

Queensland



Explanatory Notes for SL 1995 No. 325

Fisheries Act 1994

FISHERIES REGULATION 1995

GENERAL OUTLINE

Short title

Fisheries Regulation 1995.

Authorising law

The regulation is made under various provisions of the *Fisheries Act 1994*, and in particular, the *Fisheries Act 1994*, section 223.

Objectives and reasons for the regulation

The principal objectives of the regulation are—

- (a) to provide for the management of fisheries resources in order to ensure the sustainability of the resources, the maximisation of community, economic and other benefits from the resources and equity in access to resources among various users in the community;
- (b) to provide for flexibility in any regulatory regime by allowing for subsequent changes to management, if necessary, through management plans for particular fisheries.

Ways in which the objectives are to be achieved in the regulation

A range of measures is provided for in the regulation to achieve the objectives. These measures are referred to in the regulatory impact statement and include—

- (a) clear identification of the relevant legal jurisdictions and associated regulations for fisheries management;
- (b) policy and management advisory committees;
- (c) appropriate controls on the amount of effort exerted on the fishery by commercial, recreational and, where appropriate, indigenous fishers;
- (d) protection of the environment through the declaration of fish habitat areas and the protection of marine plants;
- (e) providing for appropriate fees to assist in the management of the fishing industry.

Consistency with the objectives of the authorising law

Details of consistency of the regulation with the objectives of the *Fisheries Act 1994* are contained in the regulatory impact statement. In particular, the regulation provides a wide range of management and intervention mechanisms to ensure the sustainability of fisheries resources. Further, the regulation together with the *Fisheries Act 1994*, provide a clear process for determining the particular management mechanisms which should be used in different situations to meet the objectives of the *Fisheries Act 1994*.

Alternatives to the regulation

The alternative to the regulation is no regulation or self-regulation by user groups of fisheries resources.

This alternative will not achieve the policy objectives of the regulation or the *Fisheries Act 1994* as experience worldwide has shown that where there is “open access” to fisheries resources there is little incentive for individuals to protect and conserve the resource particularly, as there is no direct ownership of the resources.

As a result, to ensure that the allocation of fisheries resources and its level of utilisation is consistent with the needs of present and future generations, effective regulation is required.

Further discussion as to why this alternative has not been adopted is contained in the regulatory impact statement.

Assessment of the benefits and costs of implementation

Extensive consideration is given to the benefits and costs of implementing the regulation in the regulatory impact statement. Where practicable, the benefits and cost of implementation of the regulation have been quantified but there are obvious difficulties in quantification where environmental factors and the use and protection of natural resources is involved.

The regulation does not represent any significant change in fundamental methods of fisheries management under the *Fishing Industry Organisation and Marketing Regulation 1991* and *Fisheries Regulation 1977* which will be replaced by the regulation. However, the regulation does provide for greater community and industry consultation, more flexible ways of management and greater simplicity in presentation.

In broad terms, in addition to the costs of administering the existing legislation, the extra costs of implementing the regulation will be approximately \$2.3m. Of this amount, industry will provide approximately \$1.7m while the remainder will be met by redeployed savings, changes in priorities and user group fees.

Consistency with fundamental legislative principles

The provisions of the regulation are consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*.

Consultation

The *Fisheries Regulation 1995* has been developed, together with the *Fisheries Act 1994* as a combined project over the past two years. This has involved the release of a number of public discussion papers—“Queensland Fisheries Policy and Legislation: Discussion Paper” 1993 and “Queensland

Fisheries Bill and Commentary: Draft for Public Consultation, 1993”, as well as regulatory impact statements for both the *Fisheries Act 1994* and *Fisheries Regulation 1995*.

Written submissions were received on these various discussion papers covering a wide variety of issues.

Furthermore, Ministerial Fisheries Policy Council has been continuously involved in the development of the regulation. A working group has been established under the Council with the major stakeholders to oversee the detail of the development of the regulation and to assist in responding to the public submissions received.

Substantial consultation also occurred during the Inquiry into Recreational Fishing in Queensland conducted by the Deputy Premier the Honourable T J Burns, MLA during 1992/93. The *Fisheries Act 1994* and this regulation contain a range of measures decided by Cabinet following this inquiry. Additional measures agreed by Cabinet will be implemented through the process of management plans which will be developed subsequent to the regulation e.g. management plan for fisheries in Moreton Bay.

Consultation with Aboriginal and Torres Strait Islander groups has been undertaken both through their membership of the Policy Council and through individual discussions. However, such consultation will need to continue in the development of management plans and provision for this exists in the legislation.

Other key stakeholders including the Queensland Fisheries Management Authority, Queensland Commercial Fishermen’s Organisation, Sunfish, Great Barrier Reef Marine Park Authority and the Department of Environment and Heritage have been consulted in detail during the development of the regulation.

Results of consultation

A significant number of changes were made to the content and format of the regulation as a result of the consultation. The major changes are—

- (a) changed structure of the regulation to include most management measures within a single schedule dealing with fishery endorsements;

- (b) clear definition of a person's responsibilities when they are commercially fishing compared with recreationally fishing;
- (c) placing all commercial fishing activities under a single schedule and simplified licensing system rather than operating under a range of different permits;
- (d) provision for a combined licence for the whole crew of fishing vessels instead of individual, personal licences;
- (e) provision of an offence to enter a licensed aquaculture area because of the potential damage and personal risk that may arise;
- (f) provision to waive or refund any unused part of an annual fee.

Generally, there is widespread support for the regulation among stakeholders. Some concern exists that not all issues covered by the Inquiry into Recreational Fishing in Queensland are contained in this regulation. However, outstanding issues will be addressed progressively through the implementation of management plans for particular areas or fisheries.

This will involve continuing consultation as drafts of the management plans must be circulated as part of the management process, not only through the community as a whole, but also through zonal advisory committees and management advisory committees.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 states the short title for the regulation.

PART 2—INTERPRETATION

Division 1—Words and phrases

Clause 2 provides that words and phrases used in the regulation are defined in the dictionary contained in schedule 17 of the regulation. Terms not defined have either the meaning given to them by the *Acts Interpretation Act 1954* or by the Macquarie Dictionary.

Division 2—Working out boundaries

Clause 3 clarifies the meaning of references in the regulation to boundaries, lines, shores and other points for the purpose of working out boundaries.

Clauses 4 and 5 clarify the meaning of references in the regulation to waterways and their banks for the purposes of working out boundaries

Division 3—Other provisions aiding interpretation

Clause 6 provides that a reference to a beacon, buoy, lead, light or mark is a reference to an aid to navigation.

Clause 7 clarifies the way in which a primary commercial fishing boat and its associated tender commercial fishing boat are associated through the boats' markings.

Clause 8 provides that a reference to a distance between nets set in a waterway is the distance between the nets measured along the centre line of the waterway.

For nets set on a foreshore, the distance between the nets is the distance between the nets measured along the shore.

Clause 9 clarifies the meaning of references in the regulation to a net's drop and the number of meshes in a net's drop.

Clause 10 provides that schedule 16 contains the scientific names for fish mentioned in the regulation. Scientific names for nonindigenous fish, noxious fisheries resources and regulated fish follow certain publications mentioned in the clause.

Clause 11 clarifies the meaning of references in the regulation to time periods.

PART 3—MANAGEMENT PLANS

Clause 12 specifies the information that must be contained in a draft management plan for a fishery.

Clause 13 specifies the manner in which notice of a draft management plan is to be published and the contents of the notice.

PART 4—CLOSED SEASONS AND CLOSED WATERS

Clause 14 provides that the periods in schedule 1 are closed seasons for the fish mentioned in that schedule. Fish to which a closed season relates must not be taken or possessed during the closed season except in the circumstances mentioned in the clause. In particular, the closed season does not apply to fish cultivated in aquaculture.

Clause 15 exempts recreational fishers who take or possess barramundi in the Lake Tinaroo area from the closed season for barramundi. Recreational fishers who remove barramundi from the Lake Tinaroo area are also exempt from the closed season provided the barramundi are tagged in the manner indicated in the clause.

Clause 16 provides that the waters in schedules 2 and 3 are closed all year, or for some other period indicated in the schedules. Activities that are prohibited in the closed waters are stated in the schedules. Such activities include taking certain fish with the use of certain fishing apparatus. However, it is not unlawful to take or possess fish or possess fishing apparatus in closed waters, in the circumstances mentioned in the clause.

Clause 17 provides that schedule 2 applies to persons taking fish for trade or commerce and schedule 3 applies to recreational fishers.

PART 5—REGULATED FISH

Division 1—Regulated fish

Clause 18 provides that fish contained in schedule 4 are regulated fish. Where fish are regulated by number or percentage, only fish taken in excess of the number or percentage are regulated fish. Saucer scallops are an example of a fish regulated by percentage.

Clause 19 specifies the persons to whom parts of schedule 4 apply.

Division 2—Measurement of percentage, size and weight of fish to decide if they are regulated

Clause 20 specifies the ways of calculating the percentage where fish are regulated by a percentage and a particular characteristic (for example, saucer scallops).

Clause 21 specifies how to measure the size of fish including mud or sand crabs, spanner crabs, saucer scallops, trochus, pearl oysters and Moreton Bay bugs.

Clause 22 specifies that the weight of a green snail is its empty shell weight.

Division 3—Exemptions

Clause 23 exempts recreational fishers who take or possess barramundi in the Lake Tinaroo area from the maximum size limit for barramundi. Recreational fishers who remove barramundi from the Lake Tinaroo area are also exempt from the maximum size limit provided the barramundi are tagged in the manner indicated in the clause.

Clause 24 allows recreational fishers, on certain conditions, to take twice the number of reef fish which are regulated by number (schedule 4) during an extended commercial fishing tour (i.e. a commercial fishing tour conducted for an uninterrupted period of at least 48 hours).

Clause 25 allows persons to possess regulated fish if the fish are—

- (a) in the form of cleaned and preserved molluscs in a genuine shell collection;
- (b) aquarium display fish bred by the person for aquarium display; or
- (c) obtained from an authority holder allowed to sell regulated fish.

PART 6—QUOTAS

Clause 26 provides that a quota for a commercial fishery is the quota stated in a fishery provision for the commercial fishery.

Clause 27 sets out requirements in relation to the fisheries agency notifying authority holders about the filling of annual quotas. There is also a requirement for the authority holder to advise persons acting under the authority.

Fish must not be taken by a person who has received notice in accordance with this clause after the date stated in the notice, or, if that date has passed, the day after the notice is received.

Clause 28 provides that a person is not allowed to take more fish than specified in a daily quota stated in a fishery provision for a commercial fishery.

An exemption applies to persons who unintentionally take more than the daily quota of fish provided the fish are not intentionally or recklessly injured and are immediately put back.

Clause 29 provides that where a quota is specified by a period of time, the taking of certain fish or use of certain apparatus may be prohibited other than during the time quota.

PART 7—AUTHORITIES

Division 1—Licences

Clause 30 specifies the licences the chief executive may issue.

Clause 31 specifies the types and categories of licence the Authority may issue.

Clause 32 places restrictions on the Authority in relation to the issuing of crew licences. In particular, crew licences may only be issued to a commercial fisher or commercial fishing boat licence holder.

Clause 33 provides that tender commercial fishing boat licences may only be issued by the Authority for boats with a length of not more than 7 m. However, where a tender commercial fishing boat licence for a boat longer than 7 m was in force immediately before the commencement of the regulation, the Authority may renew that licence.

Division 2—Permits

Clause 34 specifies the types of permits the chief executive may issue.

Clause 35 allows the Authority to issue general fisheries permits and provides the purposes or activities for which those permits may be issued.

Clause 36 specifies the purposes for which the chief executive may issue an aquaculture permit.

Clause 37 specifies the matters for which the chief executive may issue a fisheries resources permit.

Clause 38 specifies the purposes for which the chief executive may issue fish habitat area permits and the matters the chief executive must be satisfied of before issuing a fish habitat area permit.

Clause 39 specifies the purposes for which the chief executive may issue marine plant permits.

Division 3—Other authorities

Clause 40 specifies other authorities that may be issued by the Authority.

Division 4—Fishery symbols on authorities

Clause 41 requires the Authority to write the relevant fishery symbol on an authority where the authority allows something to be done in a commercial fishery.

For some commercial fisheries where a boat identified in an authority has also previously operated in the New South Wales fishery and continues to hold a New South Wales licence allowing the boat to be used to take fish for trade or commerce, the Authority may write the relevant fishery symbol on the authority.

Where a crew member or fisher may take fish in particular commercial fisheries managed by the Queensland Fisheries Joint Authority, the Authority is not required to write the relevant fisheries symbol on the crew or fisher licence.

The Queensland Fisheries Joint Authority is one created under the *Fisheries Management Act 1991* (Cwlth) comprising both Queensland and Commonwealth fisheries agencies.

Clause 42 places restrictions on the Authority in relation to writing fisheries symbols on certain authorities involving tender commercial fishing boats.

Clause 43 places restrictions on the Authority in relation to writing fisheries symbols on authorities involving the use of a boat which exceeds certain length provisions in a commercial fishery.

Clause 44 sets out what a person acting under an authority with a fishery symbol on it is authorised to do.

Clause 45 places restrictions on persons acting under an authority with more than one fishery symbol on the authority.

Clause 46 does not allow a person holding an authority, to take fish in a Joint Authority fishery managed under Queensland law unless—

- (a) the Joint Authority endorses the authority to extend its operation to activities over which the Joint Authority has powers under the Act; and

- (b) taking the fish is an activity over which the Joint Authority has powers under the Act.

Clause 47 sets out when the effect of certain fishery symbols end for certain commercial fisheries.

Division 5—Things authorised by, and conditions of, authorities

Clause 48 specifies the things authorised by, and conditions of an aquaculture licence. The conditions specified are in addition to any other conditions stated on the aquaculture licence.

In particular, where a licence expires, is cancelled or suspended, and provided the former aquaculture licence has not successfully applied for another aquaculture licence for the same land, the former holder must remove and dispose of anything used for the aquaculture activity in a way that the chief executive considers is reasonably satisfactory.

If the aquaculture licence holder does not do so, provision is made for the chief executive to remove and dispose of the things and recover the reasonable costs in doing so as a debt payable to the State.

Clause 49 specifies the things an assistant fisher is authorised to do under an assistant fisher licence.

Clause 50 specifies the things a Class A and a Class B buyer is authorised to do under a buyer licence.

Clause 51 specifies the things a carrier boat licence holder is authorised to do under a carrier boat licence.

Clause 52 specifies the things a commercial fisher is authorised to do under a commercial fisher licence.

Clause 53 allows a crew licence holder to engage crew members to work. The clause also specifies the things a crew member is authorised to do under a crew licence and the conditions of a crew licence including that not more than 4 crew members may be engaged under the crew licence.

Clause 54 specifies the things a primary commercial fishing boat licence holder is authorised to do under a primary commercial fishing boat licence and also sets out the conditions of a primary commercial fishing boat licence.

Clause 55 specifies that a storage licence holder is authorised to store fish only at the place identified in the licence.

Clause 56 specifies what a tender commercial fishing boat licence holder is authorised to do under a tender commercial fishing boat licence and sets out the conditions that apply to a tender commercial fishing boat licence.

Clause 57 specifies the things a fish habitat area permit holder is authorised to do under a fish habitat area permit.

Clause 58 provides the ways a holder of an authority allowing the sale of fisheries resources may sell the fisheries resources. This provision does not limit another provision of the regulation applying to the sale of fisheries resources by an authority holder.

Division 6—Transfer of authorities

Clause 59 specifies certain authorities which are not transferable.

Clause 60 allows the chief executive to transfer an aquaculture licence for unallocated State land only if the chief executive is reasonably satisfied that the licensed area is free from waste material and debris.

Division 7—Other matters about authorities

Clause 61 provides that an authority holder only requires a single authority for an activity which may also be permitted under another authority issued under the regulation.

Clause 62 specifies the information about each authority that must be contained in a register of authorities kept by a fisheries agency.

Clause 63 requires an authority holder to give the fisheries agency written particulars of a change in certain information specified in the clause.

Clause 64 specifies, for the purposes of section 221 of the Act, the authorities an inspector may hold or have an interest in.

PART 8—FISHERIES OFFENCES

Division 1—Prohibited acts about fish

Clause 65 provides that taking, possessing or selling regulated fish is prohibited unless the person holds an authority allowing the person to take, possess or sell regulated fish.

Clause 66 specifies certain prohibited ways of taking fish.

Division 2—Acts only an authority holder may do

Clause 67 specifies the purpose of this division of the regulation which is to prescribe acts that may only be done by a holder of a relevant authority.

Clause 68 requires a person to hold a relevant authority in order to use, buy or possess commercial fishing apparatus.

Clause 69 specifies the circumstances in which a person may use a boat to take fish for trade or commerce and specifies who may be in control of the boat while the boat is being used to take fish for trade or commerce.

Clause 70 allows only a person holding a general fisheries permit for a commercial fishing tour to conduct a commercial fishing tour. It also specifies certain conditions relating to the use of boats for such tours.

Clause 71 specifies who may take fish for trade or commerce, or in a commercial fishery.

Clause 72 specifies the circumstances in which a person may use or allow a boat to be used to carry fish for trade or commerce.

Clause 73 specifies the circumstances in which a person may process fisheries resources for trade or commerce.

Clause 74 requires a person to hold a relevant authority in order to store fish for trade or commerce, at a place.

Clause 75 allows only the holder of an authority allowing a person to sell fisheries resources, to sell fisheries resources by wholesale.

An exemption is provided however, for a person selling fish for bait under certain circumstances.

Clause 76 allows only the holder of an authority allowing the person to buy fisheries resources, to buy fisheries resources by wholesale. An exemption is provided for fish sold by retail.

Clause 77 specifies the circumstances in which a person may engage in aquaculture, take fisheries resources for aquaculture, sell aquaculture fisheries resources or release aquaculture fisheries resources. Exceptions are provided for persons selling live fish by retail.

Clause 78 requires a person to hold an authority to take fisheries resources cultivated (other than for sale) from an area in Queensland or elsewhere and put those fisheries resources in another area in Queensland.

Clause 79 provides that a person must have an authority to remove, destroy or damage marine plants except in particular circumstances.

Clause 80 requires a person to hold an authority to do certain things involving nonindigenous fisheries resources. The authority may allow the person—

- to bring or cause nonindigenous fisheries resources to be brought into Queensland;
- possess, rear, sell or buy nonindigenous fisheries resources ;
- release or cause nonindigenous fisheries resources to be released into Queensland waters.

An authority however, is not required for certain things involving nonindigenous fisheries resources contained in schedule 6.

Clause 81 requires a person to hold an authority to do certain things involving noxious fisheries resources. The authority may allow the person—

- to bring noxious fisheries resources into Queensland;
- to possess, rear, sell or buy noxious fisheries resources;
- release, or cause noxious fisheries resources to be released into Queensland waters.

Division 3—Miscellaneous

Clause 82 makes it an offence for a commercial fishing boat licence holder or a commercial fisher on board a boat identified in a licence to allow other than certain persons on board the boat while it is being used to take fish for trade or commerce. The maximum penalty for this offence is \$6 000.

Clause 83 makes it an offence for an aquaculture authority holder for unallocated State land to place or allow any hazardous thing in the area mentioned in the authority. The maximum penalty for this offence is \$6 000.

Provision is made for the chief executive to issue a written notice directing the authority holder to remove and dispose of the hazardous thing. The maximum penalty for failure to comply with the notice without reasonable excuse is \$6 000.

If a notice issued by the chief executive is not complied with, provision is made for the chief executive to remove and dispose of the hazardous thing and recover the reasonable costs in doing so as a debt payable to the State.

Clause 84 makes it an offence for a person other than an aquaculture authority holder or a person acting under an aquaculture authority to enter on, or take fisheries resources from, tidal areas where aquaculture fisheries resources are growing. The maximum penalty for this offence is \$6 000.

Clause 85 makes it an offence for a person acting under an authority to contravene a condition of the authority. The maximum penalty for this offence is \$6 000.

Clause 86 makes it an offence for a person to contravene a fishery provision. The maximum penalty for this offence is \$6 000.

This provision does not apply to fishery provisions about quotas or ways of taking fish, as these are matters for which the Act creates offences.

Clause 87 creates offences for a person to take molluscs or take bait using a digging implement other than a hand pump for taking yabbies, in a fish habitat area. The maximum penalty for each offence is \$6 000.

Clause 88 makes it an offence for a person, without reasonable excuse, to interfere with an official sign. The maximum penalty for this offence is \$6 000.

An official sign is a sign erected by a fisheries agency.

Clause 89 creates offences for a person, without reasonable excuse, to—

- allow part of fishing apparatus containing fish to be out of the water except to immediately remove fish from the apparatus; or
- not immediately release regulated fish or fish unintentionally caught while taking fish with fishing apparatus, into water deep enough to allow the fish to escape.

The maximum penalty for each offence is \$6 000.

Clause 90 sets out various offences involving the obstruction of fishers or persons acting under an authority. A maximum penalty of \$6 000 applies to each offence.

Clause 91 makes it an offence for a person other than a buyer, fish retailer or person with an appropriate authority to possess crab meat or a mud or sand crab with its carapace missing. The maximum penalty for this offence is \$6 000.

No offence is created where the crab is bought by retail or is possessed by a person for immediate consumption.

It is also an offence to be in possession of a Moreton Bay bug on a commercial fishing boat if the bug has been mutilated or had eggs removed from it. The maximum penalty for this offence is \$6 000.

Clause 92 creates various offences relating to the taking or possessing of oysters from the place where the oysters are growing other than for oysters grown under an authority or bought by a person. A maximum penalty of \$3 000 applies to each offence.

Clause 93 creates various offences relating to the use of nets. A maximum penalty of \$6 000 applies to each offence.

In particular, prohibited activities concern the joining, overlapping, and setting of nets and the reducing of a net's mesh size. The intent of this provision is to prevent nets being used in a way that increases a net's effectiveness in catching fish beyond what is lawfully permitted, for example, by reducing a net's mesh size. The clause is not intended to prevent the use of nets such as tunnel nets, which are sometimes partially overlapped in order for individual panels of the net to be joined or staked.

PART 9—PROTECTION AND CONSERVATION OF FISH HABITATS

Clause 94 provides that fish habitat areas are described in, or shown on a plan mentioned in, schedule 7 of the regulation. Provisions are included, in the clause itself to define the actual area of the fish habitat area including what is and is not included in the area. Any descriptions of a fish habitat area contained in schedule 7 are to be read in conjunction with the plans referred to in that schedule.

PART 10—ENFORCEMENT

Clause 95 specifies those persons who may be appointed as inspectors for the purpose of section 140(1)(d) of the Act.

PART 11—RECREATIONAL FISHING

Clause 96 provides that recreational fishers may only use or possess fishing apparatus referred to in schedule 8 of the regulation, in accordance with the schedule.

Clause 97 makes it an offence for a person using a commercial fishing boat for recreational fishing not to cover or remove the boat's commercial fishing mark. The maximum penalty for this offence is \$6 000.

Clause 98 creates various offences by recreational fishers concerning the removal of skin from fish and the dividing of a fish into portions. The maximum penalty for each offence created is \$6 000.

This provision is for the purpose of assisting in the identification and counting of the number of fish possessed by a recreational fisher.

PART 12—MISCELLANEOUS

Division 1—General

Clause 99 provides that fees received by the chief executive under the Act are to be paid into the Fisheries Research Fund.

Clause 100 provides that fish of a species of regulated fish are declared fisheries resources to which section 154 of the Act applies. Section 154 of the Act relates to the seizure of fisheries resources in a heap.

Clause 101 prescribes certain expenses for the purposes of the definition of "net proceeds of sale" in relation to seized fisheries resources.

Clause 102 makes an offence about taking, possessing or selling regulated fish a forfeiture offence for the purposes of section 154 of the Act.

Clause 103 creates various offences in relation to the marking of boats by holders of authorities allowing the use of a boat. The maximum penalty for each offence is \$6 000.

Clause 104 provides that fisheries resources mentioned in schedule 6 of the regulation are nonindigenous for the purposes of section 92(2) of the Act. Therefore, a person who takes or possesses nonindigenous fisheries resources contained in schedule 6 of the regulation, are not subject to the duty set out in section 92 (1) of the Act.

Clause 105 provides that fisheries resources contained in schedule 9 of the regulation are noxious fisheries resources.

Clause 106 specifies the particulars required to be contained on a docket for the wholesale sale of fisheries resources.

Clause 107 creates an offence for a person not to write or mark particulars required under the regulation in english, legibly and visibly. The maximum penalty that applies to this offence is \$6 000.

Clause 108 specifies those matters which are regarded as serious fisheries offences for the purposes of section 67 of the Act which deals with the suspension and cancellation of authorities.

Clause 109 requires certain persons to provide statistical returns to the Authority and the chief executive.

Clause 110 provides the threshold percentages for various fisheries resources for the purpose of section 154 of the Act.

Division 2—Fees

Clause 111 specifies the amounts payable to persons appearing as witnesses before the Fisheries Tribunal.

Clause 112 provides that the fees payable under the Act and regulation are contained in schedule 10 of the regulation. The fees are annual fees unless otherwise indicated in schedule 10.

Clause 113 allows the fisheries agency to refund or waive parts of a fee (other than an assessment fee) for an authority.

The amount of a fee the fisheries agency may refund or waive is specified.

This provision does not apply to crew and fisher licence fees.

PART 13—TRANSITIONAL PROVISIONS

Clause 114 repeals the following subordinate legislation—

- the regulations and the orders in council made under the *Fisheries Act 1976* or the *Fishing Industry Organisation and Marketing Act 1982* which were continued in force under the *Fisheries Act 1994*
- the *Fisheries Regulation 1995 SL No. 34 of 1995*
- the *Fisheries (Pumicestone Strait Closed Waters) Declaration 1995*, SL No. 291 of 1995.

Clause 115 provides for transitional provisions relating to authorities in force immediately before the commencement of the regulation.

Schedule 1 contains details of closed seasons.

Schedule 2 contains details of waters closed to commercial fishing.

Schedule 3 contains details of waters closed to recreational fishing.

Schedule 4 contains details of regulated fish.

Schedule 5 details the waters in which scallops may be processed on a boat.

Schedule 6 lists nonindigenous fish.

Schedule 7 contains details of fish habitat areas.

Schedule 8 contains details of fishing apparatus that may be used for recreational fishing.

Schedule 9 lists noxious fisheries resources.

Schedule 10 lists the fees payable to the chief executive and the Authority under the Act and regulation.

Schedule 11 contains fisheries provisions for commercial crab fisheries.

Schedule 12 contains fisheries provisions for commercial line fisheries.

Schedule 13 contains fisheries provisions for commercial net fisheries.

Schedule 14 contains fisheries provisions for commercial trawl fisheries.

Schedule 15 contains fisheries provisions for other commercial fisheries.

Schedule 16 contains a glossary of scientific names for fish referred to in the regulation.

Schedule 17 contains a dictionary for the regulation.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Primary Industries.