a declared fish habitat area, see section 60.

**prescribed reference document**, for schedule 7, part 1, see schedule 7, part 1, section 3(1)(a).

**prescribed stocked impoundment** see schedule 8, section 18.

**prescribed whiting** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 8, section 20.

**primary boat** see section 13.

***process***, in relation to fish, includes freezing, packing, refrigerating, sorting or thawing the fish.

***processing***, abalone, for chapter 5, part 5, see section 116.

***pyramid trap*** see schedule 10, part 3, section 5.

***published***, on the department's website, means published on, or accessible through, the website.

***purse seine net*** see schedule 10, part 2, section 7.

***quantity particulars***, for a species of fish, for chapter 5, part 4, see section 110.

***recreational fisher*** see section 6.

***recreational fishing*** see section 6.

***recreational fishing apparatus*** see section 7(2).

***regulated cod or grouper*** means any of the species of fish identified in schedule 7, part 2, table 1.

***regulated coral reef fin fish*** means any of the species of fish identified in schedule 7, part 2.

***regulated coral trout*** means any of the species of fish identified in schedule 7, part 2, table 2.

***regulated emperor*** means any of the species of fish identified in schedule 7, part 2, table 3.

***regulated parrotfish*** means any of the species of fish identified in schedule 7, part 2, table 5.

***regulated surgeonfish*** means any of the species of fish identified in schedule 7, part 2, table 6.

***regulated sweetlip*** means any of the species of fish identified in schedule 7, part 2, table 7.

***regulated tropical snapper or seaperch*** means any of the species of fish identified in schedule 7, part 2, table 8.

***regulated waters*** see section 9.

***regulated wrasse*** means any of the species of fish identified in schedule 7, part 2, table 9.

***relevant authority***—



(a) for chapter 4, part 1, see section 83(1); or

(b) for chapter 5, see section 100.

**relevant boat**, for a relevant authority, for chapter 4, part 1, see section 82.

**relevant fish**, for chapter 5, part 6, see section 118.

**relevant period**—

(a) for chapter 4, part 1, see section 82; or

(b) for chapter 5, part 2, see section 101(b); or

(c) for chapter 5, part 3, see section 105(b).

**relevant person**, for chapter 5, part 3, see section 105(c).

**replacement**, for an authority, means a replacement for the authority under section 71 of the Act.

**ring net** see schedule 10, part 2, section 8.

**river basin** see schedule 8, section 14.

**round eel trap** see schedule 10, part 3, section 6.

**round trap** see schedule 10, part 3, section 7.

**sale docket**, for chapter 5, part 4, see section 111(1).

**sale particulars**, for the sale of fisheries resources, for chapter 5, part 4, see section 110.

**scoop net** see schedule 10, part 2, section 9.

**seafood food safety scheme**, for chapter 5, part 4, see section 110.

**seine net** see schedule 10, part 2, section 10.

**select coral ITQ unit** means a DS22-ITQ unit, DS23-ITQ unit, DS28-ITQ unit, DS36-ITQ unit, DS39-ITQ unit, DS48-ITQ unit or DS74-ITQ unit.

**seller**, for chapter 5, part 4, see section 109(a).

**set**, a net, see schedule 10, part 2, section 28.

**set line** see schedule 10, part 1, section 6.

**set mesh net** see schedule 10, part 2, section 11.

**set pocket net** see schedule 10, part 2, section 12.

**SF↑B sign** see schedule 8, section 10(2).

**shell dredge** see schedule 10, part 4, section 7.

**shoot**, a net, see schedule 10, part 2, section 29.

**SM year** see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 83.

**southern inshore trawl region** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 140.

**southern offshore trawl region A** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 141.

**southern offshore trawl region B** see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 2, section 142.

**spear gun** see schedule 10, part 4, section 8.

**species**, for schedule 7, part 1, see schedule 7, part 1, section 1.

**square mesh**, for a net, see schedule 10, part 2, section 22.

**starts**, for a fishing operation, see section 15A(1).

**stock**, of fish by reference to a location, see schedule 7, part 8, section 1.

**stowed and secured** see section 8.

**structure** includes a barrage, boat ramp, bridge, bund, dam wall, harbour breakwater, jetty, mooring, power pole, silt curtain, storm water outlet, weir and wreck.

**sweep**, of a net, see schedule 10, part 2, section 23.

**T4-ITQ year** see the *Fisheries (Commercial Fisheries) Regulation 2019*, section 102.

**tender boat** see section 13.

**territorial sea baseline** see schedule 8, section 13.

**tickler chain** see schedule 10, part 2, section 24.

**transaction number**, for a transaction carried out using the AIVR system, see section 125(1)(b).

**trailing edge**, for a part of a net or a thing used with a net, see schedule 10, part 2, section 25.

**trawl net** see schedule 10, part 2, section 13.

**trawl region** means—

- (a) the northern trawl region; or
- (b) the central trawl region; or
- (c) the southern inshore trawl region; or
- (d) the southern offshore trawl region A; or
- (e) the southern offshore trawl region B; or
- (f) the Moreton Bay trawl region.

**trawl shoe**, of a beam, otter board or trawl sled, see schedule 10, part 4, section 9.

**trunked**—

- (a) for a fish other than a shark or ray—means the fish has had its head or tail removed; or
- (b) for a shark or ray—means the shark or ray has had its head removed.

**try net** see schedule 10, part 2, section 14.

**tunnel net** see schedule 10, part 2, section 15.

**unallocated State land** see the *Land Act 1994*, schedule 6.

**unload**, for fish, means—

- (a) if the fish have been taken by a commercial fisher and are on a commercial fishing boat—
  - (i) moving the fish from the boat, or a transport vessel to which the fish have been transferred, to a vehicle or a place; or

*Examples of a place for subparagraph (i)—*

a wharf, an enclosed part of Queensland waters used to keep live fish, a place on land

- (ii) moving the boat while the fish are on the boat to a place on land; or
- (b) if the fish have been taken by a recreational fisher and are on a boat—
  - (i) moving the fish from the boat to a vehicle or a place on land; or
  - (ii) moving the boat while the fish are on the boat to a place on land.

***unused entitlement***, for CT line units, OS line units or RTE line units, SM units or T4-ITQ units, means unused entitlement for the units under the *Fisheries (Commercial Fisheries) Regulation 2019*.

***use***, for a net, see schedule 10, part 2, section 30.

***vessel tracking standard***, for chapter 4, part 1, see section 82.

***whole weight***, for an amount of fish, see the *Fisheries (Commercial Fisheries) Regulation 2019*, schedule 11.

***working properly***, for chapter 4, part 1, see section 80(6) of the Act.