



Fisheries Act 1994

Fisheries Regulation 2008

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Queensland

Fisheries Regulation 2008

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Fisheries Regulation 2008

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

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

2 Commencement

This regulation commences on 1 April 2008.

Part 2 Interpretation

Division 1 Relationship with Fisheries Declaration 2019

3 Regulation to be read with Fisheries Declaration 2019

For fisheries declarations, this regulation must be read together with the *Fisheries Declaration 2019*.

Note—

See the *Fisheries Declaration 2019*, section 3 about the interpretation of terms in the declaration.

Division 2 Definitions

4 Dictionary

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

4A 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 this regulation.
- (2) A thing is *stowed and secured* if it is *stowed* inboard a boat.

Division 3 Scientific names for fish

5 Definition for div 3

In this division—

species includes another taxonomic grouping.

6 Scientific names for species of fish

- (1) The scientific name for a species of fish mentioned in schedule 5, column 1 is the scientific name stated opposite the species of fish in schedule 5, column 2.
- (2) The scientific name for a species of fish mentioned in schedule 6, column 1 is the scientific name stated opposite the species of fish in schedule 6, column 2.
- (3) Without limiting subsection (1) or (2), the scientific name for a species of fish mentioned in this regulation or a declaration follows the scientific name for the species of the fish stated in a document mentioned in schedule 7 (a *prescribed reference document*).

7 Alternative scientific names in prescribed reference documents

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

8 Inconsistency between prescribed reference and scheduled names

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

Division 4 References to regulated waters

9 References to regulated waters by name or description

A reference to particular regulated waters by name or description is a reference to the regulated waters with that name or description under the *Fisheries Declaration 2019*, schedule 1.

Division 5 Matters relating to authorities and commercial fisheries

13 References to an authority include its conditions

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

14 References to activities carried out under an authority

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

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

Note—

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

15 Who is a *commercial fisher*

- (1) Generally, a commercial fisher is anyone who holds a commercial fisher licence.
- (2) However, in a fishery provision about a commercial fishery in chapters 7 to 11, a reference to a commercial fisher is a reference to a commercial fisher acting under the commercial

fishing boat licence on which is written a fishery symbol for the fishery.

15A What is a *commercial fishery*

- (1) Generally, a commercial fishery is a fishery provided for under chapters 7 to 11.
- (2) A reference to a commercial fishery includes a reference to the authorisations and conditions stated in a fishery provision about the fishery.
- (3) A reference to doing a thing in a commercial fishery includes a reference to doing the thing under the authorisations and conditions stated in a fishery provision about the fishery.

16 References to *the licence* in a fishery provision

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

Division 6 Working out boundaries of areas

17 References to latitudes and longitudes

- (1) Subject to 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 AGD 84.
- (3) In this section—
AGD 84 means the Australian Geodetic Datum 1984, commonly called ‘AGD 84’, defined in the technical report by Allman, JS and Veenstra, C titled ‘Geodetic Model of Australia 1982’, Technical Report 33, published in 1984 by

the Commonwealth Department of Resources and Energy,
Division of National Mapping.

Editor's note—

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

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

18 References to boundaries, lines, shores and other points

Unless otherwise provided, the following apply—

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

19 References to waterways

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

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

- (b) the foreshores of the waterway.

20 References to banks of waterways

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

Division 7 Other general provisions aiding interpretation

21 References to aids to navigation

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

22 References to distances between nets

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

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

23 References to drops and number of meshes

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

24 References to periods of days or months

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

Example—

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

25 References to times

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

Examples—

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

Chapter 5 Authorities

Part 1 Preliminary

201 Simplified outline of ch 5

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

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

Part 2 General provisions about authorities

Division 1 Types of authorities

202 Purpose of division

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

204 Types of permits

- (1) The types of permit the chief executive may issue are the following—
- (a) developmental fishing permits;
 - (b) indigenous fishing permits;
 - (c) stocked impoundment permits;
 - (d) a filleting permit to the holder of an RQ fishery licence;
 - (e) a permit for an activity mentioned in subsection (2) (a ***general fisheries permit***).

Note—

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

- (2) Subject to part 4, division 1, the chief executive may issue a general fisheries permit for an activity that—
- (a) is not able to be carried out under another type of authority; and
 - (b) is carried out for any purpose, regardless of whether it is for a commercial purpose or a non-commercial purpose.

Example of activity carried out for a commercial purpose—

collection of fish for aquaculture

Example of activity carried out for a non-commercial purpose—

fisheries research and monitoring

- (3) For a general fisheries permit for an activity for which the sole or main purpose is a commercial purpose, the chief executive must state a term for the permit that ends on a day that is not more than 2 years after the day on which the permit was issued.

205 Types of licences

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

- (a) a carrier boat licence;

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

Note—

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

206 Types of quota authorities

The types of quota authorities under the Act are the following—

- (a) T1 effort units and T2 effort units under chapter 7A, part 7;
- (b) SM units under chapter 10, parts 2 to 6;
- (c) CT line units, OS line units and RTE line units under chapter 10A, parts 2 to 6;
- (d) ITQ units under chapter 11, part 1A, division 7;
- (e) T4-ITQ units under chapter 11, part 3, division 5.

Note—

Generally speaking, the chief executive may not issue more quota authorities of any of the types mentioned in this section—see sections 392BN, 556A, 591N, 600NA and 614G.

Division 1A Activities for which authorities can not be issued

207A Prohibition on issue of authority authorising the use of bottom set line in Gulf of Carpentaria waters

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

Division 2 Authorisations under authorities

208 Authorisations subject to regulation, declarations and authorities

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

Examples of relevant restrictions—

- restrictions under the *Fisheries Declaration 2019*
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

209 Authority holder only requires 1 authority for an activity

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

Division 3 Register of authorities

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

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

- (a) the type, category and number of the authority;
- (b) the fishery symbols, if any, written on the authority;
- (c) the authority holder's full name;
- (d) the holder's postal address;
- (e) other relevant particulars about each boat identified in the authority 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 authorities held by the person; and
 - (iii) if conditions have been imposed on any of the authorities—the conditions; and
 - (iv) if any of the authorities are suspended—the number of the authorities and the period of the suspension;
- (h) for an 'M2' licence—
 - (i) the boat mark for the boat identified in the licence; and
 - (ii) the boat's hull units, beam, depth and length; and
 - (iii) the boat's main engine power in maximum continuous brake kW.

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

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

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

Division 4 Other matters

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

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

- (a) a charter fishing licence;
- (b) a commercial fishing boat licence;
- (c) a commercial harvest fishery licence;
- (d) an effort unit;
- (e) an ITQ unit;

- (f) a line unit;
- (g) a resource allocation authority;
- (h) an SM unit.

213 Authorities in which inspectors may have an interest

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

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

Part 3 Resource allocation authorities

Division 1 Preliminary

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

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

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

Examples—

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

- (b) managing fisheries resources or fish habitat;

Example—

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

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

Examples of public infrastructure—

a boat ramp or jetty for public use

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

Division 2 Issue of and authorisation under resource allocation authorities

215 Restriction on issue of particular resource allocation authorities

- (1) The chief executive may issue a resource allocation authority for a prescribed declared fish habitat area development only if the chief executive is satisfied the development is for a

prescribed development purpose for the declared fish habitat area to which the development relates.

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

216 Authorisation under resource allocation authority

- (1) A resource allocation authority holder may do any of the following under the authority—
 - (a) for an authority relating to prescribed declared fish habitat area development or development mentioned in the *Planning 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 is 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 4 Permits

Division 1 Restrictions on issue of particular permits

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

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

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

218 Restriction on issue of permit for taking or possessing maray or Australian sardine

- (1) The chief executive can not issue a permit allowing the taking or possession of maray or Australian sardines for trade or commerce.
- (2) However, subsection (1) does not apply if—
- (a) the permit allows the taking or possession of maray or Australian sardines for only 1 of the following—
 - (i) to use as bait for fishing under a commercial fishing boat licence or commercial fisher licence held by the person applying for the permit;

- (ii) to use as food for display fish;
- (iii) for research; or
- (b) the permit is a replacement permit issued under section 71 of the Act.

218A Restriction on issue of general fisheries permit for taking fish in particular regulated waters

The chief executive can not issue a general fisheries permit allowing the taking of fish in, or the possessing 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;
- (d) public safety.

218B Prohibition on issue of developmental fishing permit for use of set mesh nets in Gulf of Carpentaria waters

The chief executive may issue a developmental fishing permit authorising the use of a set mesh net in the Gulf of Carpentaria waters only if the permit is a replacement of a developmental fishing permit under which the use of a set mesh net in the Gulf of Carpentaria waters is authorised.

218C Prohibition on issue of permits for taking or possessing freshwater fish for trade or commerce

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

218D Prohibition on issue of general fisheries permit for using particular nets in particular regulated waters

(1) The chief executive can not issue a general fisheries permit allowing a commercial fisher to use a relevant net to take a fish for trade or commerce in the regulated waters mentioned in the *Fisheries Declaration 2019*, section 65(1).

(2) In this section—

relevant net means a cast net, mesh net, seine net or set pocket net.

Division 2 Authorisations under particular permits

219 Developmental fishing permit

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

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

220 Indigenous fishing permit

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

- (a) assess the commercial viability of a fishing activity proposed to be carried out, or fishing apparatus or a boat proposed to be used, by an indigenous person or a

community of indigenous persons in a commercial fishery identified in the permit;

- (b) buy, use or possess fishing apparatus to carry out the assessment;
- (c) take, possess and process fish taken for carrying out the assessment;
- (d) sell the fish.

220A Stocked impoundment permit

A person who holds a stocked impoundment permit may take freshwater fish using a fishing line from a prescribed stocked impoundment.

220AA Filleting permit

The holder of a filleting permit, or a commercial fisher acting under a filleting permit, may fillet regulated coral reef fin fish stated on the permit but only on board a primary boat identified in the RQ fishery licence held by the permit holder.

Division 3 Conditions under particular permits

220B 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 10B.

Part 5 Licences, other than licences for commercial fishing

Division 1 Carrier boat licence

221 Restriction on issue of licence for regulated coral reef fin fish

- (1) The chief executive must not issue a carrier boat licence allowing the carriage of regulated coral reef fin fish.
- (2) However, the chief executive may issue a replacement for a licence mentioned in subsection (1) if—
 - (a) the licence was issued before the original notification day; and
 - (b) the holder applying for the replacement has held the licence continuously from the original notification day; and
 - (c) the application is for the replacement of the licence on the same, or substantially the same, conditions.
- (3) In this section—

original notification day means 12 September 2003.

Editor's note—

The repealed *Fisheries (Coral Reef Fin Fish) Management Plan 2003* was notified in the gazette on 12 September 2003.

222A Restriction on issue of licence for commercial spanner crab fishery (managed area A)

- (1) The chief executive must not issue a carrier boat licence that allows the use of a boat in the fishery area for the commercial spanner crab fishery (managed area A).
- (2) However, the chief executive may issue a replacement for a licence mentioned in subsection (1).

Note—

See chapter 11, part 1A (Commercial spanner crab fishery (managed area A) ('C2')), section 600C (Fishery area).

222B Restriction on issue of licence for commercial spanner crab fishery (managed area B)

The chief executive must not issue a carrier boat licence to carry spanner crabs taken in the fishery area for the commercial spanner crab fishery (managed area B) for—

- (a) a primary boat identified in a commercial fishing boat licence on which the fishery symbol 'C3' is written; or
- (b) a tender boat for a primary boat mentioned in paragraph (a).

Note—

See chapter 11, part 1B (Commercial spanner crab fishery (managed area B) ('C3')), section 600Z (Fishery area).

223 Authorisation under carrier boat licence

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

- (a) use the boat identified in the licence to carry fish taken for trade or commerce by—
 - (i) a commercial fisher or assistant fisher; or
 - (ii) someone else who, under this regulation, is authorised to take fish for trade or commerce under another authority; or
- (b) authorise someone else to use the boat in the way mentioned in paragraph (a).

223A Authorisation under carrier boat licence for regulated coral reef fin fish

It is a condition of a carrier boat licence allowing the carriage of regulated coral reef fin fish that a boat identified in the

licence must not be used to carry live regulated coral reef fin fish unless—

- (a) the boat is also identified in a commercial fishing boat licence; and
- (b) the fish were taken from any of the following—
 - (i) the boat;
 - (ii) if the boat is a tender boat—the boat’s primary boat;
 - (iii) if the boat is a primary boat—a tender boat of the primary boat.

Division 2 Charter fishing licence

224 Authorisation under charter fishing licence

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

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

225 Condition of charter fishing licence

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

- (a) the maray or Australian sardines are taken to use as bait for fishing during the trip; and
- (b) the taking complies with the *Fisheries Declaration 2019*, chapter 4, part 4.

Part 6 General provisions about authorities for commercial fishing

Division 1 Authorities for sale of fisheries resources

226 Conditions of authority

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

Division 2 Conditions about boat marks

227 Application of div 2

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

- (a) the authority states a sequence of letters or numbers for the boat; or

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

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

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

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

229 Requirements for fixing boat mark on authorised boat

- (1) It is a condition of the authority that the authority holder must ensure the boat mark for the authorised boat is fixed to the boat in a way that complies with subsections (2) to (7).
- (2) The boat mark must be written in black on a yellow background.
- (3) If the boat has a length of less than 10m—
 - (a) each letter or number in the boat mark must have a height of at least 20cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 2cm but no more than 2.5cm.
- (4) If the boat has a length of 10m or more but less than 25m—

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- (a) each letter or number in the boat mark must have a height of at least 30cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 3.5cm but no more than 4cm.
- (5) If the boat has a length of 25m or more—
- (a) each letter or number in the boat mark must have a height of at least 45cm; and
 - (b) each stroke or serif of the letter or number must have a width of at least 6cm but no more than 6.5cm.
- (6) The boat mark must be—
- (a) if the authorised boat is a primary boat or another boat identified in the authority—fixed to each side of the boat’s hull; and
 - (b) if the authorised boat is a tender boat or another boat not identified in the authority—fixed to each side of the boat’s hull; and
 - (c) fixed to the following surface in a way that allows the boat mark to be viewed from above—
 - (i) if the boat has a deck or shelter at its front—the deck or shelter or an enclosed cabin or wheelhouse on the deck;
 - (ii) otherwise—a flat surface on the boat.
- (7) The boat mark must not—
- (a) be fixed below the water line of the boat; or
 - (b) otherwise be obscured from view; or
 - (c) be removed from the boat’s hull, or replaced with another boat mark on the boat’s hull, during a fishing trip on the boat.

230 Authorised boat must not be used without boat mark

It is also a condition of the authority that a person in control of an authorised boat must not use the boat, or allow it to be

used, to take fish for trade or commerce, unless a boat mark for the boat has been fixed to, and remains on, the boat in compliance with section 229.

231 Requirement to remove boat mark

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

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

Part 7 Commercial fisher licence

Division 1 Authorisation—general

232 Authorisation—commercial fisher

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

- (a) buy commercial fishing apparatus;
- (b) possess commercial fishing apparatus;
- (c) use commercial fishing apparatus, but only while using a commercial fishing boat under a commercial fishing

- boat licence on which is written a fishery symbol authorising the use of the apparatus;
- (d) take fish for trade or commerce, but only while using a commercial fishing boat under a commercial fishing boat licence;
 - (e) possess the fish;
 - (f) sell the fish;
 - (g) process the fish.

233 Authorisation—assistant fisher

- (1) Subject to subsections (2) to (4), a person who holds a commercial fisher licence may authorise someone else (an *assistant fisher*) to do a thing under the licence that the commercial fisher may do under section 232.
- (2) An assistant fisher may do a thing mentioned in section 232(b) to (d) under a commercial fisher licence only if the assistant fisher is acting under direction of the commercial fisher.
- (3) An assistant fisher may do a thing mentioned in section 232(e) to (g) under a commercial fisher licence on a boat only if the assistant fisher is acting under direction of the commercial fisher.
- (4) An assistant fisher may do a thing mentioned in section 232(a), (b), (e), (f) or (g) under a commercial fisher licence, other than on a boat, only if the assistant fisher complies with the commercial fisher's instructions.

Division 2 Authorisation—fishing priority

Subdivision 1 Preliminary

234 Definitions for div 2

In this division—

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

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

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

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

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

235 Meaning of *ready to fish*

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

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

Subdivision 2 Fishing priorities

236 Fishing priority—ocean beach fisheries

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

237 Fishing priority—other commercial fisheries

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

238 Duration of fishing priority

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

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

239 Joint fishers taken to be 1 fisher

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

Subdivision 3 Offences relating to fishing priorities

240 Interfering with ocean beach fishery flag

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

Maximum penalty—20 penalty units.

241 Obstructing exercise of a fishing priority

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

Maximum penalty—20 penalty units.

Division 3 Conditions

242 General conditions of a commercial fisher licence

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

Note—

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

- (2) Subsection (3) applies to a commercial fisher using a commercial fishing boat under a commercial fishing boat licence on which the fishery symbol ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T4’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ is written.

- (3) The commercial fisher must not act, or direct an assistant fisher to act, in the same commercial fishery under more than 1 commercial fishing boat licence at the same time.
- (4) Subsection (5) applies to a commercial fisher operating under a commercial fishing boat licence in a commercial fishery, other than a commercial fisher to which subsections (2) and (3) apply.
- (5) The commercial fisher must not act in the commercial fishery under—
 - (a) if the commercial fisher is directing an assistant fisher acting under a commercial fishing boat licence in the commercial fishery at the same time as the commercial fisher—more than 2 commercial fishing boat licences at the same time; or
 - (b) otherwise—more than 1 commercial fishing boat licence at the same time.

Division 4 Other matters

243 Commercial fisher licence not transferable

A commercial fisher licence is not transferable.

Part 8 Commercial fishing boat licence

Division 1 Issue

244 Restriction on issue of commercial fishing boat licences

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

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

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

Division 2 Authorisation

246 Authorisation under a commercial fishing boat licence

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

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- (4) While a tender boat is being used under subsection (1)(c), the provisions of this regulation apply to the boat as if it were a primary boat.

Division 3 Conditions

247 General conditions of a commercial fishing boat licence

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

Note—

If a fishery symbol for a commercial fishery is written on a commercial fishing boat licence, the licence is also subject to the applicable conditions stated in chapters 7 to 11 for licences on which the symbol is written.

- (2) Only a commercial fisher or an assistant fisher under direction of the commercial fisher may use the primary boat identified in the licence or a tender boat authorised for use under the licence.
- (3) The primary boat may be used in a commercial fishery, other than the 'N11' fishery, only if the fishery symbol for the fishery is written on the licence.
- (4) The primary boat and any of its tender boats may be used in the 'N11' fishery to take 'N11' fish without the 'N11' fishery symbol being written on the licence if the boat and the taking of the fish complies with chapter 9, part 5.
- (5) However, if the primary boat or any of its tender boats is used under subsection (4), the 'N11' fish may be sold only if the 'N11' fishery symbol is written on the licence.
- (6) A tender boat may be used in a commercial fishery only if—
- (a) its length is no more than 7m; and
 - (b) its primary boat—
 - (i) may be used in the fishery; and

(3) In this section—

nominated person means—

- (a) generally—a person who, under chapter 7, has been nominated by the licence holder; or
- (b) if the licence is an eel licence, the licence holder's approved nominee under section 310F.

Chapter 6 General provisions about fishery symbols

Part 1 Preliminary

249 Simplified outline of ch 6

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

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

Part 3 Writing fishery symbols

Division 1 General provisions

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

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

252 Restriction on writing multiple fishery symbols

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

Division 2 Particular fishery symbols

252A Restriction on writing fishery symbol 'E'

The chief executive may write the fishery symbol 'E' on a commercial harvest fishery licence only if the licence is a replacement of a commercial harvest fishery licence on which the symbol was written.

253 Restrictions on writing fishery symbol ‘SM’

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

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

253A Restrictions on writing fishery symbol ‘C2’

The chief executive may write the fishery symbol ‘C2’ on a commercial fishing boat licence only if—

- (a) the chief executive—
 - (i) has approved an application to transfer ITQ units to the licence holder; and
 - (ii) transfers the ITQ units to the licence holder when the chief executive writes the symbol on the licence; or
- (b) the chief executive has approved a fishery symbol movement application and under the application the symbol is to be written on the licence; or
- (c) the licence is a replacement of a ‘C2’ fishery licence.

253B Restrictions on writing fishery symbol ‘C3’

The chief executive may write the fishery symbol ‘C3’ on a commercial fishing boat licence only if—

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

253BA Restrictions on writing fishery symbol ‘N3’

- (1) The chief executive may write the fishery symbol ‘N3’ on a commercial fishing boat licence only if—
 - (a) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
 - (b) the licence is a replacement of a commercial fishing boat licence on which the symbol was written.
- (2) However, the chief executive can not write the fishery symbol on a licence on which is written the fishery symbol ‘N12’ or ‘N13’.

253BC Restrictions on writing fishery symbol ‘N12’

- (1) The chief executive can not write the fishery symbol ‘N12’ on a commercial fishing boat licence other than under this section.
- (2) The chief executive may write the fishery symbol ‘N12’ on a commercial fishing boat licence if—
 - (a) the chief executive has approved a fishery symbol movement application and, under the application, the fishery symbol is to be written on the licence; or
 - (b) the licence is a replacement of a commercial fishing boat licence on which the fishery symbol was written.
- (3) Despite subsection (2), the chief executive can not write the fishery symbol ‘N12’ on—
 - (a) a licence on which is written the fishery symbol ‘N3’ or ‘N13’; or
 - (b) more than 3 commercial fishing boat licences.

253BD Restrictions on writing fishery symbol ‘N13’

- (1) The chief executive can not write the fishery symbol ‘N13’ on a commercial fishing boat licence other than under this section.

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- (2) The chief executive may write the fishery symbol ‘N13’ on a commercial fishing boat licence if, before the fishery symbol is written—
- (a) the holder of the licence also held a developmental fishing permit (the *relevant permit*) that included a Gulf set mesh net authorisation; and
 - (b) the chief executive has—
 - (i) at the request of the holder of the relevant permit, amended the relevant permit by removing the Gulf set mesh net authorisation; and
 - (ii) at the request of the holder of each other developmental fishing permit that included a Gulf set mesh net authorisation, amended each permit by removing the Gulf set mesh net authorisation; and
 - (c) the fishery symbol ‘N12’ has been written on 3 commercial fishing boat licences.
- (3) The chief executive may also write the fishery symbol ‘N13’ on a commercial fishing boat licence if—
- (a) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
 - (b) the licence is a replacement of a commercial fishing boat licence on which the symbol was written.
- (4) Despite subsections (2) and (3), the chief executive can not write the fishery symbol ‘N13’ on—
- (a) a licence on which is written the fishery symbol ‘N3’ or ‘N12’; or
 - (b) more than 2 commercial fishing boat licences.
- (5) In this section—

Gulf set mesh net authorisation, for a developmental fishing permit, means an authorisation under the permit for the use of a set mesh net in the Gulf of Carpentaria waters.

253BE Restrictions on writing fishery symbol ‘RQ’

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

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

253BF Restrictions on writing east coast trawl fishery symbols

- (1) The chief executive may write an east coast trawl fishery symbol on a commercial fishing boat licence only if—
 - (a) the licence is a replacement licence; or
 - (b) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence.
- (2) However, the chief executive must not approve an application to amend an authority to write an east coast trawl fishery symbol on the authority if the result of the amendment would be—
 - (a) an ‘M2’ fishery symbol is written on a licence that has an ‘M1’, ‘T1’ or ‘T2’ fishery symbol written on the licence; or
 - (b) a ‘T2’ fishery symbol is written on a licence that has an ‘M1’ or ‘T1’ fishery symbol written on the licence; or
 - (c) an ‘M1’ fishery symbol is written on a licence that does not have a ‘T1’ fishery symbol written on the licence.
- (3) Also, the chief executive must not approve an application to amend an authority to remove an east coast trawl fishery symbol on the authority if the result of the amendment would be an ‘M1’ fishery symbol is written on a licence that does not have a ‘T1’ fishery symbol written on the licence.
- (4) Further, the chief executive must not—

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- (a) write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a licence allowing the use of a boat for which—
- (i) the hull units are more than 70; or
 - (ii) the main engine is more than 300 maximum continuous brake kW; or
- (b) write a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ fishery symbol on a licence allowing the use of a boat if—
- (i) the boat is longer than 14m; or
 - (ii) the boat’s main engine is more than 300 maximum continuous brake kW.
- (5) In addition, for subsection (1)(b), the chief executive must not write an ‘M2’ fishery symbol on a licence that would allow the use of a boat for which the hull units are more than the hull units for a boat that can be used under the licence from which the fishery symbol is being moved.
- (6) Subsection (5) does not apply if the licence holder surrenders another ‘M2’ licence.
- (7) In this section—
- replacement licence*** means—
- (a) a replacement licence issued under section 71 of the Act to replace a licence that has been lost, damaged or destroyed; or
 - (b) a licence for a boat to replace another boat licensed to operate in the east coast trawl fishery.

Division 3 Fishery symbols on licences for use of boats of particular lengths

253C Definition for div 3

In this division—

relevant fishery provision see section 254(1).

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

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

Note—

See however section 720.

- (2) This section is subject to section 254B.

254B Exception for particular fishery symbol movement applications

- (1) The chief executive may write a fishery symbol on a licence (the *second licence*) allowing the use in a commercial fishery of a boat that is longer than the length permitted under the relevant fishery provision if—
- (a) a person has applied, under section 256, to move the fishery symbol from another licence (the *first licence*) to the second licence; and
 - (b) the boat to be used under the second licence is no longer than the lesser of the following—
 - (i) 20m;
 - (ii) the length of a boat that is allowed to be used under the first licence.
- (2) This section does not apply to writing the fishery symbols ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ on a licence.

Part 4 Moving fishery symbols

255 Definitions for pt 4

In this part—

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

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

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

256 Application to move fishery symbol to another licence

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

257 Deciding application

The chief executive may—

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

258 Amendments required if application approved

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

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

259 Information notice about refusal of conditions

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

Part 5

**General provisions about
authorisations under licences
with fishery symbols**

260 Authorisation under licences on which fishery symbols are written

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

- (a) this part or part 6; or
- (b) chapters 7 to 11.

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

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

[s 261A]

- (2) Neither this chapter nor chapters 7 to 11 authorises the person to take fish to which the Joint Authority fishery applies under the licence unless—
 - (a) the Joint Authority endorses the licence to extend its operation to activities over which the Joint Authority has powers under the Act; and
 - (b) taking the fish is an activity over which the Joint Authority has powers under the Act.

261A Restriction on amending a licence to reflect boat modification or replacement

- (1) This section does not apply to amending or replacing an ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence.
- (2) The chief executive may amend a licence on which is written a fishery symbol for a commercial fishery to include the details for a new or modified boat (the *replacement boat*) longer than the length permitted under a fishery provision about the fishery if—
 - (a) for a licence on which the fishery symbol ‘T4’, ‘N12’ or ‘N13’ is written—the replacement boat is no longer than 25m; or
 - (b) for a licence on which another fishery symbol is written—
 - (i) the replacement boat is no longer than the lesser of the following—
 - (A) the length of the boat currently mentioned in the licence;
 - (B) 20m; or
 - (ii) the application to write the fishery symbol on the licence is accompanied by—
 - (A) the surrender of another authority held by the licence holder; or
 - (B) a request to amend another authority held by the licence holder that the chief executive is

satisfied is consistent with the purposes of the Act.

Part 6

Conditions applying generally to licences with fishery symbols

262 Application of pt 6

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

263 Taking fish in a fishery area of a commercial fishery

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

264 Taking fish in an area stated on a licence

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

265 Taking particular fish

If a fishery provision about the relevant fishery states that only particular fish may be taken in the fishery the authorised

person must not take fish other than the stated fish in the fishery.

266 Using fishing apparatus

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

Example for subsection (4)—

In the net fishery (east coast no.1), a net that is neither fixed nor hauled may be used in offshore waters and a general purpose mesh net may be used in nearshore waters. The number of the nets is not stated, so (if all other relevant licence conditions are satisfied), a person acting under the licence is authorised, at any one time, to use either, 1 net that is neither fixed nor hauled in the offshore waters, or 1 general purpose mesh net in the nearshore waters. The person, however, can not use both of the nets at the same time or more than 1 of each of the nets.

267 Taking fish in a particular way

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

268 Taking fish during a fishery period

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

269 Activities prohibited or restricted in particular areas within fishery areas

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

270 Conditions of licence may apply in more than 1 way

A condition under this part or chapters 7 to 11 may apply to a licence in more than 1 way.

Example—

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

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

- (1) If a commercial fishing boat licence or commercial harvest fishery licence has more than 1 fishery symbol written on it, a person acting under the licence must not take fish in more than 1 commercial fishery at the same time.
- (2) Despite subsection (1), if 1 of the fishery symbols is 'C1', 'C2' or 'C3', the person may take crabs in the fishery identified by the fishery symbol and fish in 1 other commercial fishery at the same time.
- (3) Also, despite subsection (1), the person may take the following fish at the same time—
 - (a) spanish mackerel under the fishery symbol 'SM';
 - (b) regulated coral reef fin fish under the fishery symbol 'RQ';
 - (c) fin fish other than spanish mackerel or regulated coral reef fin fish, under the fishery symbol 'L1', 'L2', 'L3' or 'L8';
 - (d) shark under the fishery symbol 'S'.
- (4) Also, despite subsection (1), the person may take the following fish at the same time—
 - (a) fin fish, other than regulated coral reef fin fish and spanish mackerel, under the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' or 'K9';
 - (b) shark under the fishery symbol 'S'.

271A Condition of licence if fishery symbol identifies more than 1 fishery

- (1) This section applies to a commercial fishing boat licence if more than 1 commercial fishery is identified by a fishery symbol on the licence.

- (2) A person acting under the licence must not take fish or use fishing apparatus in more than 1 of the fisheries at the same time.

Example—

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

Chapter 7 Commercial harvest fisheries

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

Division 1 Definition

272 What is the *aquarium fish fishery*

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

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

Division 2 Fishery symbols and area

273 Fishery symbols

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

274 Fishery area

- (1) The fishery area consists of the area of the following waters—
- (a) tidal waters within the Moreton Bay Marine Park;
 - (b) tidal waters north of Cape Moreton and south of latitude 26°18' south, other than waters within the Moreton Bay Marine Park;
 - (c) tidal waters west of longitude 151°08' east and between latitude 23°15' south and latitude 23° south;
 - (d) tidal waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;
 - (e) tidal waters within the following boundary—
 - from the intersection of latitude 17°08' south with the mainland shore to latitude 17°08' south, longitude 146°12' east
 - to latitude 16°51' south, longitude 146°28' east
 - to latitude 15°55' south, longitude 145°51' east
 - along latitude 15°55' south to the mainland shore
 - along the mainland shore to latitude 17°08' south;
 - (f) tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east, other than the waters mentioned in paragraphs (a) to (e).
- (2) In this section—

Moreton Bay Marine Park means the marine park mentioned and described in the *Marine Parks (Declaration) Regulation 2006*, schedule 1.

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

Editor's note—

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

Division 3 Conditions about taking fish in fishery—general

275 What fish may be taken

- (1) Fish other than the following fish may be taken under the licence—
- (a) barramundi;
 - (b) sea cucumber;
 - (c) shell grit;
 - (d) star sand;
 - (e) any species of coral, oyster, pearl oyster or trochus.

- (2) In this section—

sea cucumber does not include fish of the following species—

- (a) *Bohadschia graeffei*;
- (b) *Calachrius crassus*;
- (c) *Cucmaria miniata*;
- (d) *Euapta godeffroyi*;
- (e) *Holothuria edulis*;
- (f) *Holothuria hilla*;
- (g) *Opheodesoma* spp.;
- (h) *Pentacta anceps*;
- (i) *Pentacta lutea*;
- (j) *Pseudocolchirus violaceus*;
- (k) *Stichopus noctivagus*;
- (l) *Synapta maculata*.

276 Where fish may be taken

Fish may be taken from—

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

277 Other conditions about taking fish

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

278 Use of fishing lines

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

279 Use of cast nets

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

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

280 Use of scoop nets

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

- (a) is no more than 2m in any dimension; and

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

281 Use of mesh nets

- (1) A mesh net may be used for taking fish under the licence only if the net—
 - (a) is no longer than 16m; and
 - (b) has—
 - (i) a mesh size of no more than 28mm; and
 - (ii) a drop of no more than 3m.
- (2) A person using the net under the licence must be within 100m of it.

282 Selling fish

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

- (a) display as aquarium fish; or
- (b) broodstock; or
- (c) a purpose related to a purpose mentioned in paragraph (a) or (b).

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

283 Application of div 4

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

284 Nominees for taking or selling fish

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

285 Who may take fish

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

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

286 Selling fish

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

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

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

287 Application of div 5

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

294 Nominees for taking or selling sea cucumber

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

295 Who may take sea cucumber

Subject to section 297(1), sea cucumber may be taken only by—

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

296 Permitted ways of taking sea cucumber

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

297 General conditions of taking sea cucumber

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

298 Annual quota entitlement

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

299 Selling sea cucumber

Sea cucumber taken under the licence may be sold only by the licence holder or a nominee of the licence holder under section 294(1)(b).

Part 3 Coral fishery ('D')

301 What is the *coral fishery*

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

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

302 Fishery symbol

The fishery symbol for the fishery is 'D'.

303 Fishery area

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

304 What fish may be taken

Only the following fish may be taken under the licence—

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

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- (b) any marine organism living in or on coral mentioned in paragraph (a), other than a marine organism that is a regulated fish;
- (c) coral sand consisting of fine remnants of coral.

305 Nominees for taking or selling coral

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

306 Who may take coral

- (1) Coral may be taken only by—
 - (a) the licence holder; or
 - (b) a nominee of the licence holder under section 305(1)(a);
or
 - (c) another person in the presence of the licence holder or nominee.
- (2) However, no more than 3 persons mentioned in subsection (1) may take coral under the licence at the same time.

307 Where coral may be taken

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

308 Permitted ways of taking coral

- (1) Coral may only be taken by—
 - (a) hand; or

- (b) using hand-held implements, other than mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking coral.

309 Annual quota entitlement

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

310 Selling coral

Coral taken under the licence may be sold by—

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

Part 3A Eel Fishery ('E')

Division 1 Definition

310A What is the *eel fishery*

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

- (a) taking the eels mentioned in section 310D in the fishery area mentioned in section 310C;
- (b) processing the eels;
- (c) selling the eels.

Division 2 Fishery symbol and area

310B Fishery symbol

The fishery symbol for the fishery is 'E'.

310C Fishery area

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

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

Division 3 General conditions

310D What fish may be taken

Only longfin eels and Southern shortfin eels may be taken under the licence.

310E Who may take eels

- (1) Eels may be taken only by—
 - (a) the licence holder; or
 - (b) an approved nominee of the licence holder under section 310F.
- (2) However, only 1 person may take eels under the licence at a time.

310F Obtaining nominee approval

- (1) The licence holder may apply in writing to the chief executive for someone else to be the holder's approved nominee.

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

310G Permitted ways of taking eels

- (1) A person may take eels under the licence only by using an eel trap or a round eel trap.
- (2) A person may use an eel trap or round eel trap under the licence only if—
 - (a) the trap complies with division 4; and
 - (b) the use of the trap complies with division 5.

310H Processing or selling eels taken under licence

- (1) The licence holder or an approved nominee of the holder may process or sell eels taken under the licence.
- (2) The sale may be to anyone, whether or not the buyer holds an authority that allows the sale.

310I Licence is not transferable

The licence is not transferable.

Division 4 Requirements for eel traps and round eel traps

310J Application of div 4

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

310K Trap entrance and trap pocket entrance

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

310L Trap mesh size

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

310M Trap frame

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

310N Dimensions

The trap when set must have the following dimensions—

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

- (iii) no deeper than 0.6m;
- (b) for a round eel trap—
 - (i) a diameter no more than 1m; and
 - (ii) a height of no more than 0.6m.

310O Trap pocket

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

310P Trap float

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

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

Division 5 Requirements for using eel traps and round eel traps

310Q Restriction on trapping times

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

Example for paragraph (b)—

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

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

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

ordinary weekend means a weekend other than a long weekend.

310R Number of traps that can be used

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

310S Checking traps

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

Part 4 Shell fishery ('F')

311 What is the *shell fishery*

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

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

312 Fishery symbol

The fishery symbol for the fishery is 'F'.

313 Fishery area

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

314 What fish may be taken

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

315 Who may take molluscs

Molluscs may be taken only by—

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

316 Permitted ways of taking molluscs

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

317 Use of primary boats

A primary boat must not be longer than 20m.

318 Use of shell dredges

A shell dredge used for taking molluscs must not have a mouth wider than 1.2m or teeth or prongs longer than 75mm.

Part 5 Shell grit fishery ('G')

320 What is the *shell grit fishery*

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

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

321 Fishery symbol

The fishery symbol for the fishery is 'G'.

322 Fishery area

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

323 What fish may be taken

Only shell grit may be taken under the licence.

324 Who may take shell grit

Shell grit may be taken only by the licence holder.

325 Where shell grit may be taken

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

326 Permitted way of taking shell grit

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

Part 6 Star sand fishery ('H')

328 What is the *star sand fishery*

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

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

329 Fishery symbol

The fishery symbol for the fishery is 'H'.

330 Fishery area

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

331 What fish may be taken

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

332 Who may take star sand

Star sand may be taken only by the licence holder.

333 Where star sand may be taken

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

334 Permitted ways of taking star sand

Star sand may be taken only by—

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

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

336 What is the *trochus fishery*

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

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

337 Fishery symbol

The fishery symbol for the fishery is 'J1'.

338 Fishery area

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

339 What fish may be taken

Only trochus may be taken under the licence.

340 Nominees for taking trochus

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

341 Who may take trochus

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

[s 342]

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

342 Permitted ways of taking trochus

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

343 General conditions of taking trochus

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

344 Quantity of trochus that may be taken

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

Part 8 Juvenile eel fishery ('JE')

346 What is the *juvenile eel fishery*

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

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

347 Fishery symbol

The fishery symbol for the fishery is 'JE'.

348 Fishery area

The fishery area consists of Queensland waters.

349 What fish may be taken

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

350 Who may take juvenile eels

- (1) Subject to section 353, juvenile eels may only be taken only by—
 - (a) the licence holder; or
 - (b) a person nominated by the licence holder (a *nominee*); or
 - (c) another person in the presence of the licence holder or nominee.
- (2) The licence holder must give the chief executive written notice of the nomination of each nominee.

351 Where juvenile eels may be taken

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

352 Permitted ways of taking juvenile eels

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

353 General conditions for taking juvenile eels

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

Part 9 Oyster fishery ('O')

355 What is the *oyster fishery*

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

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

356 Fishery symbol

The fishery symbol for the fishery is 'O'.

357 Fishery area

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

358 What fish may be taken

Only the following oysters may be taken under the licence—

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

359 Who may take oysters

- (1) Subject to section 362, oysters may be taken only by—
 - (a) the licence holder; or
 - (b) a person nominated by the licence holder (a *nominee*);
or
 - (c) another person in the presence of the licence holder or nominee.
- (2) The licence holder must give the chief executive written notice of the nomination of each nominee.

360 Where oysters may be taken

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

361 Permitted ways of taking oysters

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

362 General conditions for taking oysters

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

Part 10 **Pearl fishery ('P')**

364 **What is the *pearl fishery***

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

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

365 **Fishery symbol**

The fishery symbol for the fishery is 'P'.

366 **Fishery area**

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

367 **What fish may be taken**

Only live pearl oysters may be taken under the licence.

368 **Permitted ways of taking live pearl oysters**

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

369 Selling live pearl oysters

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

Part 11 Beachworm fishery ('W1')

370 What is the *beachworm fishery*

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

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

371 Fishery symbol

The fishery symbol for the fishery is 'W1'.

372 Fishery area

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

373 What fish may be taken

Only beachworms may be taken under the licence.

373A Nominees for taking or selling beachworms

- (1) The licence holder may nominate a total of no more than 3 persons (*nominees*) to do either or both of the following—
 - (a) take beachworm under the licence;
 - (b) sell beachworm taken under the licence.

[s 374]

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

374 Who may take beachworms

- (1) Beachworms may be taken only by—
- (a) the licence holder; or
 - (b) a nominee of the licence holder under section 373A(1)(a).
- (2) For subsection (1), only 1 person may take beachworms under the licence at a time.

375 Where beachworms may be taken

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

376 Permitted ways of taking beachworms

Beachworms may only be taken by hand.

Part 12 Bloodworm fishery ('W2')

378 What is the *bloodworm fishery*

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

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

379 Fishery symbol

The fishery symbol for the fishery is 'W2'.

380 Fishery area

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

381 What fish may be taken

Only bloodworms may be taken under the licence.

381A Nominees for taking or selling bloodworms

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

382 Who may take bloodworms

- (1) Bloodworms may be taken only by—
 - (a) the licence holder; or
 - (b) a nominee of the licence holder under section 381A(1)(a).
- (2) For subsection (1), only 1 person may take bloodworms under the licence at a time.

383 Permitted ways of taking bloodworms

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

Part 13 Marine yabby fishery ('Y')

385 What is the *marine yabby fishery*

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

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

386 Fishery symbol

The fishery symbol for the fishery is 'Y'.

387 Fishery area

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

388 What fish may be taken

Only marine yabbies may be taken under the licence.

388A Nominees for taking or selling marine yabbies

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

389 Who may take marine yabbies

- (1) Marine yabbies may be taken only by—

-
- (a) the licence holder; or
 - (b) a nominee of the licence holder under section 388A(1)(a).
- (2) For subsection (1), only 1 person may take marine yabbies under the licence at a time.

390 Where marine yabbies may be taken

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

391 Permitted ways of taking marine yabbies

Marine yabbies may only be taken by using—

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

Chapter 7A East coast trawl fishery

Part 1 Preliminary

392 What is the *east coast trawl fishery*

The *east coast trawl fishery* is fishing for trade or commerce by the use of trawl nets (*trawling*) in the east coast trawl fishery area.

392AA Fishery area

- (1) The *east coast trawl fishery area* means the area of the tidal waters east of longitude 142°31.89' east.

- (2) Schedule 10E defines particular areas for the east coast trawl fishery.

Part 2 Licences and fishery symbols

392AB Licences and fishery symbols for the east coast trawl fishery

- (1) The licences for the east coast trawl fishery are the ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’ licences.
- (2) The fishery symbols for the east coast trawl fishery are ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’.

Part 3 Taking fish and other general conditions

392AC What fish may be taken

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

- (a) any of the following fish (each the *principal fish*)—
- (i) prawns;
 - (ii) scallops;
 - (iii) bugs other than Balmain bugs (each a *principal bug*);
 - (iv) squid;
- (b) any of the following fish, if the fish are taken while taking a principal fish—
- (i) Balmain bugs;
 - (ii) blue swimmer crabs;
 - (iii) cuttlefish;

- (iv) mantis shrimps;
- (v) octopus;
- (vi) pipefish;
- (vii) red champagne lobsters;
- (viii) slipper lobsters;
- (ix) threadfin bream;
- (x) three-spotted crabs.

392AD Who may take fish

- (1) Subject to subsections (2) and (3), fish may be taken in the east coast trawl fishery by trawling, and fish taken in the east coast trawl fishery by trawling may be possessed, only by a person who—
 - (a) either—
 - (i) holds a licence for the fishery; or
 - (ii) has been allowed by the holder of a licence for the fishery to take or possess fish under the licence; and
 - (b) is a commercial fisher or assistant fisher.
- (2) A person mentioned in subsection (1) may take fish under a ‘T1’ or ‘T2’ licence in an effort year only if the licence holder holds unused effort units for the year.

Note—

See section 392BP for when effort units are used for an effort year.

- (3) An assistant fisher may, in the east coast trawl fishery, take fish for trade or commerce only if—
 - (a) the assistant fisher and a commercial fisher are on the same primary boat or tender boat; or
 - (b) the assistant fisher is on a tender boat for the primary boat for the commercial fishing boat licence under which the fish are being taken.

392AE Assistant fishers using or possessing commercial fishing apparatus

An assistant fisher may, in the east coast trawl fishery, use or possess commercial fishing apparatus only if—

- (a) the assistant fisher and a commercial fisher are on the same primary boat or tender boat; or
- (b) the assistant fisher is on a tender boat for the primary boat for the commercial fishing boat licence under which fish are being taken for trade or commerce.

Part 4 Use of BRDs

Division 1 Preliminary

392AF Application and purpose of part

This part—

- (a) applies if, under a provision of part 9, a BRD must be used with a net used under a provision of that part; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

392AG Purpose of BRD

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

Division 2 Licence subject to BRD use condition

392AH Requirement to achieve purpose

- (1) The licence under which the net is used is subject to a condition (the *BRD use condition*) that the use of the net must achieve the purpose of a BRD.
- (2) The BRD use condition also applies to a person acting under the licence.

392AI How to comply

The BRD use condition mentioned in section 392AH is taken to be complied with if a device (a *recognised BRD*) is used with the net that complies with—

- (a) for an otter trawl net used to trawl for prawns—division 3; or
- (b) for an otter trawl net used to trawl for principal bugs or scallops—division 4; or
- (c) for a beam trawl net—division 5.

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

392AJ Application of division

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

392AK Square mesh cod end—northern area or central area

- (1) The cod end of a net used in the northern area or central area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—

[s 392AL]

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

392AL Square mesh cod end—deep water net area

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

392AM Square mesh cod end—outside of northern area, central area and deep water net area

- (1) The cod end of a net used outside of the northern area, central area and deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—

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

392AN Square mesh panel—outside of central area

- (1) A panel of a net used outside of the central area is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The panel must be installed so that—
 - (a) the trailing edge of the surrounding panel is no more than 35 meshes from the cod end drawstrings of the net; and
 - (b) the trailing edge of the centre panel is no more than 40 meshes from the cod end drawstrings of the net.
- (5) The surrounding panel must be made of square mesh of—
 - (a) a mesh size of at least 45mm; and

- (b) at least—
 - (i) 550mm wide; and
 - (ii) 700mm long.
- (6) The centre panel must be made of square mesh of—
 - (a) a mesh size of at least 55mm; and
 - (b) at least—
 - (i) 250mm wide; and
 - (ii) 300mm long.
- (7) During trawling, nothing must cover any of the square mesh.

392AO Fisheye

- (1) An opening, commonly known as a fisheye, in a net used in the east coast trawl fishery is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) held open by a rigid frame that consists of—
 - (i) a semicircular-shaped frame; and
 - (ii) an isosceles triangle-shaped frame; and
 - (b) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
 - (a) at least—
 - (i) 350mm wide; and
 - (ii) 150mm high; and
 - (b) divided in half by a rigid bar; and
 - (c) attached, by a rigid bar—

-
- (i) from the midpoint of the semicircular-shaped part of the frame; and
 - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
 - (5) The shortest side of the isosceles triangle-shaped frame must be—
 - (a) equal to the width of the semicircular-shaped frame; and
 - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
 - (6) During trawling, nothing must cover any part of the opening.

392AP Bigeye

- (1) An opening, commonly known as a bigeye, in a net used in the east coast trawl fishery is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) in the top of the net; and
 - (b) at least 350mm across the width of the net; and
 - (c) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
 - (a) the part of the opening closest to the mouth of the net must be weighted by chain links or other weights; and
 - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 2 floats, each of which is at least—
 - (i) 90mm wide; and
 - (ii) 50mm in diameter; and
 - (c) nothing must cover any part of the opening.

392AQ V-cut and bell cod end—outside of central area and deep water net area

- (1) A combination of the cod end of a net and a V-cut opening in the cod end used outside of the central area and deep water net area is a recognised BRD if—
 - (a) the last 33 meshes of the net from the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end; and
 - (b) the opening complies with subsections (3) and (4); and
 - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
 - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
 - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
 - (a) be in the top of the net; and
 - (b) have 2 diagonal forward measurements of 10 bars of the net; and
 - (c) have a lateral measurement along its forward edge of 11 meshes of the net.
- (4) The apex of the opening must not be more than 45 meshes of the net from the drawstrings.

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

392AR Application of division

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

392AS Scallop square mesh cod end

- (1) The cod end of a net used in the east coast trawl fishery is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 88mm; and
 - (b) at least—
 - (i) 50 bars in circumference; and
 - (ii) 1,500mm long.
- (3) The square mesh must be no more than 15 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh other than a compliant chaffing mat.
- (6) In this section—

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

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

Division 5 Recognised BRDs for beam trawl nets

392AT Application of division

This division applies only to a beam trawl net.

392AU Square mesh cod end

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
 - (a) a mesh size of at least 31mm; and
 - (b) at least—
 - (i) 100 bars in circumference; and
 - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel made of square mesh of—
 - (a) a mesh size of at least 45mm; and
 - (b) at least—
 - (i) 300mm wide; and
 - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

392AV Square mesh panel

- (1) A panel of a net is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The surrounding panel must be made of square mesh of—
 - (a) a mesh size of at least 40mm; and
 - (b) at least—

-
- (i) 450mm wide; and
 - (ii) 600mm long.
 - (5) The centre panel must be made of square mesh of—
 - (a) a mesh size of at least 50mm; and
 - (b) at least—
 - (i) 200mm wide; and
 - (ii) 300mm long.
 - (6) The panel must be installed so that—
 - (a) the trailing edge of the surrounding panel is no more than 60 meshes from the cod end drawstrings of the net; and
 - (b) the trailing edge of the centre panel is no more than 65 meshes from the cod end drawstrings of the net.
 - (7) During trawling, nothing must cover any of the square mesh.

392AW Fisheye

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

- (ii) 100mm high; and
- (b) divided in half by a rigid bar; and
- (c) attached, by a rigid bar—
 - (i) from the midpoint of the semicircular-shaped part of the frame; and
 - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
 - (a) equal to the width of the semicircular-shaped frame; and
 - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

392AX Bigeye

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
 - (a) in the top of the net; and
 - (b) at least 230mm across the width of the net; and
 - (c) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
 - (a) the part of the opening closest to the mouth of the net must be weighted by chain links or other weights; and
 - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 1 float that is at least—
 - (i) 90mm wide; and

- (ii) 50mm in diameter; and
- (c) nothing must cover any part of the opening.

392AY V-cut and bell cod end

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

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

Part 5 Use of TEDs

Division 1 Preliminary

392AZ Application and purpose of part

This part—

- (a) applies if, under a provision of part 9, a TED must be used with a net used under a provision of that part; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

392BA Purpose of TED

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

Division 2 Licence subject to TED use condition

392BB Requirement to achieve purpose

- (1) The licence under which the net is used is subject to a condition (the *TED use condition*) that the use of the net must achieve the purpose of a TED.
- (2) The TED use condition also applies to a person acting under the licence.

392BC Compliance with TED use condition

- (1) The TED use condition mentioned in section 392BB is taken to have been complied with if—
 - (a) a device that complies with this part (a *recognised TED*) is used with the net; and
 - (b) if an accelerator funnel is attached to a recognised TED—the accelerator funnel complies with section 392BH.
- (2) A recognised TED must consist of—
 - (a) a grid that complies with section 392BD(1) and (2); and
 - (b) an opening (the *escape hole*) in the net that complies with section 392BE; and
 - (c) if the escape hole is in the bottom of the net—
 - (i) a grid that complies with section 392BD(3); or
 - (ii) floats that comply with section 392BG; and
 - (d) a flap covering the escape hole that complies with section 392BF.

Division 3 Requirements for recognised TEDs

392BD Grid requirements

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

- (2) The grid must be constructed of rigid material.
- (3) Also, if the escape hole is in the bottom of the net, the grid must be—
 - (a) constructed of a material with a density of no more than the density of seawater; and
 - (b) appropriately marked with—
 - (i) the density of the material, expressed in g/cm³ or kg/cm³; and
 - (ii) the name of the grid's manufacturer.

392BE Escape hole requirements

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

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

- (i) each intersect with, and are in front of, the perpendicular cuts mentioned in paragraph (b); and
 - (ii) are each of equal length and at least 500mm long; and
 - (iii) allow the escape hole, at the intersections mentioned in subparagraph (i), to stretch to, if the escape hole is covered with a single flap, 1,810mm, or if the escape hole is covered with a double flap, 1,420mm.
- (5) In this section—
- all bar cut* means a cut through parallel opposing bars in a row of meshes.

392BF Flap requirements

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

- (ii) for a net used to trawl for scallops—90mm; and
 - (b) are each at least 1,470mm wide; and
 - (c) do not overlap by more than 380mm along the leading edge of the panels, when each panel is fully stretched; and
 - (d) are sewn together only along the leading edges of the panels; and
 - (e) are attached to the net in front of the leading edge of the escape hole.
- (4) The trailing edge of a flap must not extend more than 610mm behind the trailing edge of the grid.

392BG Float requirements

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

- (a) the buoyancy, expressed in grams or kilograms, of each float is appropriately marked on the float; and
- (b) the weight of the recognised TED is appropriately marked on the grid.

(4) In this section—

attached means attached to the top half of the grid—

- (a) inside the net and behind the grid; or
- (b) outside the net but not attached to a flap.

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

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

- (a) 222mm long; and
- (b) 172mm in diameter.

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

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

- (a) 180mm, but less than 222mm, long; and
- (b) 147mm, but less than 172mm, in diameter.

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

weight means weight expressed in grams or kilograms.

392BH Accelerator funnel requirements

- (1) The accelerator funnel must be made of mesh of a mesh size of at least 38mm but no more than 50mm.
- (2) The accelerator funnel must be installed in the leading edge of the net in front of the recognised TED so that—

- (a) the leading edge of the accelerator funnel is attached at least 18 meshes in front of the closest point of the grid; and
 - (b) the trailing edge of the accelerator funnel does not extend past the bars of the grid.
- (3) If the recognised TED has an escape hole in the top of the net, the bottom of the trailing edge of the accelerator funnel must be attached to the bottom of the recognised TED by no more than one-third of the circumference of the trailing edge.
 - (4) If the recognised TED has an escape hole in the bottom of the net, the top of the trailing edge of the accelerator funnel must be attached to the top of the recognised TED by no more than one-third of the circumference of the trailing edge.
 - (5) The circumference of the trailing edge of the accelerator funnel must be at least—
 - (a) for an accelerator funnel with a mesh size of at least 38mm but less than 43mm—100 meshes; or
 - (b) for an accelerator funnel with a mesh size of at least 43mm but less than 48mm—93 meshes; or
 - (c) for an accelerator funnel with a mesh size of at least 48mm but less than 50mm—83 meshes; or
 - (d) for an accelerator funnel with a mesh size of at least 50mm—80 meshes.

Part 6 Communication conditions

392BI Purpose and application of part

This part prescribes additional conditions to which an ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licence is subject.

392BJ Obligation to nominate communication mode for boat

- (1) The licence holder must, by notice to the chief executive, nominate a mode by which the chief executive or an inspector may communicate with the person in control of the boat identified in the licence whenever the person is on the boat.
- (2) The mode—
 - (a) can not be by the use of a radio or vessel tracking equipment; and
 - (b) must be able to be received on the boat instantaneously after the communication is sent by the chief executive or inspector.

Examples of modes that may be nominated—

a facsimile, mobile phone, radiophone or satellite phone

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

392BK Obligation to ensure communication with person in control

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

Part 7 Effort units

Division 1 Introduction

392BL Simplified outline of part

- (1) This part provides for the entitlement of effort units and conditions for their transfer.
- (2) Divisions 3 and 4 provide for the entitlement of effort units and for working out when they are used.
- (3) Divisions 5, 6 and 7 prescribe conditions for the transfer of effort units, provide for the registration of transferred effort units and provide for the entitlement under transferred effort units.
- (4) Division 9 provides for usage notices.

Division 2 General provisions about effort units

392BM Nature of an effort unit

Each effort unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under division 3.

392BN Restriction on issue of effort units

The chief executive must not issue effort units.

Division 3 Effort unit entitlement and use

392BO Entitlement under effort units

- (1) The effort units held by a person authorise the person, in an effort year, to—
 - (a) if the effort units are effort units that can be used in conjunction with ‘T1’ licences (*T1 effort units*)—
 - (i) use, or allow someone else to use, the boat identified in any ‘T1’ licence also held by the person until the effort units have been used; and
 - (ii) use, or allow someone else to use, each of the boats for 4 additional days (each a *steaming day*); or
 - (b) if the effort units are effort units that can be used in conjunction with ‘T2’ licences (*T2 effort units*)—
 - (i) use the boat identified in any ‘T2’ licence also held by the person until the effort units have been used; and
 - (ii) use each of the boats for 4 additional days (each also a *steaming day*).
- (2) However, the entitlement applies only while—
 - (a) for T1 effort units—the person also holds a ‘T1’ licence that is in force; and
 - (b) for T2 effort units—the person also holds a ‘T2’ licence that is in force.
- (3) The authorisation under this section is subject to division 7.
- (4) The authorisation under this section for an effort year—
 - (a) is the person’s *entitlement* under the person’s effort units for the year; and
 - (b) imposes a quota on the entitlement for the effort year.
- (5) The entitlement is subject to any relevant prohibitions or restrictions under this regulation, the effort unit or the ‘T1’ licence or ‘T2’ licence.

Examples of relevant restrictions—

- restrictions under a fisheries declaration
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

392BP When effort units are *used* for an effort year

- (1) This section provides for when effort units held by a person are *used* for an effort year.
- (2) Effort units are not used until the holder, or anyone else allowed by the holder, has, under section 392BQ, used a boat identified in a ‘T1’ licence or ‘T2’ licence on a fishing day for effort units.
- (3) The number of effort units used on the fishing day is worked out by applying the following formula—

$$EU = 1 \div EUCF$$

where—

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

EUCF means the effort unit conversion factor for the boat used.

392BQ Provisions for working out use of entitlement

- (1) This section provides for rules to work out whether a boat has been *used* on a fishing or steaming day to decide whether the entitlement of the holder of effort units has been used.
- (2) The period of each fishing and steaming day for the effort units is from midday to midday.
- (3) However, if the holder has given the chief executive notice of 24 hours or more that the period of the days is to be—

- (a) from midnight to midnight—the period is from midnight to midnight; or
 - (b) from 6p.m. to 6p.m.—the period is from 6p.m. to 6p.m.
- (4) Subsection (3)(b) applies only if the licence is also an ‘M1’ licence.
- (5) If the holder uses the boat in any part of a fishing or steaming day, the holder is taken to have used the boat for the whole of the day.
- (6) Despite subsections (3) to (5)—
- (a) the use of the boat for the whole or part of the first 12 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
 - (i) under subsection (3)(a), the period of the fishing or steaming day is from midnight to midnight; and
 - (ii) the boat has, in the preceding 12 hours, been used under an east coast trawl fishery symbol; and
 - (b) the use of the boat for the whole or part of the first 6 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
 - (i) under subsection (3)(b), the period of the fishing or steaming day is from 6p.m. to 6p.m.; and
 - (ii) the boat has, in the preceding 18 hours, been used under an east coast trawl fishery symbol.
- (7) The boat is taken to have been used on fishing days for effort units before it is used on steaming days.
- (8) In this section—
- notice* includes a notice given by facsimile, radio or telephone.

392BR No carrying forward of unused entitlement

- (1) This section applies if, in an effort year, the holder of effort units fishes on fewer days than the total entitlements under the effort units.
- (2) The holder is taken, at the end of the effort year, to have used all the entitlements under the effort units held by the holder for the year.

392BS Content of effort unit certificates

An effort unit certificate must state each of the following—

- (a) the name of the person who holds the effort units mentioned in the certificate;
- (b) if the holder has T1 effort units—how many of them the holder has;
- (c) if the holder has T2 effort units—how many of them the holder has;
- (d) if the chief executive has imposed conditions on the effort units—the conditions;
- (e) if the chief executive has suspended any of the effort units—
 - (i) the number of effort units suspended; and
 - (ii) the period of the suspension.

392BT Evidentiary provision for effort unit certificate

An effort unit certificate is evidence of—

- (a) the number of effort units held when the certificate was—
 - (i) issued; or
 - (ii) changed or replaced under section 93 of the repealed 2010 Plan or section 392CI; and
- (b) the conditions, if any, imposed on the effort units.

Division 4 Evidentiary aids for use of entitlement

Subdivision 1 Evidentiary aids for when a fishing or steaming day is used

392BU Location detected or reported

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

392BV Location not detected or reported

- (1) This section applies if at any time during a day (the *relevant time*)—

-
- (a) section 80 of the Act applied to the use of a boat identified in a 'T1' or 'T2' licence; and
 - (b) the boat is not detected by vessel tracking equipment anywhere; and
 - (c) the boat's location is not manually reported.
- (2) The absence of the detection or manual report is evidence that the boat was used for a whole fishing day or steaming day for—
- (a) if the licence is a 'T1' licence—T1 effort units; or
 - (b) if the licence is a 'T2' licence—T2 effort units.
- (3) However, subsection (2) does not apply if the licence holder satisfies the chief executive that the boat was not being used at the relevant time.

392BW Particular notice is evidence of unused entitlement

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

Subdivision 2 Exceptions

392BX Exception—movement only at travelling speed

- (1) It is an exception for section 392BU(3)(a) if, during the whole of the day, the boat is detected by vessel tracking equipment or manually reported as—
 - (a) not having moved; or
 - (b) having moved at a speed of at least 5 knots.

[s 392BY]

- (2) For subsection (1)(b), if a boat is detected by vessel tracking equipment or manually reported as having moved continuously during a period, the first or last time the boat is detected or manually reported during the period must be disregarded if, at the time, the boat is detected or manually reported as moving at a speed of less than 5 knots.
- (3) This section does not limit sections 392BZ and 392CB.

392BY Exception—minimum boat movement

- (1) It is an exception for section 392BU(3)(a) if, during the whole of the day, the boat is detected by vessel tracking equipment or manually reported as—
 - (a) not having moved; or
 - (b) having moved no more than the following distance from where the boat was first detected on the day—
 - (i) if the boat is detected or manually reported as being in the deep water net area during any part of the day—1,000m;
 - (ii) otherwise—250m.
- (2) This section does not limit sections 392BZ and 392CB.

392BZ Exception—moving boat without fishing

- (1) It is an exception for section 392BU(3)(a) if—
 - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
 - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
 - (a) the movement is, or is part of, any of the following journeys—
 - (i) from a defined port area to another defined port area;

- (ii) from a defined port area to a place outside the east coast trawl fishery area;
 - (iii) from a place outside the east coast trawl fishery area to a defined port area;
 - (iv) from a place outside the east coast trawl fishery area to another place outside the east coast trawl fishery;
- (b) the licence holder or person in control of the boat gave the chief executive notice of the following about the journey before it started—
- (i) the date and time it will start;
 - (ii) the place it will start;
 - (iii) the proposed destination;
 - (iv) the estimated date and time of arrival at the destination;
 - (v) if the movement involves entering or leaving the east coast trawl fishery area—each entry or leaving;
 - (vi) the reason for the journey;
- (c) if any fish taken outside the east coast trawl fishery area are on board the boat—the licence holder or person in control of the boat gave the chief executive notice of the number or weight of each species of permitted fish before the fish were brought into the area;
- (d) the journey complies, or substantially complies, with the journey stated in the notice;
- (e) during the whole of the journey—
- (i) no fish taken by the use of a trawl net in the east coast trawl fishery area are on board the boat; and
 - (ii) section 80 of the Act is complied with for the boat; and

- (iii) all trawl nets on board the boat are stored inboard the boat and are not suspended from a mast or boom.
- (3) However, the trawl nets may be suspended from a mast or boom if the journey is from a defined port area to the nearest northerly or southerly defined port area.
- (4) The licence holder or person in control may, during the journey, by notice to the chief executive (*amendment notice*), amend a detail given under subsection (2)(b)(iii), (iv) or (v).
- (5) From the giving of the amendment notice, the condition mentioned in subsection (2)(d) is complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

392CA Exception—moving boat to test fishing apparatus

- (1) It is an exception for section 392BU(3)(a) if—
 - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
 - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
 - (a) the movement is, or is part of, a journey for the sole purpose of testing the operation of fishing apparatus;
 - (b) the licence holder or person in control of the boat gave, at least 24 hours before the journey, the chief executive notice of the following about the journey—
 - (i) the date and time it will start;
 - (ii) the place it will start;
 - (iii) the proposed destination;
 - (iv) the estimated date and time of arrival at the destination;
 - (v) the reason for the journey;

-
- (c) the journey complies, or substantially complies, with the journey stated in the notice;
 - (d) the destination for the journey is no more than 1n mile from where the journey started;
 - (e) during the whole of the journey—
 - (i) no fish are taken by the use of a trawl net in the east coast trawl fishery area; and
 - (ii) the cod ends of each trawl net on or attached to the boat are open; and
 - (iii) section 80 of the Act is complied with for the boat.

392CB Exception—acting exclusively under authority other than an ‘M1’, ‘T1’ or ‘T2’ fishery symbol

- (1) It is an exception for section 392BU(3)(a) if—
 - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
 - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
 - (a) the movement is, or is part of, a journey that started from a defined port area;
 - (b) the licence holder or person in control of the boat gave the chief executive notice of the following about the journey before it started—
 - (i) the date and time it will start;
 - (ii) where it will start;
 - (iii) the proposed destination;
 - (iv) the estimated date and time of arrival at the destination;
 - (v) each east coast trawl fishery symbol or other authority, other than an ‘M1’, ‘T1’ or ‘T2’ fishery

- symbol, under which the boat will be used during the journey;
- (vi) the activities for which the boat will be used during the journey;
- (vii) the date and time the use of the boat under the east coast trawl fishery symbol or other authority will stop;
- (c) the journey complies, or substantially complies, with the journey stated in the notice;
- (d) during the whole of the journey—
 - (i) section 80 of the Act is complied with for the boat; and
 - (ii) if the boat is being used under an authority that does not permit the use of trawl nets to take fish in the east coast trawl fishery area—there are no trawl nets, or fish taken by the use of a trawl net in the east coast trawl fishery area, on board the boat.
- (3) The licence holder or person in control may, during the journey, by notice to the chief executive (***amendment notice***), amend a detail given under subsection (2)(b)(iii), (iv), (v) or (vi).
- (4) From the giving of the amendment notice, the condition mentioned in subsection (2)(c) is complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

392CC Exception—detection in particular regulated waters

It is an exception for section 392BU(3)(a) if the detection by vessel tracking equipment or manual reporting is within 1 or more of the following—

- (a) the southern regional waters in the regulated period under the *Fisheries Declaration 2019*, section 87(2);

- (b) the northern regional waters in the regulated period under the *Fisheries Declaration 2019*, section 88(2);
- (c) the following regulated waters—
- Currumbin Beach
 - Moreton Bay outside ‘M1’ and ‘M2’ area
 - Moreton Bay (including The Broadwater)
 - Maroochy River and ocean foreshores (netting)
 - Laguna Bay area
 - Rainbow Beach
 - Wide Bay Bar
 - Hook Point to Taleerba Creek, Fraser Island
 - Hervey Bay (commercial netting)
 - Gladstone offshore area
 - Yeppoon offshore area
 - Keppel Bay near Middle Island Observatory
 - Swain Reefs
 - Shoalwater Bay
 - Grasstree Island area
 - Pioneer River mouth
 - Egremont Pass Closure
 - Refuge Bay on Scawfell Island
 - Pioneer Bay
 - Hook Island (fishing)
 - Bowen to Cairns offshore area
 - Townsville Harbour and Cleveland Bay
 - Rollingstone Creek
 - Townsville to Cape York Peninsula offshore area
 - Yanks Jetty at Orpheus Island

- Herbert River
- Hinchinbrook Channel (all nets)
- Mission Beach
- ETTY Bay area
- Fitzroy Island–High Island
- Mission Bay
- Trinity Bay
- Yorkeys Knob to Simpson Point
- Island Point to the Daintree River
- Grave Point to Indian Head
- Cape Bedford to Murray Reefs
- Cape Flattery to Lookout Point
- Lookout Point to Baron Reef
- Barrow Point to Bizant River
- Marrett River to Rocky River
- Rocky River to latitude 13°08.91' south
- Round Point to Fly Point near Cape York Peninsula
- tip of Cape York Peninsula
- latitude 13°08.91' south to Thorpe Point.

392CD Notices to chief executive under subdivision

- (1) This section applies for a notice to the chief executive under this subdivision.
- (2) The notice may relate to a continuous period of more than 1 day.
- (3) The notice may be given to the chief executive by—

- (a) telephone to a telecommunications service provider for the chief executive published on the department's website; or
 - (b) using vessel tracking equipment in a way that ensures—
 - (i) the notice is given to, and received by, the chief executive instantaneously; and
 - (ii) the chief executive can readily access the information in the notice.
- (4) The chief executive may make guidelines for how to give the notice under subsection (3)(b).
- (5) The notice is taken to have been given under subsection (3)(b) if, to the extent they are relevant, the guidelines are complied with.

Division 5 When effort units may or may not be transferred

392CE Purpose of division

This division states, for section 65(1) of the Act, the circumstances in which effort units may or may not be transferred.

392CF Only whole effort units may be transferred

A part of an effort unit can not be transferred.

392CG Eligibility of transferee

- (1) A T1 effort unit may be transferred only by an effort unit holder to a 'T1' licence holder, other than the transferor.
- (2) Subject to section 392CH, a T2 effort unit may be transferred only by an effort unit holder to a 'T2' licence holder, other than the transferor.

392CH Transfer of half of the effort units of ‘T2’ licence to ‘T1’ licence

Half of the effort units for a ‘T2’ licence may be transferred to a ‘T1’ licence only if the ‘T2’ licence holder gives the chief executive notice that the ‘T2’ licence holder surrenders—

- (a) the ‘T2’ licence; and
- (b) the other half of the ‘T2’ licence holder’s effort units for the ‘T2’ licence.

Division 6 Applications to register transfer of effort units

392CI Effort unit certificate changes required

If, under section 65B of the Act, an application to transfer an effort unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor’s and transferee’s current effort unit certificates.

Division 7 Entitlement of transferee under transferred effort units

392CJ Entitlement

- (1) The entitlement of the transferee under transferred effort units is the unused entitlement of the transferor under the units immediately before the chief executive registers the transfer under section 65B of the Act.
- (2) However, the transferred entitlement only includes an entitlement of the transferor to use a boat on a steaming day if the transferor’s former licence to which the effort units related was also transferred to the transferee.
- (3) Subsection (2) does not affect the transferee’s entitlement to use a boat on a steaming day under other effort units.

Division 8 Information notice

392CK Notice of decision about effort units

As soon as practicable after making a decision under this part, the chief executive must give each person to whom the decision relates an information notice about the decision.

Division 9 Usage notices

392CL Chief executive to give usage notice

- (1) This section applies if the chief executive becomes aware that the fishing and steaming days for a particular effort year—
 - (a) have been used; or
 - (b) are likely to be used in the next month.
- (2) The chief executive must immediately give each ‘T1’ licence holder a written notice (a *usage notice*) stating—
 - (a) if the fishing and steaming days have been used—
 - (i) the day the fishing and steaming days were used; and
 - (ii) the day the regulated period starts under the *Fisheries Declaration 2019*, section 92(3); or
 - (b) if the fishing and steaming days are likely to be used in the next month—that the fishing and steaming days are likely to be used in the next month.

392CM Obligations of ‘T1’ licence holders under usage notice

- (1) This section prescribes an additional condition to which a ‘T1’ licence is subject.
- (2) This section applies if a ‘T1’ licence holder is given a usage notice.

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

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

Part 8 Boat modification and replacement

Division 1 Boat modification conditions

392CN Condition for ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licences

- (1) This section applies to an ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licence.

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- (2) Subject to sections 392CP and 392CQ, the licence is subject to the additional condition that the licence holder may modify the boat identified on the licence only if the modification does not change the number of hull units for the boat.

392CO Condition for other licences

Subject to section 392CR, a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence is subject to an additional condition that the licence holder may modify the boat identified in the licence only if—

- (a) the modification does not change the boat’s main engine power or its length; or
- (b) the details of the boat recorded on the licence are amended to reflect the modification.

Division 2 Restrictions on amending licence to modify or replace boat

392CP Restriction for ‘M1’, ‘T1’ or ‘T2’ licences

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

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

392CQ Restriction for ‘M2’ licences

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

- (a) the amendment or replacement does not increase the number of hull units for the boat; or

- (b) the licence holder surrenders another ‘M2’ licence.

392CR Length restriction for other licences

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

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

Part 9 Specific licence conditions

Division 1 Specific licence conditions for ‘M1’ licences and ‘M2’ licences

392CS Purpose and application of division

This division—

- (a) prescribes additional conditions to which an ‘M1’ licence or ‘M2’ licence is subject; and
- (b) applies to a person acting under the licence.

392CT Area for ‘M1’ and ‘M2’ fishery symbols

The area for the ‘M1’ and ‘M2’ fishery symbols consists of the ‘M1’ and ‘M2’ area.

392CU Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets or otter trawl nets.

- (2) A net must not be used unless the net and its use comply with this division.

392CV Maximum net length

A net must be no longer than—

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

392CW Minimum and maximum net mesh size

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

392CX Maximum length of sweeps of net

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

392CY Covering net

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

392CZ Use of chains for net

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

[s 392DA]

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

392DA Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 392CV.

392DB Restriction on use of crab bag

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

392DC Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392DD Maximum boat length

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

392DE Requirement to use BRD

A BRD must be used with a net, other than a try net, used under this division.

392DF Requirement to use TED

A TED must be used with a net, other than a try net, used under this division.

392DG Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 2 Specific licence conditions for ‘T1’ licences

392DH Purpose and application of division

This division—

[s 392DI]

- (a) prescribes additional conditions to which a 'T1' licence is subject; and
- (b) applies to a person acting under the licence.

392DI Area for 'T1' fishery symbol

The area for the 'T1' fishery symbol consists of the 'T1' area.

392DJ Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets or otter trawl nets.
- (2) However, scallops may be taken only by using otter trawl nets.
- (3) A net must not be used unless—
 - (a) the net and its use comply with this division; and
 - (b) its primary purpose is to take principal fish.

392DK Maximum net and head rope lengths

- (1) In the following areas, a beam trawl net must be no longer than 10m and an otter trawl net must be no longer than 32.5m—
 - (a) the Comboyuro Point to Caloundra Head area;
 - (b) the Hervey Bay area;
 - (c) the Facing Island area;
 - (d) the Keppel Bay area;
 - (e) the Repulse Bay area;
 - (f) the Cleveland Bay area.
- (2) A net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.
- (3) A net used in the following waters must be no longer than 39m—
 - (a) waters within the following boundary—

-
- from latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton), along the mainland shore to latitude 16°28.93' south, longitude 145°28.00' east (Island Head Point)
 - to latitude 16°43.75' south, longitude 145°40.71' east (Double Island)
 - to latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton);
- (b) Etty Bay area regulated waters, within the following boundary—
- from latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point)
 - along the shore of Etty Bay to latitude 17°33.33' south, longitude 146°05.42' east
 - to latitude 17°33.33' south, longitude 146°05.76' east
 - to latitude 17°33.72' south, longitude 146°05.85' east
 - to latitude 17°33.72' south, longitude 146°05.61' east
 - along the shore of Etty Bay to latitude 17°35.47' south, longitude 146°07.62' east (near Mourilyan Harbour)
 - to latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point).
- (4) A beam trawl net used in an area other than an area mentioned in subsection (1), (2) or (3) must be no longer than 40m.
- (5) An otter trawl net must—
- (a) for a net used in the deep water net area—be no longer than 184m; or
 - (b) for a net used in an area other than the deep water net area or an area mentioned in subsection (1), (2) or (3)—

[s 392DL]

- (i) for the primary purpose of taking principal bugs or scallops—be no longer than 109m; or
- (ii) for the primary purpose of taking principal fish, other than principal bugs or scallops—be no longer than 88m.

392DL Minimum and maximum net mesh size

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

392DM Maximum length of sweeps of net

- (1) This section does not apply to the Laguna Bay area.

- (2) Each sweep used on a net must be no longer than—
 - (a) if the net is used in the Hervey Bay area—3m; or
 - (b) if the net is used in any other waters—10m.

392DN Covering net

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

392DO Use of chains for net

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

392DP Use of more than 1 net or head rope

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or

head ropes is no longer than the length for that type of net or head rope permitted under section 392DK.

392DQ Restriction on use of crab bag

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

392DR Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392DS Maximum boat length

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

392DT Requirement to use BRD

A BRD must be used with a net, other than a try net, used under this division.

392DU Requirement to use TED

A TED must be used with a net, other than a try net, used under this division.

392DV Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 3 Specific licence conditions for ‘T2’ licences

392DW Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T2’ licence is subject; and
- (b) applies to a person acting under the licence.

392DX Area for ‘T2’ fishery symbol

The area for the ‘T2’ fishery symbol consists of the ‘T2’ area.

392DY Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using otter trawl nets.

[s 392DZ]

- (2) A net must not be used unless the net and its use comply with this division.

392DZ Maximum net length

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

392EA Minimum and maximum net mesh size

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

392EB Maximum length of sweeps of net

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

392EC Covering net

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

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

392ED Use of chains for net

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

392EE Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392DZ for a net.

392EF Restriction on use of crab bag

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

392EG Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392EH Maximum boat length

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

392EI Requirement to use BRD

A BRD must be used with a net, other than a try net, used under this division.

392EJ Requirement to use TED

A TED must be used with a net, other than a try net, used under this division.

392EK Possession of particular fishing apparatus or attachments

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

- (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 4 Specific licence conditions for ‘T5’ licences

392EL Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T5’ licence is subject; and
- (b) applies to a person acting under the licence.

392EM Area for ‘T5’ fishery symbol

The area for the ‘T5’ fishery symbol consists of all tidal waters of the following—

- (a) the Brisbane River–Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area–north;
- (c) the Brisbane River mouth area–south;
- (d) the Noosa River and lakes connected to the Noosa River;
- (e) the Laguna Bay area;
- (f) the Logan River area;

- (g) other rivers or creeks south of Double Island Point.

392EN Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using—
 - (a) in the Laguna Bay area—otter trawl nets; or
 - (b) in any other waters—beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

392EO Maximum net and head rope lengths

- (1) A beam trawl net used in the following areas must be no longer than 5m—
 - (a) the Brisbane River–Victoria Bridge to Juno Point area;
 - (b) the Brisbane River mouth area–north;
 - (c) the Brisbane River mouth area–south;
 - (d) the Noosa River and lakes connected to the Noosa River;
 - (e) the Logan River area;
 - (f) other rivers or creeks south of Double Island Point.
- (2) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.

392EP Minimum and maximum net mesh size

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

392EQ Covering net

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

392ER Use of more than 1 net or head rope

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 392EO.

392ES Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392ET Maximum boat length

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

392EU Requirement to use BRD

A BRD must be used with a net used under this division.

392EV Requirement to use TED in Laguna Bay area

A TED must be used with a net used under this division in the Laguna Bay area.

392EW Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 5 Specific licence conditions for ‘T6’ licences

392EX Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T6’ licence is subject; and

- (b) applies to a person acting under the licence.

392EY Area for 'T6' fishery symbol

The area for the 'T6' fishery symbol consists of all tidal waters of the following—

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

392EZ Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

392FA Maximum net length

- (1) A net used in the Great Sandy Strait area or a river or creek must be no longer than 5m.
- (2) A net used in the Hervey Bay area must be no longer than 10m.

392FB Minimum and maximum net mesh size

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

392FC Covering net

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

392FD Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392FA for a net.

392FE Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392FF Maximum boat length

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

392FG Requirement to use BRD

A BRD must be used with a net used under this division.

392FH Requirement to use TED other than in river or creek

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

392FI Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 6 Specific licence conditions for ‘T7’ licences

392FJ Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T7’ licence is subject; and

- (b) applies to a person acting under the licence.

392FK Area for 'T7' fishery symbol

The area for the 'T7' fishery symbol consists of all tidal waters of rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).

392FL Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

392FM Maximum net length

A net must be no longer than 5m.

392FN Minimum and maximum net mesh size

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

392FO Covering net

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

392FP Use of more than 1 net

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

392FQ Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392FR Maximum boat length

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

392FS Requirement to use BRD

A BRD must be used with a net used under this division.

392FT Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

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

- 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 7 Specific licence conditions for ‘T8’ licences

392FU Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T8’ licence is subject; and
- (b) applies to a person acting under the licence.

392FV Area for ‘T8’ fishery symbol

The area for the ‘T8’ fishery symbol consists of all tidal waters of the following—

- (a) the Facing Island area;
- (b) the Keppel Bay area;
- (c) the Fitzroy River mouth area;
- (d) rivers and creeks between Richards Point (Rodds Peninsula) and Reef Point, south of Townshend Island.

392FW Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

392FX Maximum net length

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

392FY Minimum and maximum net mesh size

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

392FZ Covering net

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

392GA Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392FX for a net.

392GB Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392GC Maximum boat length

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

392GD Requirement to use BRD

A BRD must be used with a net used under this division.

392GE Requirement to use TED other than in river or creek

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

392GF Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Division 8 Specific licence conditions for ‘T9’ licences

392GG Purpose and application of division

This division—

- (a) prescribes additional conditions to which a ‘T9’ licence is subject; and
- (b) applies to a person acting under the licence.

392GH Area for ‘T9’ fishery symbol

The area for the ‘T9’ fishery symbol consists of all tidal waters of the following—

- (a) the Llewellyn Bay area;
- (b) the Repulse Bay area;

- (c) the Sinclair Bay area;
- (d) the Cleveland Bay area;
- (e) rivers and creeks that are part of the east coast trawl fishery area between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.

392GI Permitted ways of taking permitted fish

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

392GJ Maximum net length

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

392GK Minimum and maximum net mesh size

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

392GL Covering net

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

-
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

392GM Use of more than 1 net

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392GJ for a net.

392GN Restrictions on use of nets with particular fishing apparatus or attachments

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

Examples of nets that must not be used—

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

392GO Maximum boat length

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

392GP Requirement to use BRD

A BRD must be used with a net used under this division.

392GQ Requirement to use TED other than in river or creek

- (1) A TED must be used with a net used under this division, other than in a river or creek.

- (2) However, a net used under this division may be used without a TED if—
- (a) the boat from which the net is used—
 - (i) is no longer than 6.7m; and
 - (ii) has an outboard engine with no more than 90kW of power; and
 - (b) the net—
 - (i) is used in water shallower than 3m; and
 - (ii) remains in the water for no more than 25 minutes; and
 - (iii) is used only by hand, without any equipment to assist in its use.

392GR Possession of particular fishing apparatus or attachments

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

Examples of trawl sleds a person may not possess—

- 1 a trawl sled that has spikes attached to its trawl shoe
 - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

Part 10 Additional licence conditions

392GS Restrictions on processing scallops on commercial fishing boat

- (1) This section prescribes additional conditions to which a ‘T1’ licence is subject.
- (2) This section applies to the extent that processing a scallop involves more than sorting the scallop or removing half of the shell of the scallop.
- (3) A person (the *processor*) may process a scallop on a commercial fishing boat used under the licence only if—
 - (a) the processing takes place in waters mentioned in schedule 10D; and
 - (b) the person in control of the boat is a commercial fisher; and
 - (c) the processor is—
 - (i) a commercial fisher or assistant fisher; or
 - (ii) the ‘T1’ licence holder.

Chapter 8 Commercial line fisheries

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

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

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

- (a) in the fishery area mentioned in section 395; and

- (b) under the authorisations and conditions stated in this part.

394 Fishery symbol

The fishery symbol for the fishery is 'L1'.

Note—

See also section 591D(a).

395 Fishery area

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

396 What fish may be taken

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

397 Permitted ways of taking fin fish

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

Example—

A person might use—

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

398 Use of primary boats

A primary boat must not be longer than 20m.

399 Use of tender boats

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

400 Permitted distance for an assistant fisher to be under direction

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

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

401 What is the *line fishery (reef)*

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

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

402 Fishery symbols

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

Note—

See also section 591D(b).

403 Fishery area

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

- from the northern tip of Cape York along latitude 10°41' south, to longitude 145° east
- to latitude 13° south, longitude 145° east
- to latitude 15° south, longitude 146° east

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

404 What fish may be taken

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

405 Permitted ways of taking fin fish

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

Example—

A person might use—

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

406 Use of primary boats

A primary boat must not be longer than 20m.

407 Use of tender boats

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

408 Permitted distance for an assistant fisher to be under direction

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

Part 3 Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) ('L4')

409 What is the *line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)*

The *line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)* is activities by way of fishing—

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

410 Fishery symbol

The fishery symbol for the fishery is 'L4'.

411 Fishery area

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

412 What fish may be taken

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

- (a) barramundi;
- (b) black jewfish;
- (c) blue threadfin;
- (d) giant queenfish;
- (e) king threadfin;
- (f) scaly jewfish;
- (g) silver javelin.

413 Permitted ways of taking fin fish

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

Example—

A person might use—

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

414 Use of primary boats

A primary boat must not be longer than 20m.

415 Use of tender boats

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

416 Permitted distance for an assistant fisher to be under direction

If a commercial fisher and an assistant fisher are on separate commercial fishing boats, the permitted distance for the

assistant fisher to be under direction of the commercial fisher is 10n miles.

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

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

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

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

426 **Fishery symbol**

The fishery symbol for the fishery is 'L8'.

Note—

See also section 591D(c).

427 **Fishery area**

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

428 **What fish may be taken**

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

429 **Permitted ways of taking fin fish**

- (1) Fin fish may only be taken by using—

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- (a) a line that is weighted so the line is vertical while it is being used in water (a **drop line**); or
 - (b) a bottom set line.
- (2) A person must be within 100m of a line or group of lines while they are in use.
 - (3) A bottom set line and a drop line must not be used at the same time.

430 Use of drop lines

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

431 Use of bottom set lines

- (1) A bottom set line must not have more than 300 hooks attached to it.
- (2) No more than 3 bottom set lines may be used at a time.
- (3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.
- (4) Each end of a bottom set line must have attached to it a light coloured float that is at least 30cm in any dimension.

432 Use of primary boats

A primary boat must not be longer than 20m.

433 Use of tender boats

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

434 Permitted distance for an assistant fisher to be under direction

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

Chapter 9 Commercial net fisheries

Part 1 General netting and ocean beach fisheries ('K1' to 'K8')

Division 1 Net fishery (general netting and ocean beach—area 1) ('K1')

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

The *net fishery (general netting and ocean beach—area 1)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 437 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

436 Fishery symbol

The fishery symbol for the fishery is 'K1'.

437 Fishery area

The fishery area under section 435(a) consists of the area of all tidal waters within 400m of a line—

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

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

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

The *net fishery (general netting and ocean beach—area 2)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 440 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

439 Fishery symbol

The fishery symbol for the fishery is 'K2'.

440 Fishery area

The fishery area under section 438(a) consists of the area of all tidal waters within 400m of a line—

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

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

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

The *net fishery (general netting and ocean beach—area 3)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 443 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

442 Fishery symbol

The fishery symbol for the fishery is 'K3'.

443 Fishery area

The fishery area under section 441(a) consists of the area of all tidal waters within 400m of a line—

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

Division 4 Net fishery (general netting and ocean beach—area 4) ('K4')

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

The *net fishery (general netting and ocean beach—area 4)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 446 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

445 Fishery symbol

The fishery symbol for the fishery is 'K4'.

446 Fishery area

The fishery area under section 444(a) consists of the area of all tidal waters within 400m of a line from the southern tip of Moreton Island along the island's eastern and northern shores to Comboyuro Point.

Division 5 Net fishery (general netting and ocean beach—area 5) ('K5')

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

The *net fishery (general netting and ocean beach—area 5)* is activities by way of fishing in only 1 of the following at any one time—

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

- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

448 Fishery symbol

The fishery symbol for the fishery is ‘K5’.

449 Fishery area

The fishery area under section 447(a) consists of the area of all tidal waters within 400m of a line—

- from the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island’s western, southern and eastern shores to latitude 26°49.5' south where it intersects the eastern shore of Bribie Island.

Division 6 Net fishery (general netting and ocean beach—area 6) (‘K6’)

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

The *net fishery (general netting and ocean beach—area 6)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 452 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

451 Fishery symbol

The fishery symbol for the fishery is ‘K6’.

452 Fishery area

The fishery area under section 450(a) consists of the area of all tidal waters within 400m of a line—

- from latitude 26°48.38' south, longitude 153°08.36' east (the groyne at the southern end of Kings Beach)
- along the shore to the eastern tip of Point Cartwright.

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

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

The *net fishery (general netting and ocean beach—area 7)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 455 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

454 Fishery symbol

The fishery symbol for the fishery is 'K7'.

455 Fishery area

The fishery area under section 453(a) consists of the area of all tidal waters within 400m of a line from the eastern tip of Point Cartwright along the shore to the eastern tip of Noosa Heads.

Division 8 **Net fishery (general netting and ocean beach—area 8) ('K8')**

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

The *net fishery (general netting and ocean beach—area 8)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 458 under the authorisations and conditions stated in division 9;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

457 **Fishery symbol**

The fishery symbol for the fishery is 'K8'.

458 **Fishery area**

The fishery area under section 456(a) consists of the area of all tidal waters within 400m of—

- (a) a line—
 - (i) from the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point; and
 - (ii) then to the southern tip of Fraser Island; and
 - (iii) then along Fraser Island's eastern shore to the island's northern tip; and
- (b) the shore of Breaksea Spit.

Division 9 Authorisations and conditions of licences for ocean beach fisheries

459 Application of div 9

- (1) This division applies to a licence under which fish may be taken in a commercial fishery under part 1.
- (2) However, if fish are taken under part 2, the authorisations and conditions under part 2 apply to the licence instead of this division.

460 What fish may be taken

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

461 Who may take fish

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

462 Permitted ways of taking fish

Fish may only be taken by using seine nets.

463 Fishery period

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

464 Use of seine nets in original fishery area

A seine net may be used in an original ocean beach fishery area only if the net—

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

465 Use of primary boats

A primary boat must not be longer than 14m.

466 Use of tender boats

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

467 Permitted distance for an assistant fisher to be under direction

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

Part 2 **Net fishery (east coast no. 1)** **(‘K1’–‘K8’, ‘N1’, ‘N2’, ‘N4’, ‘N10’)**

Division 1 **Definition**

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

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

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

Note—

The fishery area and authorisations and conditions are also applied under the following commercial fisheries—

- the general netting and ocean beach fisheries under sections 435, 438, 441, 444, 447, 450, 453 and 456
- the net fishery east coast (no. 2) under section 493
- the net fishery east coast (no. 3) under section 508
- the net fishery east coast (no. 4) under section 522.

Division 2 **Fishery symbols and area**

469 **Fishery symbols**

The fishery symbols for the fishery are ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N1’, ‘N2’, ‘N4’ or ‘N10’.

470 **Fishery area**

The fishery area consists of the area of all tidal waters east of longitude 142°31’49" east, other than tidal waters of waterways that flow to the sea west of longitude 142°31’49" east.

Division 3 Taking fish

471 What fish may be taken

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

472 Permitted ways of taking fish

- (1) Fish may be taken only by using—
 - (a) mesh nets in the way stated in divisions 4, 5 and 7; or
 - (b) set pocket nets in the way stated in division 6.
- (2) Unless otherwise stated in this part, a net that is neither fixed nor hauled must not be used, and a set mesh net must not be set—
 - (a) in a marked navigation channel; or
 - (b) within—
 - (i) 400m of a jetty or wharf; or
 - (ii) 100m of another net that is being used.
- (3) Only 1 net may be used at a time to take fish.
- (4) Despite subsection (3), a single net may be split into 2 or more pieces after the fish are taken, to remove the fish from the net.
- (5) Only 1 part of a general purpose mesh net may be fixed while it is being used in offshore waters.
- (6) One end of a mesh net may be fixed temporarily while shooting or hauling the net.
- (7) Unless otherwise stated in this part, a person using a mesh net must remain on a boat floating on the water within 100m of the net unless the person is setting or retrieving the net.

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

473 Use of seine nets to take prawns in Lake Weyba

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

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

A mesh net may be used in Lake Cootharaba, Cooroibah or Weyba only if it is no longer than 1,500m and has a mesh size of at least 50mm but no more than 175mm.

475 Use of seine nets to take prawns north of the Mary River

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

476 Use of general purpose mesh nets south of Baffle Creek

- (1) This section applies for using a general purpose mesh net in waters, other than waters in a river or creek, south of the northern bank of Baffle Creek.

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- (2) A general purpose mesh net may be used in the waters only if the net—
 - (a) is no longer than 800m; and
 - (b) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm.
 - (3) A back net may be used with a general purpose mesh net if it has a mesh size of no less than 25mm and no more than 50mm.
 - (4) Despite subsection (2), a general purpose mesh net must not be used in an original ocean beach fishery area from 1 April to 31 August.

476A Use of mesh and seine nets south of Baffle Creek

- (1) A mesh net or seine net may be used in a river or creek south of the northern bank of Baffle Creek only if—
 - (a) for a mesh net, the net—
 - (i) is no longer than 400m; and
 - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm; or
 - (b) for a seine net, the net—
 - (i) is no longer than 200m; and
 - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm.
- (2) Despite subsection (1), a mesh net or seine net must not be used in a river or creek in an original ocean beach fishery area from 1 April to 31 August.

477 Use of general purpose mesh nets north of Baffle Creek

- (1) This section applies for using a general purpose mesh net in waters north of the northern bank of Baffle Creek.
- (2) A general purpose mesh net may be used in the waters only if the net—

[s 479]

- (a) is no longer than 400m; and
 - (b) has a mesh size of at least 50mm but no more than 165mm.
- (3) From midday on 1 November to midday on 1 February a general purpose mesh net may be used in a waterway or in nearshore waters only if it has a mesh size of at least 50mm but no more than 115mm.

479 Use of nets that are neither fixed nor hauled in offshore waters of Keppel Bay

- (1) This section applies for using a net that is neither fixed nor hauled in offshore waters in Keppel Bay west of a line from Cape Capricorn to Water Park Point.
- (2) If all of the net is used within the waters, the net must—
- (a) be no longer than 200m; and
 - (b) have a mesh size of at least 160mm but no more than 165mm.

480 Use of nets that are neither fixed nor hauled in offshore waters—generally

- (1) This section applies for using a net that is neither fixed nor hauled in offshore waters, other than the waters mentioned in section 479.
- (2) If all of the net is used within the waters, the net must—
- (a) be no longer than 600m; and
 - (b) have a mesh size of at least 160mm but no more than 165mm.
- (3) The net must not be used in—
- (a) the waters north of Cape Flattery from midday 1 November to midday 1 February; or
 - (b) an original ocean beach fishery area from 1 April to 31 August.

481 Use of general purpose mesh nets in nearshore waters

Both ends of a general purpose mesh net may be fixed for no more than 2 hours if—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; and
- (b) each end of the net remains in nearshore waters or on a foreshore while the net is being used; and
- (c) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.

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

- (1) A set mesh net may be used in a river or creek between the northern bank of Baffle Creek and the southern bank of Kauri Creek, upstream of the shortest line between its banks, only if the net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 100mm but no more than 165mm; and
 - (c) has a drop of no more than 50 meshes.
- (2) No more than 3 set mesh nets may be used in the river or creek.
- (3) The set mesh nets may be used in the river or creek only if—
 - (a) the combined length of the nets is no more than 360m; and
 - (b) the distance between the first and last net is no more than 1n mile.

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

483 Use of set mesh nets in offshore waters south of Baffle Creek

- (1) A set mesh net may be used in offshore waters south of the northern bank of Baffle Creek only if the net—
 - (a) is no longer than 600m; and
 - (b) has a mesh size of at least 100mm but no more than 165mm; and
 - (c) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (2) Despite subsection (1), the net must not be used in an original ocean beach fishery area from 1 April to 31 August.

484 Use of set mesh nets in offshore waters of Keppel Bay

A set mesh net may be used in offshore waters of Keppel Bay west of a line from Water Park Point to Cape Capricorn only—

- (a) if the net—
 - (i) is no longer than 200m; and
 - (ii) has a mesh size of at least 160mm but no more than 165mm; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.

485 Use of set mesh nets in offshore waters north of Baffle Creek

- (1) This section applies for using a set mesh net in offshore waters north of Baffle Creek, other than the waters mentioned in section 484.
- (2) A set mesh net may be used in the waters only if—
 - (a) the net—
 - (i) is no longer than 600m; and
 - (ii) has a mesh size of at least 160mm but no more than 165mm; and
 - (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (3) Despite subsection (2), a set mesh net must not be used in waters north of Cape Flattery from midday 1 November to midday 1 February.

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

487 Use of set pocket nets in rivers

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

- longitude 152°51.74' east on the northern bank (near 'Tandora') and longitude 152°51.71' east on the shore of Crab Island (Meteor Point)
 - longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' east on the southern bank.
- (2) However, a set pocket net may only be used to take prawns in the waters.
 - (3) A set pocket net must not be set within 20m of a jetty or wharf or 100m of another net that is in use.
 - (4) More than 1 set pocket net may be attached to a head rope if the combined length of the nets is no more than 10m.
 - (5) The closed end of the pocket of a set pocket net must be marked on the surface of the water by a yellow float that is at least 8cm in any dimension.
 - (6) A person using a set pocket net is not required to be within 100m of it.
 - (7) Anything used to set a set pocket net must be removed from the water after the net is taken from the water.
 - (8) However, subsection (7) does not apply for using a set pocket net in the waters mentioned in subsection (1)(b).
 - (9) In this section—
head rope means that part of a set pocket net from which the meshes of the net are suspended.

Division 7 Other conditions

489 Use of primary boats

- (1) A primary boat must not be longer than 14m.
- (2) Despite subsection (1), section 517 applies if the fishery symbol 'N4' is written on the licence.

490 Use of tender boats

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

491 Permitted distance for an assistant fisher to be under direction

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

492 Marking nets

- (1) A mesh net must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in any dimension; and
 - (ii) with either the commercial fisher's name or the primary boat mark written on it at one end of the net.
- (2) A set mesh net or a net that is neither fixed nor hauled used in offshore waters must also be marked by—
 - (a) a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
 - (b) light coloured floats, each not less than 15cm in any dimension, no more than 100m apart along the length of the net.
- (3) Despite subsections (1)(a) and (2)(b), floats are not required along the length of a set mesh net used in offshore waters deeper than its drop if no part of the net is on the surface at any time.
- (4) Also, if a set mesh net or a net that is neither fixed nor hauled is used at night, the net must be marked by—

[s 493]

- (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at one end of the net; and
 - (ii) a reflectorised float, at least 15cm in any dimension, at the other end of the net;
- (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.

Part 3 Net fishery (east coast no. 2) ('N2')

493 What is the *net fishery (east coast no. 2)*

The *net fishery (east coast no. 2)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 495 under the authorisations and conditions stated in this part;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2.

494 Fishery symbol

The fishery symbol for the fishery is 'N2'.

495 Fishery area

The fishery area under section 493(a) consists of the area of all tidal waters east of longitude 142°31'49" east and north of the southern bank of Kauri Creek, other than tidal waters of waterways that flow to the sea west of longitude 142°31'49" east.

496 What fish may be taken

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

497 Permitted ways of taking fish

- (1) Fish may only be taken using set mesh nets.
- (2) Unless otherwise stated in this part, a set mesh net must not be set within 100m of another net that is being used.
- (3) Despite subsection (2), a person using more than 1 set mesh net, other than in a river or creek, may set the nets within 100m of each other.
- (4) Unless otherwise stated in this part, a person using the net must not be more than 800m from the net or, if more than one net is set, within 800m of the first or last net or between the nets.

497A Use of set mesh nets in nearshore waters between Burnett River and Baffle Creek

- (1) A set mesh net may be used in nearshore waters between the northern bank of the Burnett River and the northern bank of Baffle Creek only if the net—
 - (a) is no longer than 120m; and
 - (b) has—
 - (i) a mesh size of at least 100mm but no more than 215mm; and
 - (ii) a drop of no more than 50 meshes.
- (2) A set mesh net must not be used within 400m of a jetty or wharf.
- (3) A set mesh net must not be used from midday on 1 September to midday on 1 February.

498 Use of set mesh nets in nearshore waters between Baffle Creek and Cape Flattery

- (1) A set mesh net may be used in nearshore waters between the northern bank of Baffle Creek and Cape Flattery.
- (2) No part of a set mesh net used in nearshore waters around Girt Island may be more than 1km from the shore of Girt Island at low water.
- (3) A set mesh net used in any nearshore waters in the fishery area must have 1 part of the net in nearshore waters or on a foreshore while the net is being used.
- (4) A set mesh net must be no longer than 600m and must have a mesh size of at least 100mm but no more than 215mm.
- (5) However, if a set mesh net is used from midday 1 November to midday 1 February in nearshore waters north of the northern bank of St. Lawrence Creek, the mesh size of the net must not be more than 115mm.
- (6) A person may set up to 3 set mesh nets if their combined length is no more than 600m and the distance between the first and last net is no more than 1n mile.
- (7) A set mesh net must not be set within 400m of a jetty, wharf or another net that is being used.

499 Use of set mesh nets in rivers and creeks between Kauri Creek and Cape Flattery

- (1) A set mesh net may be used in rivers and creeks between the southern bank of Kauri Creek and Cape Flattery only if the net—
 - (a) is no longer than 120m; and
 - (b) has—
 - (i) a mesh size of at least 150mm but no more than 215mm; and
 - (ii) a drop of no more than 50 meshes.

- (2) A set mesh net must not be used within 400m of a jetty or wharf.
- (3) No more than 3 set mesh nets may be set if their combined length is no more than 360m and the distance between the first and last net is no more than 1n mile.
- (4) A set mesh net must not be used from midday 1 November to midday 1 February in rivers and creeks north of the northern bank of Baffle Creek.
- (5) Despite subsection (1)(b)(i), from midday 1 May to midday 31 August, 1 (but no more than 1) of the set mesh nets used under this section may have a mesh size of at least 125mm but no more than 215mm.

502 Use of set mesh nets in rivers and creeks north of Cape Flattery

- (1) A set mesh net may be used in rivers and creeks north of Cape Flattery only if the net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 150mm but no more than 215mm and a drop of no more than 50 meshes.
- (2) No more than 6 set mesh nets may be set if their combined length is no more than 360m and the distance between the first and last net is no more than 1n mile.
- (3) A set mesh net must not be used within 400m of a jetty or wharf.
- (4) A set mesh net must not be used from midday on 1 November to midday on 1 February.

503 Use of set mesh nets in nearshore waters north of Cape Flattery

- (1) A set mesh net may be used in nearshore waters north of Cape Flattery only if it is no longer than 600m and has a mesh size of at least 150mm but no more than 215mm.

[s 504]

- (2) A part of the set mesh net must be in nearshore waters or on a foreshore while the net is being used.
- (3) No more than 6 mesh nets may be set if their combined length is no more than 600m and the distance between the first and last net is no more than 1n mile.
- (4) A set mesh net must not be used within 400m of a jetty or wharf.
- (5) A set mesh net must not be used from midday on 1 November to midday on 1 February.

504 Use of primary boats

- (1) A primary boat must not be longer than 14m.
- (2) Despite subsection (1), section 517 applies if the fishery symbol 'N4' is written on the licence.

505 Use of tender boats

- (1) A tender boat must not be used more than 800m from its primary boat.
- (2) However, if more than 1 net is used, a tender boat may be used within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the primary boat is also within 800m of the first or last net or between the nets.

506 Permitted distance for an assistant fisher to be under direction

- (1) The permitted distance for an assistant fisher to be under direction of a commercial fisher is 800m.
- (2) However, if more than 1 net is used, the assistant fisher is taken to be within the permitted distance if the fisher is within 800m of the first or last net or between the nets.
- (3) Subsection (2) only applies if the commercial fisher is also within 800m of the first or last net or between the nets.

507 Marking nets

- (1) A set mesh net used during the day must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in any dimension; and
 - (ii) with either the commercial fisher's name or the primary boat mark written on it at the end of the net farthest from the shore.
- (2) A set mesh net used at night must also be marked by—
 - (a) if the combined length of the net and equipment used in setting it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at its end farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in any dimension, at the end of the net nearest the shore; and
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.

Part 3A Net fishery (Gulf of Carpentaria no. 1) ('N3')

Division 1 Definition

507A What is the *net fishery (Gulf of Carpentaria no. 1)*

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

[s 507B]

- (a) in the fishery area mentioned in section 507C; and
- (b) under the authorisations and conditions stated in this part.

Division 2 Fishery symbol and area

507B Fishery symbol

The fishery symbol for the fishery is ‘N3’.

507C Fishery area

The fishery area under section 507A(a) consists of the area of the tidal waters—

- (a) in the Gulf of Carpentaria west of longitude 142°31'49" east that are within 7n miles of—
 - (i) the mainland shore; or
 - (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).

Division 3 Taking fish

507D What fish may be taken

Only the following fish may be taken under the licence—

- (a) barramundi;
- (b) barred javelin;
- (c) black jewfish;
- (d) blue threadfin;
- (e) king threadfin;
- (f) queenfish;

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- (g) scaly jewfish;
 - (h) other fin fish, excluding regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (g).

507E Permitted ways of taking fish—set mesh nets

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with a set mesh net.

Division 4 Use of mesh nets

507F General restrictions on use of set mesh nets

- (1) A set mesh net must not be used—
 - (a) in a marked navigation channel; or
 - (b) within 400m of a jetty or wharf; or
 - (c) across a waterway or navigation channel so that—
 - (i) its ropes make the waterway or navigation channel impassable to a boat; or
 - (ii) the net extends to more than one-half of the width of the waterway or navigation channel where the net is used.
- (2) A reference in subsection (1) to using a set mesh net across a waterway or navigation channel includes using more than 1 set mesh net in a line across the waterway or navigation channel, regardless of the distance between the nets.
- (3) A set mesh net must not be used within 100m of any other net that is in use.
- (4) Despite subsection (3), a person using more than 1 set mesh net other than in a river or creek may set the nets within 100m of each other.

- (5) If a set mesh net is used in a river or creek, no other net may be used at the same time other than in a river or creek.

507G Fishery period

A set mesh net may not be used in a barramundi (Gulf) regulated period.

507H Use in a river or creek

- (1) A set mesh net may be used in a river or creek only if the set mesh net—
 - (a) is no longer than 120m; and
 - (b) has a mesh size of at least 160mm but no more than 215mm; and
 - (c) has a drop of no more than 50 meshes.
- (2) No more than 6 nets may be set in the river or creek, regardless of the number of fishery symbols 'N3' written on the licence.
- (3) The nets may be set if—
 - (a) their combined length is no longer than 360m; and
 - (b) the distance between the first and last net is no longer than 5n miles.
- (4) A person using a net must be no more than 5n miles from any net the person is using.
- (5) If a power assisted device is on a boat, no more than 360m of the net may be attached to the device.
- (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

507I Use in nearshore waters

- (1) This section applies to the use of a set mesh net in nearshore waters.

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- (2) A set mesh net may be used only if—
 - (a) it is no longer than 600m; and
 - (b) has a mesh size of at least 160mm but no more than 215mm.
 - (3) No more than 6 nets may be set in nearshore waters, regardless of the number of fishery symbols 'N3' written on the licence.
 - (4) The nets may be set if—
 - (a) their combined length is no longer than 600m; and
 - (b) the distance between the first and last net is no longer than 6n miles.
 - (5) A person using a net must be no more than 6n miles from any net the person is using.
 - (6) If a power assisted device is on a boat, no more than 600m of the net may be attached to the device.
 - (7) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

507J Use in offshore waters if 'N3' written on licence only once

- (1) This section applies if the licence has the fishery symbol 'N3' written on it only once.
- (2) A set mesh net may be used in offshore waters only if—
 - (a) the net is no longer than 300m, whether or not a power assisted device is used; and
 - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
 - (c) the net's drop is not more than 50 meshes; and
 - (d) there are no other nets on the boat; and
 - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and

- (f) the net is not used as a bottom set net.

507K Use in offshore waters if ‘N3’ written on licence more than once

- (1) This section applies if the licence has the fishery symbol ‘N3’ written on it more than once.
- (2) A set mesh net may be used in offshore waters only if—
 - (a) the net is no longer than 600m, whether or not a power assisted device is used; and
 - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
 - (c) the net’s drop is not more than 50 meshes; and
 - (d) all other nets on the boat are stowed and secured; and
 - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and
 - (f) the net is not used as a bottom set net.

507L Marking nets

- (1) A set mesh net being used during the day must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in any dimension; and
 - (ii) with the primary boat mark written on it at the end of the net that is the farthest from the primary boat; and
 - (iii) with a radar reflector attached to it.
- (2) A set mesh net being used at night must also be marked by—

-
- (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions, at its end farthest from the shore; and
 - (ii) a reflectorised float, at least 15cm in any dimension, at its end nearest the shore; or
 - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction, at both ends of the net.
- (3) Also, if the net is being used in offshore waters, it must be marked by—
- (a) 6 floats along its length, each not less than 15cm in any dimension; and
 - (b) a pole with an orange flag on it at least 2m above the water attached to its end farthest from the shore.

Division 5 Other conditions

507M Use of primary boats

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

507N Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is 5n miles.

507O Prohibition on use of bottom set nets in offshore waters

A bottom set net must not be used in offshore waters.

Part 4 **Net fishery (east coast no. 3)** **(‘N4’)**

Division 1 **Definition**

508 **What is the *net fishery (east coast no. 3)***

The *net fishery (east coast no. 3)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 510 under the authorisations and conditions stated in this part;
- (b) the fishery area mentioned in section 470 under the authorisations and conditions stated in part 2, other than sections 473, 474, 475 and 487.

Division 2 **Fishery symbol and area**

509 **Fishery symbol**

The fishery symbol for the fishery is ‘N4’.

510 **Fishery area**

The fishery area under section 508(a) consists of all offshore waters deeper than 20m deep east of longitude 142°31'49" east and north of latitude 26° south.

Division 3 **Taking fish**

511 **What fish may be taken**

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

512 Permitted ways of taking fish

- (1) Fish may only be taken using set mesh nets or nets that are neither fixed nor hauled.
- (2) A net mentioned in subsection (1) must have a mesh size of at least 160mm but no more than 165mm.
- (3) Unless otherwise stated in this part, a net that is neither fixed nor hauled must not be used and a set mesh net must not be set—
 - (a) in a marked navigation channel; or
 - (b) within—
 - (i) 400m of a jetty or wharf; or
 - (ii) 100m of another net that is being used.

Division 4 Use of mesh nets

513 Use of nets that are neither fixed nor hauled in Keppel Bay

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

- (a) the net is no longer than 200m; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.

514 Use of nets that are neither fixed nor hauled

- (1) This section applies for using a net that is neither fixed nor hauled in the fishery area mentioned in section 510, other than the waters mentioned in section 513.
- (2) A net that is neither fixed nor hauled may be used in the waters only if—

[s 515]

- (a) the net is no longer than 1,200m; and
 - (b) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.
- (3) Despite subsection (2), a net that is neither fixed nor hauled must not be used in the waters north of Cape Flattery from midday 1 November to midday 1 February.

515 Use of set mesh nets in Keppel Bay

A set mesh net may be used in offshore waters of Keppel Bay west of a line from Water Park Point to Cape Capricorn only if—

- (a) the net is no longer than 200m; and
- (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.

516 Use of set mesh nets in offshore waters

- (1) This section applies for using a set mesh net in the fishery area mentioned in section 510, other than the waters mentioned in section 515.
- (2) A set mesh net may be used in the waters only if—
- (a) the net is no longer than 1,200m; and
 - (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (3) Despite subsection (2), a set mesh net must not be used in the waters north of Cape Flattery from midday 1 November to midday 1 February.

Division 5 Other conditions

517 Use of primary boats

A primary boat must not be longer than 16m.

518 Use of tender boats

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

519 Permitted distance for an assistant fisher to be under direction

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

520 Marking nets

- (1) A net must be marked—
 - (a) at one end, by a white float—
 - (i) at least 15cm in any dimension; and
 - (ii) with either the commercial fisher's name or the primary boat mark written on it; and
 - (b) by a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
 - (c) by light coloured floats no more than 20m apart along its length; and
 - (d) by surface floats no more than 100m apart along its length each of which is at least 15cm in any dimension.
- (2) Despite subsection (1)(c) and (d), surface floats are not required along the length of a set mesh net that is used in offshore waters deeper than its drop if no part of the net is on the surface at any time.
- (3) Also if a net is used at night it must be marked by—

[s 522]

- (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at one end of the net; and
 - (ii) a reflectorised float, at least 15cm in any dimension, at the other end of the net; or
- (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in any direction from the light, at both ends of the net.

Part 4A **Net fishery (east coast no. 4)** **(‘N10’)**

522 **What is the *net fishery (east coast no. 4)***

The *net fishery (east coast no. 4)* is activities by way of fishing in only 1 of the following at any one time—

- (a) the fishery area mentioned in section 524, under the authorisations and conditions stated in this part;
- (b) the fishery area mentioned in section 470, under the authorisations and conditions stated in part 2.

523 **Fishery symbol**

The fishery symbol for the fishery is ‘N10’.

524 **Fishery area**

The fishery area under section 522(a) consists of the area of foreshore waters, other than foreshore waters of a river or creek, in the area of the following—

- (a) foreshores of Moreton Bay on the mainland between F↑
B signs at each of the following places—

-
- Little Rocky Point and about 800m south of Point Talburpin
 - about 800m either side of Moogurrapum Creek, Redland Bay
 - Point Halloran and about 700m south of Oyster Point
 - about 800m south of the southern bank of Hilliards Creek and about 1km south of Wellington Point
 - the eastern shore of Fisherman Island and about 800m north of Wynnum Creek (including the Boat Passage foreshore but not the Brisbane River foreshore)
 - the western end of Sunnyside Road, Scarborough and about 100m south of the seaward end of Seaview Parade, Deception Bay
 - the boat ramp at the department's Fisheries Research Laboratory at Deception Bay and the southern bank of the Caboolture River;
- (b) within the boundary—
- from latitude 27°22'37" south, longitude 153°9'35" east
 - along the mainland shore to latitude 27°21'38" south, longitude 153°8'35" east
 - to latitude 27°21'32" south, longitude 153°8'38" east
 - to latitude 27°21'26" south, longitude 153°8'59" east
 - to latitude 27°21'13" south, longitude 153°9'10" east
 - to latitude 27°21'37" south, longitude 153°10'15" east
 - to latitude 27°22'37" south, longitude 153°9'35" east;

- (c) foreshores of Moreton Bay islands, other than the western foreshore of Cassim Island and the southern foreshore of King Island, north of the following lines—
 - from Little Rocky Point
 - to the southern tip of Russell Island
 - to the nearest point on the western shore of North Stradbroke Island;
- (d) Tin Can Inlet, Pelican Bay and Tin Can Bay between the following lines—
 - a line from the northern bank of Snapper Creek to the southern bank of Carlo Creek
 - a line from the southern bank of Kauri Creek to Inskip Point;
- (e) Great Sandy Strait and Wide Bay Harbour between the following lines—
 - a line from the northern bank of Kauri Creek to Hook Point
 - a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, and then to McKenzie's Jetty, Fraser Island.

525 What fish may be taken

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

525A Permitted ways of taking fish

- (1) Fish may only be taken by using a tunnel net.
- (2) A commercial fisher and at least 1 other fisher must be within 100m of the net while it is in use.

525B Use of tunnel nets

- (1) A tunnel net must not be longer than 1,700m, excluding its tunnel length.
- (2) A tunnel net must have—
 - (a) a tunnel length of no more than 200m; and
 - (b) a tunnel entrance width of between 1.5m and 4m; and
 - (c) a mesh size of—
 - (i) for the tunnel—no more than 50mm; and
 - (ii) for the part of the net within 400m adjacent to each side of the tunnel—at least 25mm; and
 - (iii) for the rest of the net—at least 44mm.
- (3) The tunnel of a tunnel net must—
 - (a) extend out to sea beyond low water for at least 30m in water at least 30cm deep; and
 - (b) be in place before the rest of the net is deployed.

525C Use of primary boats

A primary boat must not be longer than 14m.

525D Use of tender boats

A tender boat must not be used more than 1,700m from its primary boat.

525E Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is 1,700m.

525F Marking nets

A tunnel net set at night must be marked by a white light—

- (a) at both ends of the net and at the end of the tunnel farthest from the shore; and
- (b) visible at least 400m in all directions from the light.

Part 5 Net fishery (no. 11) ('N11')

526 What is the *net fishery (no. 11)*

The *net fishery (no. 11)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 528; and
- (b) under the authorisations and conditions stated in this part.

527 Fishery symbol

The fishery symbol for the fishery is 'N11'.

528 Fishery area

The fishery area consists of the area of—

- (a) tidal waters east of longitude 142°31'49" east (the *eastern 'N11' area*); and
- (b) tidal waters (the *Gulf 'N11' area*)—
 - (i) in the Gulf of Carpentaria west of longitude 142°31'49" east between—
 - (A) the 25n mile line; and
 - (B) the mainland shore or the shore of an island; and
 - (ii) of waterways that join the waters mentioned in subparagraph (i).

529 What fish may be taken

- (1) Any fin fish, other than barramundi or regulated coral reef fin fish, may be taken in the eastern 'N11' area.
- (2) Only the following fish may be taken in the Gulf 'N11' area—
 - (a) garfish;
 - (b) mullet;
 - (c) other fin fish, excluding barramundi and regulated coral reef fin fish, but only if the fish are taken while taking garfish or mullet.

530 Permitted ways of taking fish

- (1) Fish may only be taken—
 - (a) in the eastern 'N11' area—by using cast or mesh nets;
or
 - (b) in the Gulf 'N11' area—by using cast, mesh, scoop or seine nets.
- (2) However, for taking fish in the Gulf 'N11' area, a power assisted device must not be used with a net.
- (3) A person using a net must be within 100m of it.
- (4) Only 1 end of a net may be fixed while the net is in use.
- (5) However, for taking fish in the eastern 'N11' area, both ends of a net may be fixed for no more than 2 hours if each end is in nearshore waters.

531 Use of primary boats

A primary boat must not be longer than 20m.

532 Use of cast nets

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

- (a) is no longer than 3.7m; and

[s 532A]

- (b) has a mesh size of no more than 28mm.

532A Use of scoop nets

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

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

533 Use of mesh nets in particular offshore and nearshore waters in the eastern 'N11' area

- (1) A mesh net may be used in the following offshore and nearshore waters in the eastern 'N11' area only if the net is no longer than 400m and has a mesh size of at least 12mm but no more than 45mm—
- (a) waters east of longitude 142°31'49" east and north of the northern bank of Baffle Creek;
- (b) Moreton Bay (whole) waters;
- (c) the waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—
- a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island
 - a line from the eastern tip of Inskip Point to Hook Point, Fraser Island.
- (2) A back net may be used with a mesh net in nearshore waters south of the northern bank of Baffle Creek.

533A Use of mesh nets in other offshore and nearshore waters in the eastern 'N11' area

- (1) This section applies for using a mesh net in offshore and nearshore waters in the eastern 'N11' area south of the northern bank of Baffle Creek, other than the waters mentioned in sections 533(1)(b) or (c).

-
- (2) The net may be used in the waters only if the net is—
 - (a) no longer than 600m; and
 - (b) has a mesh size of at least 12mm but no more than 45mm.
 - (3) A mesh net may be used in an original ocean beach fishery area from 1 April to 31 August only if the net is—
 - (a) no longer than 200m; and
 - (b) has a mesh size of at least 12mm but no more than 25mm.
 - (4) A back net may be used with a mesh net in nearshore waters.

533AA Use of mesh nets in offshore and nearshore waters in the Gulf 'N11' area

- (1) This section applies to using a mesh net in the Gulf 'N11' area.
- (2) A mesh net may be used—
 - (a) in offshore waters, only if it—
 - (i) is no longer than 400m; and
 - (ii) has a mesh size of at least 25mm but no more than 45mm; and
 - (b) in nearshore waters, only if it—
 - (i) is no longer than 200m; and
 - (ii) has a mesh size of at least 25mm but no more than 45mm.

533B Use of mesh nets in rivers and creeks

A mesh net may be used in a river or creek only if the net—

- (a) is no longer than 200m; and
- (b) has a mesh size of at least 25mm but no more than 45mm.

534 Use of tender boats

A tender boat must not be used—

- (a) in the eastern ‘N11’ area—more than 800m from its primary boat; or
- (b) in the Gulf ‘N11’ area—more than 6n miles from its primary boat.

535 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is—

- (a) 800m in the eastern ‘N11’ area; and
- (b) 6n miles in the Gulf ‘N11’ area.

535A Marking nets

- (1) A mesh net must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float—
 - (i) at least 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the float farthest from the shore; and
 - (ii) with either the commercial fisher’s name or the primary boat mark written on it.
- (2) Also, a mesh net used at night must be marked by—
 - (a) if the combined length of the net and equipment used to set it is no more than 50m—
 - (i) a white light, visible at least 400m in all directions from the light, at one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; and

- (ii) a reflectorised float, at least 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; or
- (b) if the combined length of the net and equipment used to set it is more than 50m, a white light, visible at least 400m in any direction from the light, at both ends of the net.

Part 6 **Net fishery (Gulf of Carpentaria no. 3) ('N12')**

Division 1 **Definition**

536 **What is the *net fishery (Gulf of Carpentaria no. 3)***

The *net fishery (Gulf of Carpentaria no. 3)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 538; and
- (b) under the authorisations and conditions stated in this part.

Division 2 **Fishery symbol and area**

537 **Fishery symbol**

The fishery symbol for the fishery is 'N12'.

538 **Fishery area**

- (1) The fishery area under section 536(a) consists of the area of all tidal waters in the Gulf of Carpentaria west of longitude 142°31'49" east that are beyond the 7n mile line and within the following boundary—

[s 539]

- from latitude 16°23.6' south, longitude 138°4.56' east to latitude 16°12.17' south, longitude 138°16.03' east
 - to latitude 16°12.18' south, longitude 138°16.04' east
 - to latitude 16°8.09' south, longitude 138°19.36' east
 - to latitude 16°7.45' south, longitude 138°19.89' east
 - to latitude 15°54.91' south, longitude 138°30.07' east
 - to latitude 15°52.26' south, longitude 138°30.07' east
 - to latitude 14°29.91' south, longitude 138°30.07' east
 - to latitude 14°29.91' south, longitude 139°15.07' east
 - to latitude 13°34.33' south, longitude 139°15.07' east
 - to latitude 10°59.91' south, longitude 139°15.07' east
 - to latitude 10°50.91' south, longitude 139°12.57' east
 - to latitude 10°49.91' south, longitude 139°12.07' east
 - to latitude 11°8.91' south, longitude 139°23.07' east
 - to latitude 10°58.91' south, longitude 140°0.07' east
 - to latitude 10°58.41' south, longitude 140°0.89' east
 - to latitude 10°10.24' south, longitude 141°20.07' east
 - to latitude 10°27.91' south, longitude 141°20.07' east
 - to latitude 10°27.91' south, longitude 141°51' east
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 7n miles of an island.

Division 3 Taking fish

539 What fish may be taken

Only the following fish may be taken under the licence—

- (a) barred javelin;

- (b) black jewfish;
- (c) blue threadfin;
- (d) grey mackerel;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than white shark, sandtiger shark or speartooth shark;

Note—

The grey nurse shark (*Carcharias taurus*) is prescribed as endangered wildlife under the *Nature Conservation Act 1992*. See section 88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal) of that Act.

- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

540 Permitted ways of taking fish

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with a set mesh net only if—
 - (a) the net is no longer than 1,800m; and
 - (b) all other nets on board the boat from which the net is being used are stowed and secured.

541 Fishery period

A net must not be used in a barramundi (Gulf) regulated period.

Division 4 Use and marking of nets

542 Use of nets

- (1) A net may be used only if—
 - (a) it is no longer than 1,800m; and
 - (b) has a mesh size of at least 160mm but no more than 165mm; and
 - (c) the net's drop is no more than 85 meshes; and
 - (d) one end of the net is anchored or fixed to a place; and
 - (e) the other end of the net is fixed to a boat; and
 - (f) the net is not used as a bottom set net.
- (2) The line thickness of a net must be at least 0.9mm.
- (3) A person using a net must be within 100m of it.

543 Marking nets

- (1) A net that is being used must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float with the primary boat mark written on it at the end of the net that is the farthest from the primary boat.
- (2) The white float must—
 - (a) be at least 15cm in any dimension; and
 - (b) have a radar reflector attached to it.

Division 5 Other conditions

545A Use of primary boats

A primary boat longer than 25m must not be used.

545B Use of tender boats

A tender boat must not be used more than 6n miles from its primary boat.

545C Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is 6n miles.

Part 7 Net fishery (Gulf of Carpentaria no. 4) ('N13')

Division 1 Definition

545D What is the *net fishery (Gulf of Carpentaria no. 4)*

The *net fishery (Gulf of Carpentaria no. 4)* is activities by way of fishing—

- (a) in the fishery area mentioned in section 545F; and
- (b) under the authorisations and conditions stated in this part.

Division 2 Fishery symbol and area

545E Fishery symbol

The fishery symbol for the fishery is 'N13'.

545F Fishery area

- (1) The fishery area under section 545D(a) consists of the area of the tidal waters in the Gulf of Carpentaria west of longitude

[s 545G]

142°31'49" east that are beyond the 25n mile line and within the following boundary—

- from latitude 16°12.18' south, longitude 138°16.04' east to latitude 16°8.09' south, longitude 138°19.36' east
 - to latitude 16°7.45' south, longitude 138°19.89' east
 - to latitude 15°54.91' south, longitude 138°30.07' east
 - to latitude 15°52.26' south, longitude 138°30.07' east
 - to latitude 14°29.91' south, longitude 138°30.07' east
 - to latitude 14°29.91' south, longitude 139°15.07' east
 - to latitude 13°34.33' south, longitude 139°15.07' east
 - to latitude 10°59.91' south, longitude 139°15.07' east
 - to latitude 10°50.91' south, longitude 139°12.57' east
 - to latitude 10°49.91' south, longitude 139°12.07' east
 - to latitude 11°8.91' south, longitude 139°23.07' east
 - to latitude 10°58.91' south, longitude 140°0.07' east
 - to latitude 10°58.41' south, longitude 140°0.89' east
 - to latitude 10°10.24' south, longitude 141°20.07' east
 - to latitude 10°27.91' south, longitude 141°20.07' east
 - to latitude 10°27.91' south, longitude 141°30.85' east
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 25n miles of an island.

Division 3 Taking fish

545G What fish may be taken

Only the following fish may be taken under the licence—

- (a) barred javelin;
- (b) black jewfish;

- (c) blue threadfin;
- (d) grey mackerel;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than white shark, sandtiger shark or speartooth shark;

Note—

The grey nurse shark (*Carcharias taurus*) is prescribed as endangered wildlife under the *Nature Conservation Act 1992*. See section 88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal) of that Act.

- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

545H Permitted ways of taking fish

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with the net only if—
 - (a) the net is no longer than 1,800m; and
 - (b) all other nets on board the boat from which the net is being used are stowed and secured.

545I Fishery period

A net must not be used in a barramundi (Gulf) regulated period.

Division 4 Use and marking of nets

545J Use of nets

- (1) A net may be used only if—

[s 545K]

- (a) it is no longer than 1,800m; and
 - (b) has a mesh size of at least 160mm but no more than 165mm; and
 - (c) its drop is no more than 85 meshes; and
 - (d) one end of the net is anchored or fixed to a place;
 - (e) the other end of the net is fixed to a boat; and
 - (f) it is not used as a bottom set net.
- (2) The line thickness of a net must be at least 0.9mm.
 - (3) A person using a net must be within 100m of it.

545K Marking nets

- (1) A net being used must be marked by—
 - (a) light coloured floats no more than 20m apart along its length; and
 - (b) a white float with the primary boat mark written on it at the end of the net that is the farthest from the primary boat.
- (2) The white float must—
 - (a) be at least 15cm in any dimension; and
 - (b) have a radar reflector attached to it.

Division 5 Other conditions

545N Use of primary boats

A primary boat longer than 25m must not be used.

545O Use of tender boats

A tender boat must not be used more than 6n miles from its primary boat.

545P Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is 6n miles.

Chapter 10 Provisions for spanish mackerel

Part 1 Spanish mackerel commercial fishery ('SM')

Division 1 Preliminary

546 Definitions for pt 1

In this part—

line fishery area, in relation to a line fishery symbol, means—

- (a) for the fishery symbol 'L1'—the area mentioned in section 395; and
- (b) for the fishery symbol 'L2' or 'L3'—the area mentioned in section 403; and
- (c) for the fishery symbol 'L8'—the area mentioned in, section 427.

line fishery symbol means the fishery symbol 'L1', 'L2', 'L3' or 'L8'.

547 What is the *spanish mackerel commercial fishery*

The *spanish mackerel commercial fishery* is activities by way of fishing—

- (a) relating to spanish mackerel in the fishery areas mentioned in section 549; and
- (b) under the authorisations and conditions stated in division 3.

Division 2 Fishery symbol and area

548 Fishery symbol

The fishery symbol for the fishery is ‘SM’.

549 Fishery area

The fishery area consists of—

- (a) if the fishery symbol is written on a licence on which the fishery symbol ‘L1’ is also written—the area mentioned in section 395; and
- (b) if the fishery symbol is written on a licence on which the fishery symbol ‘L2’ or ‘L3’ is also written—the area mentioned in section 403; and
- (c) if the fishery symbol is written on a licence on which the fishery symbol ‘L8’ is also written—the area mentioned in section 427.

Division 3 Authorisations and conditions

550 What fish may be taken

Only spanish mackerel may be taken under an SM fishery licence.

551 Permitted ways of taking spanish mackerel

Spanish mackerel may be taken only in the way that fish may be taken under the line fishery symbol for the line fishery area in which the spanish mackerel are being taken.

552 Use of primary boat

The conditions for using a primary boat under the licence are the conditions for using a primary boat under the line fishery symbol for the line fishery area in which the boat is being used.

553 Use of tender boats

A tender boat must not be used further than—

- (a) if its primary boat is taking spanish mackerel on a reef—2n miles from the reef; or
- (b) otherwise—5n miles from its primary boat.

554 Permitted distance for an assistant fisher to be under direction

- (1) This section applies if a commercial fisher and an assistant fisher are on separate commercial fishing boats.
- (2) The permitted distance for the assistant fisher to be under direction of the commercial fisher is—
 - (a) if the commercial fisher is taking spanish mackerel on a reef—2n miles from the reef; or
 - (b) otherwise—5n miles.

Part 2 Provisions about SM units

Division 1 General provisions

556 Nature of an SM unit

Each SM unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under divisions 2 and 3.

556A Restriction on issue of SM units

The chief executive must not issue SM units.

Division 2 Entitlement

557 Entitlement under SM unit

- (1) The holder of an SM unit, or a person acting under an SM unit, may take, in an SM year, only the following quantity of spanish mackerel for the SM unit—
 - (a) 1kg (whole weight);
 - (b) if section 557A applies—the weight in kilograms that is the adjusted weight equivalent worked out under that section for the SM year.
- (2) The authorisation for an SM year under subsection (1)—
 - (a) is the holder's *entitlement* under the SM unit for the SM year; and
 - (b) imposes a quota on the entitlement for the SM year.
- (3) However, the entitlement applies only while the holder holds an SM fishery licence that is in force.

- (4) The entitlement is also subject to any relevant prohibitions or restrictions under this regulation, a declaration, the SM unit or the licence.

Examples of relevant restrictions—

- restrictions under the *Fisheries Declaration 2019*
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

557A Adjusted weight equivalent for SM units

- (1) This section applies if, on 1 occasion, the total amount of spanish mackerel taken under all SM units (the *total catch*) in an SM year is more than 554,022kg.
- (2) If this section applies, the chief executive must work out the adjusted weight equivalent for an SM unit under this section for—
- (a) the next SM year; and
- (b) each subsequent SM year.
- (3) The adjusted weight equivalent for an SM unit for an SM year is—
- (a) if the total catch in the preceding SM year was no more than 554,022kg—the entitlement under the unit for the preceding SM year; or
- (b) if the total catch in the preceding SM year was more than 554,022kg and less than 565,102.44kg—the entitlement under the unit for the preceding SM year reduced by 0.01kg; or
- (c) if the total catch in the preceding SM year was 565,102.44kg or more—the entitlement under the unit for the preceding SM year reduced by 0.02kg.

Example—

In the preceding SM year the total catch was 565,200kg and the entitlement for an SM unit was the adjusted weight equivalent of 0.99kg. The entitlement for an SM unit for the current SM year is the adjusted weight equivalent of 0.97kg.

- (4) Despite subsection (3), the adjusted weight equivalent for an SM unit for an SM year can not be less than 0.9576kg.

Example—

In the preceding SM year the total catch was 565,200kg and the entitlement for an SM unit was the adjusted weight equivalent of 0.96kg. The entitlement for an SM unit for the current SM year is the minimum adjusted weight equivalent of 0.9576kg.

- (5) As soon as practicable after the adjusted weight equivalent is worked out for an SM year, the chief executive must give each holder of the SM units a written notice stating the following—
- (a) the adjusted weight equivalent of the SM units for the SM year;
 - (b) the SM year for which the adjusted weight equivalent applies.

Division 3 Use of SM unit entitlement

558 When SM unit entitlement is *used* for an SM year

- (1) The entitlement of an SM unit held by a person is *used* for an SM year—
- (a) when the holder, or a person acting under the SM unit, has taken, in the SM year under any SM fishery licence held by the SM unit holder, an amount of (whole weight) spanish mackerel for the SM unit equalling the holder's entitlement under the SM unit; or
 - (b) if section 559 applies.
- (2) The *unused entitlement* of a holder's SM unit for an SM year is the amount of (whole weight) spanish mackerel for the SM unit that has not been taken, for the SM year, under any SM fishery licence held by the SM unit holder.

559 No carrying forward of unused entitlement

- (1) This section applies if, in an SM year, an SM unit holder takes an amount of spanish mackerel for the SM units that is less than the total entitlements under the holder's SM units.
- (2) The holder is taken, at the end of the SM year, to have used all the entitlements under the SM units held by the holder for the SM year.

Division 4 SM unit certificates

560 Content of SM unit certificates

An SM unit certificate must state each of the following—

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

561 Evidentiary provision for SM unit certificate

An SM unit certificate is evidence of—

- (a) the number of SM units held when the certificate was—
 - (i) issued; or
 - (ii) changed or replaced under section 585; and
- (b) the conditions, if any, imposed on the SM units.

Division 5 Evidentiary aids for use of entitlement

562 Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder of SM units, or a person acting for the holder, gives the chief executive an unloaded fish notice for spanish mackerel for the SM units.
- (2) The notice is evidence that the holder has taken, under the SM units, the whole weight equivalent of the amount of spanish mackerel stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of spanish mackerel stated in the notice is—
 - (a) for an amount stated for whole spanish mackerel—the amount stated; or
 - (b) for an amount stated for spanish mackerel that is not whole—the amount worked out in the way stated in schedule 11, part 1, section 11(2).

563 Particular notice is evidence of unused entitlement

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

Part 3 Conditions for SM units

Division 1 Purpose

564 Purpose of pt 3

This part prescribes conditions for—

- (a) SM units; and
- (b) if a commercial fisher is acting under SM units held by another person—the fisher’s commercial fisher licence.

Division 2 Interpretation

565 Definitions for pt 3

In this part—

authorised boat, for an SM unit holder, means—

- (a) the primary boat under any of the SM fishery licences held by the SM unit holder; or
- (b) any of the primary boat’s tender boats.

landing period see section 569(e)(i).

landing place—

- (a) for a prior notice—see section 569(c); or
- (b) for a transshipment notice—see section 576(3)(d)(i); or
- (c) for an unnotifiable landing notice—see section 578(3)(c)(i).

prescribed numerical code, for a place, means the sequence of numbers that—

- (a) may be used to identify the latitude and longitude coordinates for the place; and

- (b) is nominated by the chief executive and published on the department's website.

prescribed person means each of the following—

- (a) the holder of SM units;
- (b) a commercial fisher or an assistant fisher acting under SM units held by another person.

prescribed reason, for not giving a prior notice or transhipment notice, see section 577(2)(a).

prior notice means—

- (a) a notice given under section 568(3); or
- (b) if a replacement prior notice is given under section 570(2), the replacement prior notice.

prior notice area means—

- (a) a defined port area; or
- (b) another area that is within 0.5n miles of a part of the State where landing of a boat is practicable.

prior notice deadline, for a prior notice, means the earlier of the following times—

- (a) the time the first of the authorised boats, for the SM unit holder by or for whom the notice is given, enters the prior notice area;
- (b) if the landing place mentioned in the notice is at, or north of, latitude 15°50.30' south and the landing period mentioned in the notice ends between 3p.m. and 10p.m. on a day—6 hours before the first of the authorised boats, for the SM unit holder by or for whom the notice is given, that will be landed at the place, will land at the place;
- (c) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10p.m. on a day (the ***first day***) and ending at 3p.m. on the following day—4p.m. on the first day;

- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—1 hour before the first of the authorised boats, for the SM unit holder by or for whom the notice is given, that will be landed at the place will land at the place.

prior notice particulars see section 569.

transhipment notice see section 576(2).

transport vessel see section 576(1)(b).

unloaded fish notice see section 581(2).

unloading area, for a landing place, means—

- (a) if the landing place is within a defined port area—the defined port area; or
- (b) if the landing place is not within a defined port area—an area within 0.5n miles of the landing place.

unloading particular see section 569(d).

unnotifiable landing notice see section 578(2).

566 Notices to chief executive

- (1) This section applies to a notice given to the chief executive under section 568, 570, 571, 573, 576, 577(2)(b) or 581.
- (2) The notice must be given to the chief executive—
- (a) by using the AIVR system; or

Note—

See chapter 14, part 6 for provisions about the AIVR system, including the requirements and procedures applying to the operation and use of the system.

- (b) in another way approved by the chief executive.

Division 3 Requirements for taking or possessing spanish mackerel

567 Spanish mackerel to be taken or possessed only with unused SM unit entitlements

A prescribed person may take spanish mackerel from, or possess spanish mackerel on, an authorised boat for an SM unit holder in an SM year only if the holder holds SM units with unused entitlements for the SM year.

Division 4 Requirements for giving prior notice of spanish mackerel

568 Requirement to give prior notice

- (1) This section applies if—
 - (a) spanish mackerel are on an authorised boat for an SM unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and
 - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) This section does not apply if—
 - (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—
 - (i) north of latitude 15°16.57' south; or
 - (ii) on an island other than Bribie Island, Fraser Island, Magnetic Island, Moreton Island, North Stradbroke Island or South Stradbroke Island; and
 - (b) it is not proposed to unload spanish mackerel at the place.

- (3) The holder, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has ended.

569 Particulars to be stated in prior notice

A prior notice must state each of the following (the *prior notice particulars*)—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number of the SM fishery licence to which the spanish mackerel the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the SM unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload spanish mackerel from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
- (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—
 - (i) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
 - (ii) the total number of each of the following on all the authorised boats when the notice is given—
 - (A) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (B) containers containing filleted spanish mackerel.

570 Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for an SM unit holder under section 568; and
 - (b) the notice stated that spanish mackerel were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload spanish mackerel before the boats leave the unloading area.
- (2) The holder, or a person authorised by the holder, must give another prior notice (a *replacement prior notice*) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
 - (a) the prior notice particulars; and
 - (b) that spanish mackerel will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under subsection (2) replaces the prior notice given under section 568.

571 Amendment or withdrawal of prior notice

- (1) This section applies if a prior notice has been given by or for an SM unit holder.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person authorised by the holder, may give the chief executive a notice (an *amending notice*) stating the changes.
- (3) An amending notice must be given before the amending notice deadline for the notice has ended.

(4) Also, the holder, or a person authorised by the holder, may, by notice to the chief executive, withdraw the prior notice at any time before spanish mackerel are taken from any authorised boat for the holder.

(5) A prior notice may be amended or withdrawn only under this section.

(6) In this section—

amending notice deadline, for an amending notice, means—

(a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—

(i) when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;

(ii) if the landing place mentioned in the prior notice is at or north of latitude 15°50.30' south—3 hours before the landing period mentioned in the prior notice ends;

Editor's note—

Latitude 15°50.30' south runs approximately through Rattlesnake Point.

(iii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or

(b) if the amending notice relates to adding 5 fish or less to the number of fish on all of the authorised boats—when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice; or

(c) for another amending notice—the earlier of the following times—

(i) when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;

- (ii) 1 hour before the landing period mentioned in the prior notice ends.

Division 5 Requirements after prior notice of spanish mackerel

572 General requirements after prior notice given

- (1) This section applies to the person in control of an authorised boat for the SM unit holder (a *relevant authorised boat*) that is proposed to be landed at the landing place mentioned in a prior notice.
- (2) The person in control of the relevant authorised boat must ensure that—
 - (a) the boat lands at the landing place mentioned in the prior notice no more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) when the boat lands, the total number of each of the following on all the authorised boats for the holder is the same as the number stated in the prior notice or, having regard to the circumstances, is close to that number—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.
- (3) Also, if the relevant authorised boat lands at the landing place mentioned in the prior notice before the landing period mentioned in the notice ends, the person in control of the boat must ensure the boat stays at the landing place until after the landing period has ended.
- (4) Subsection (2)(a) does not apply if the relevant authorised boat does not land at the place, or does not land within the period, mentioned in that subsection because of a reason beyond the control of the person in control of the boat.
- (5) In deciding whether a number is close under subsection (2)(b), regard must be had to the degree of

difficulty in counting the number of spanish mackerel or containers stated in the prior notice.

- (6) Subsection (3) does not require the person in control of the relevant authorised boat to be on the boat after the boat has landed.

573 Requirement to give retained fish notice

- (1) The SM unit holder, or a person authorised by the holder, must not allow an authorised boat for the holder to leave the unloading area for the landing place mentioned in a prior notice with spanish mackerel on the boat unless the holder or person has given the chief executive a notice (a *retained fish notice*) under this section.
- (2) The SM unit holder or authorised person must give the retained fish notice within 1 of the following periods before the authorised boat leaves or is proposed to leave the unloading area for the landing place—
 - (a) if the landing place is at or north of latitude 15°50.30' south—6 hours;
 - (b) if the landing place is south of latitude 15°50.30' south—1 hour.
- (3) The retained fish notice must state each of the following—
 - (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number of the SM fishery licence to which the spanish mackerel the subject of the notice relate;
 - (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
 - (d) the total number of each of the following that will be on all the authorised boats, for the SM unit holder

immediately after the boats leave the unloading area for the landing place mentioned in the prior notice—

- (i) spanish mackerel that are whole, gilled and gutted, or trunked;
- (ii) containers containing filleted spanish mackerel.

575 Additional requirements if prior notice stated spanish mackerel will be unloaded

- (1) This section applies if a prior notice given by, or for, an SM unit holder, stated that spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder, before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take spanish mackerel from an authorised boat for the holder after the prescribed time unless—
 - (a) all the spanish mackerel on all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 581 for the spanish mackerel that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 573.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
 - (a) the place (the *unloading place*) where the spanish mackerel on the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the *unloading time*) at which the spanish mackerel are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded,

the spanish mackerel on the authorised boats other than at the unloading place and at the unloading time.

(6) In this section—

prescribed time, in relation to a prior notice, means when the first of the authorised boats for the SM unit holder enters the area within 0.5n miles of the landing place mentioned in the notice.

576 Requirement to give transshipment notice

(1) This section applies if spanish mackerel are—

(a) taken from an authorised boat for an SM unit holder; and

(b) transferred, before they are unloaded, to any of the following vessels (each a ***transport vessel***)—

(i) a boat identified in a carrier boat licence;

(ii) 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;

(iii) an other Queensland regulated ship registered under the *Transport Operations (Marine Safety) Regulation 2016*; and

(c) proposed to be unloaded from, or using, the transport vessel to which they have been transferred.

(2) The SM unit holder, or a person authorised by the holder, must give a notice (a ***transshipment notice***) to the chief executive as soon as practicable after the spanish mackerel are transferred to the transport vessel.

(3) The transshipment notice must state each of the following—

(a) the current fisher PIN for the SM units to which the notice relates;

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- (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;
 - (c) the identification code for the transport vessel to which the notice relates;
 - (d) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the transport vessel will be landed (the *landing place*); and
 - (ii) the place at which the spanish mackerel will be unloaded from the transport vessel;
 - (e) the date on which the spanish mackerel will be unloaded from the transport vessel;
 - (f) the total number of each of the following that were transferred from the authorised boats to the vessel—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.
- (4) In this section—
- identification code*, for a vessel, means the sequence of numbers used to identify the vessel that is—
- (a) nominated by the chief executive; and
 - (b) published on the department’s website.

Division 6 Requirements for unloading spanish mackerel

577 General requirement for unloading spanish mackerel

- (1) A prescribed person must not unload, or allow to be unloaded, spanish mackerel taken from an authorised boat for an SM unit holder unless—

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- (a) a prior notice given by or for the holder stated the spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
 - (b) a transshipment notice has been given by or for the holder for the spanish mackerel.
- (2) However, subsection (1) does not apply if—
- (a) the prior notice or transshipment notice was not given by or for the SM unit holder for either of the following reasons (each a *prescribed reason*)—
 - (i) all the relevant equipment on the authorised boats for the SM unit holder—
 - (A) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (B) was not, and could not reasonably have been, replaced or made usable during the notifying period;
 - (ii) the authorised boats for the SM unit holder landed because of an unforeseeable and uncontrollable event and the notice could not be given because of the event; and

Examples of an unforeseeable and uncontrollable event—
extreme weather conditions, fire or medical emergency
 - (b) the holder or a person authorised by the holder has given the chief executive an unnotifiable landing notice; and
 - (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the authorised boats or transport vessel to a place more than 200m from, or not visible to a person at, the landing place mentioned in the unnotifiable landing notice; or

(ii) move, or allow to be moved, the spanish mackerel from the boats or vessel.

(3) In this section—

authorised unloading time, for unloading spanish mackerel for which a prior notice or transshipment notice has not been given, means—

(a) if the person unloading the spanish mackerel has been given permission, by an inspector, to unload the spanish mackerel on or after a stated time—the stated time; or

(b) otherwise—

(i) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given before 9a.m. on the day the boat or vessel landed—3p.m. on the day the boat or vessel landed; or

(ii) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9a.m. and 4p.m. on the day the boat or vessel landed—6 hours after the boat or vessel landed; or

(iii) if the authorised boat or transport vessel containing the spanish mackerel is landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given after 4p.m. on the day the boat or vessel landed—3p.m. on the day after the boat or vessel landed; or

(iv) if the authorised boat or transport vessel containing the spanish mackerel is landed south of latitude 15°50.30' south—1 hour after the boat or vessel landed.

notifying period, in relation to a prior notice or transshipment notice, means the period—

-
- (a) starting when the first of the authorised boats for the SM unit holder who is required to give the prior notice or transhipment notice, leaves for a fishing trip; and
 - (b) ending—
 - (i) for a prior notice—when the prior notice deadline for the notice has ended; or
 - (ii) for a transhipment notice—immediately before the transport vessel, containing the spanish mackerel transferred from the authorised boats for the holder, lands.

relevant equipment means equipment that can be used to—

- (a) use the AIVR system; or
- (b) contact a person who is on land or on a boat.

578 Requirement to give unnotifiable landing notice

- (1) This section applies if an SM unit holder or a person authorised by the holder—
 - (a) proposes to unload, or allow to be unloaded, spanish mackerel taken from an authorised boat for the SM unit holder; and
 - (b) has not given a prior notice or transhipment notice for a prescribed reason.
- (2) The SM unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive at the following time—
 - (a) if the spanish mackerel are on any of the authorised boats of the holder—immediately after the first of the boats lands;
 - (b) if the spanish mackerel have been transferred from any of the authorised boats of the holder to a transport vessel—immediately after the transport vessel lands.
- (3) The unnotifiable landing notice must state each of the following—

- (a) the current fisher PIN for the SM units to which the notice relates;
- (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the authorised boats or transport vessel to which the notice relates have been landed (the *landing place*); and
 - (ii) the place at which the spanish mackerel on the boats or vessel will be unloaded;
- (d) the total number of each of the following that are on the boats or vessel when the notice is given—
 - (i) spanish mackerel that are whole, gilled and gutted, or trunked;
 - (ii) containers containing filleted spanish mackerel.

579 Additional requirements for unloading spanish mackerel if prior notice given

- (1) This section applies if a prior notice given by or for an SM unit holder stated that spanish mackerel were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the spanish mackerel unless section 572 has been complied with.
- (3) Also, a prescribed person may unload the spanish mackerel, or allow the spanish mackerel to be unloaded, only if—
 - (a) the spanish mackerel are unloaded after the landing period mentioned in the prior notice has ended; and

- (b) for spanish mackerel being unloaded from, or using, a tender boat—the tender boat is attached to, or is within, 200m of its primary boat; and
- (c) the spanish mackerel are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
 - (i) the landing place mentioned in the notice;
 - (ii) if the landing place is within a defined port area—another place within the defined port area;
 - (iii) if the landing place is not within a defined port area—another place within 0.5n miles of the landing place.
- (4) However, subsection (3)(a) does not apply if—
 - (a) an inspector supervises the person unloading the spanish mackerel; or
 - (b) both of the following apply—
 - (i) the spanish mackerel are unloaded by moving the boat carrying the spanish mackerel to a place on land;
 - (ii) until the landing period has ended—
 - (A) the spanish mackerel are kept on the boat; and
 - (B) the boat is kept at a place that is within 200m of, and visible to a person at, the landing place.

580 Requirements for weighing unloaded spanish mackerel

- (1) This section applies if spanish mackerel taken by or for an SM unit holder have been unloaded from, or using, an authorised boat for the holder or a transport vessel.
- (2) The holder must weigh the spanish mackerel, or allow the spanish mackerel to be weighed—

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- (a) as soon as practicable after the spanish mackerel have been unloaded; and
 - (b) at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the spanish mackerel must be worked out using a scale that is verified under the *National Measurement Act 1960* (Cwlth).

581 Requirement to give unloaded fish notice

- (1) This section applies if spanish mackerel are—
- (a) taken from an authorised boat for an SM unit holder; and
 - (b) unloaded from, or using, the authorised boat or a transport vessel.
- (2) The SM unit holder, or a person authorised by the holder, must give a notice (an ***unloaded fish notice***) to the chief executive—
- (a) as soon as practicable after the first time the spanish mackerel on the boat or vessel are unloaded from, or using, the boat or vessel; and
 - (b) if the spanish mackerel are first unloaded by moving the boat or vessel carrying the spanish mackerel to a place on land—as soon as practicable after the spanish mackerel are first moved from the boat or vessel.
- (3) Also, the SM unit holder, or a commercial fisher acting for the holder, must retain possession of the spanish mackerel until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
- (a) the current fisher PIN for the SM units to which the notice relates;
 - (b) the numerical part of the licence number for the SM fishery licence to which the spanish mackerel the subject of the notice relate;

- (c) if the person giving the unloaded fish notice is prompted by the AIVR system to enter the transaction number for a prior notice, transshipment notice or unnotifiable landing notice given in relation to the spanish mackerel mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of each of the following that were unloaded by or for the holder—
 - (i) whole spanish mackerel;
 - (ii) gilled and gutted spanish mackerel;
 - (iii) trunked spanish mackerel;
 - (iv) filleted spanish mackerel.

Part 4 Transfer of SM units

Division 1 When SM units may or may not be transferred

582 Purpose of div 1

This division states, for section 65(1) of the Act, the circumstances in which SM units may or may not be transferred.

583 Only whole SM units may be transferred

A part of an SM unit can not be transferred.

584 Eligibility of transferee

An SM unit may be transferred only by the holder of the SM unit to a person, other than the transferor, who holds an SM fishery licence.

Division 2 Other provisions about SM unit transfers

585 SM unit certificate changes required

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

586 Entitlement of transferee

- (1) The entitlement of the transferee under SM units transferred in an SM year is as follows—
 - (a) for that part of the SM year after registration of the transfer—the entitlement of the transferor under the units immediately before the registration;
 - (b) for a later SM year—the entitlement the transferor would have had under the units at the beginning of the SM year, as if the units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a particular transferred SM unit has been used, the whole entitlement of the transferee under that unit is taken to have been used.

587 Issue of fisher PIN for particular transferees

- (1) This section applies if—
 - (a) the chief executive registers the transfer of SM units; and
 - (b) the transferee did not hold any of the units immediately before the transfer.

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- (2) The chief executive must, immediately after the transfer is registered, issue the transferee a 4-digit identity number (the *fisher PIN*) for the units.

Note—

See also schedule 11, part 2, definition *fisher PIN*.

Part 5 Change of PINs

588 Change of unit PIN

- (1) The holder of SM units may, by written notice, ask the chief executive to change the unit PIN for the units.
- (2) On receiving the notice, the chief executive must—
- (a) change the unit PIN for the units to another 4-digit identity number (the *new unit PIN*) decided by the chief executive; and
 - (b) give the holder a written notice stating the new unit PIN.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2) is given to the holder.

589 Change of fisher PIN

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

Part 6 **Prescribed criteria for suspending and cancelling SM units**

590 **Criteria for suspending SM units**

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court suspending SM units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in an SM year—
 - (a) the SM unit holder takes an amount of spanish mackerel for the SM units that exceeds the holder's total entitlements under the SM units; or
 - (b) any SM fishery licence held by the SM unit holder is suspended.
- (3) An appropriate suspension may be—
 - (a) for subsection (2)(a)—suspension for the following SM year of the number of SM units with entitlements equal to the amount by which the entitlements were exceeded; or
 - (b) for subsection (2)(b)—suspension for the SM year of all the holder's SM units with unused entitlements.

591 **Criteria for cancelling SM units**

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court cancelling SM units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in an SM year, an SM unit holder is convicted of a serious fisheries offence involving taking or possessing an amount of spanish mackerel that exceeds the holder's unused SM unit entitlements for the SM year by at least 500kg (whole weight).
- (3) An appropriate cancellation may be cancellation of the number of the holder's SM units with an entitlement

equivalent to the amount of spanish mackerel unlawfully taken or possessed by the holder.

Chapter 10A Provisions for reef line commercial fishery

Part 1 Reef line commercial fishery ('RQ')

Division 1 Preliminary

591A Definitions for pt 1

In this part—

line fishery area see section 591D.

line fishery symbol, for a line fishery area, means the fishery symbol 'L1', 'L2', 'L3' or 'L8' for the commercial fishery to which the line fishery area relates.

591B What is the *reef line commercial fishery*

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

- (a) relating to regulated coral reef fin fish in the fishery area mentioned in section 591D; and
- (b) under the authorisations and conditions stated in division 3.

Note—

Regulated coral reef fin fish may also be taken in the aquarium fish fishery under chapter 7, part 1 and the line fishery (Gulf of

Carpentaria—spanish mackerel and other fin fish) under chapter 8, part 3.

Division 2 Fishery symbol and area

591C Fishery symbol for fishery

The fishery symbol for the fishery is ‘RQ’.

591D Fishery area

The fishery area consists of the following areas (each a *line fishery area*)—

- (a) if the fishery symbol is written on a licence on which the fishery symbol ‘L1’ is also written—the area mentioned in section 395;
- (b) if the fishery symbol is written on a licence on which the fishery symbol ‘L2’ or ‘L3’ is also written—the area mentioned in section 403;
- (c) if the fishery symbol is written on a licence on which the fishery symbol ‘L8’ is also written—the area mentioned in section 427.

Division 3 Authorisations and conditions

591E What fish may be taken

- (1) The following fish may be taken—
 - (a) under a licence on which the fishery symbol ‘L8’ is written—any regulated coral reef fin fish other than regulated coral trout and red emperor; and
 - (b) under another licence—any regulated coral reef fin fish.
- (2) This section is subject to part 3.

591F Permitted ways of taking regulated coral reef fin fish

Regulated coral reef fin fish may be taken only in the way that fish may be taken under the line fishery symbol for the line fishery area in which the regulated coral reef fin fish are being taken.

Note—

See sections 397, 405 and 429.

591G Identification requirement to allow identification or counting of regulated coral reef fin fish

- (1) This section applies if—
 - (a) regulated coral reef fin fish are on board a commercial fishing boat; and
 - (b) any fish on board the boat are stored in a sealed container.
- (2) The person in control of the boat must ensure the container has attached to it a label stating clearly and legibly—
 - (a) if the container contains regulated coral trout—the words ‘coral trout’ and the number of regulated coral trout inside the container; or
 - (b) if the container contains redthroat emperor—the words ‘redthroat emperor’ and the number of redthroat emperor inside the container; or
 - (c) if the container contains other regulated coral reef fin fish—the words ‘other coral reef fin fish’ and the number of other regulated coral reef fin fish inside the container; or
 - (d) if the container contains fish other than regulated coral reef fin fish—the words ‘other species of fish’ and the number of fish inside the container.

591H Use of primary boat

The conditions for using a primary boat under the licence are the conditions for using a primary boat under the line fishery symbol for the line fishery area in which the boat is being used.

Note—

See sections 398, 406 and 432.

591I Use of tender boat

The conditions for using a tender boat under the licence are the conditions for using a tender boat under the fishery symbol for the line fishery area in which the tender boat is being used.

Note—

See sections 399, 407 and 433.

591J Permitted distance for assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is the distance permitted under the fishery symbol for the line fishery area where the assistant fisher is under direction.

Note—

See sections 400, 408 and 434.

591K Transshipping

- (1) Regulated coral reef fin fish taken from a primary boat may be transhipped only to a tender boat of the primary boat.
- (2) Regulated coral reef fin fish taken from a tender boat may be transhipped only to—
 - (a) the tender boat's primary boat; or
 - (b) another tender boat of the primary boat.

Part 2 Provisions about line units

Division 1 General provisions

591L Types of line units

The following are the types of line units—

- (a) CT line units for regulated coral trout;
- (b) OS line units for other regulated coral reef fin fish;
- (c) RTE line units for redthroat emperor.

591M Nature of a line unit

Each line unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under division 2.

591N Restriction on issue of line units

The chief executive must not issue line units.

Division 2 Entitlement

591O Entitlement under a line unit

- (1) The holder of, or a person acting under, a CT line unit may take, in a line year, the weight of regulated coral trout worked out by dividing the total quota entitlement for regulated coral trout for the line year by the total number of CT line units that have been issued.
- (2) The holder of, or a person acting under, a RTE line unit may take, in a line year, the weight of redthroat emperor worked out by dividing the total quota entitlement for redthroat

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emperor for the line year by the total number of RTE line units that have been issued.

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

Examples of relevant restrictions—

- restrictions under the *Fisheries Declaration 2019*
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

- (6) In this section—

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

591P When line unit entitlement is *used* for a line year

- (1) The entitlement of a line unit held by a person is *used* for a line year—

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- (a) when the holder, or a person acting under the line unit, has taken in the line year, under any RQ fishery licence held by the holder, an amount (in whole weight) of the prescribed coral reef fin fish for the line unit equalling the holder's entitlement under the line unit; or
 - (b) if section 591Q applies.
- (2) The **unused entitlement** of a holder's line unit for a line year is the amount (in whole weight) of the prescribed coral reef fin fish for the line unit that has not been taken, for the line year, under any RQ fishery licence held by the line unit holder.

591Q No carrying forward of unused entitlement

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

Division 3 Line unit certificates

591R Content of line unit certificates

- (1) A line unit certificate must state each of the following—
 - (a) the certificate number;
 - (b) the name of the person who holds the line units mentioned in the certificate;
 - (c) the number of each of the following line units held by the person—
 - (i) CT line units;
 - (ii) OS line units;

- (iii) RTE line units;
- (d) if the chief executive has imposed conditions on the line units—the conditions;
- (e) if the chief executive has suspended any of the line units—
 - (i) the number and type of line units suspended; and
 - (ii) the period of the suspension.
- (2) Only 1 line unit certificate may be issued to the line unit holder for all line units held by the holder.

591S Evidentiary provision for line unit certificate

A line unit certificate is evidence of—

- (a) the number of line units held when the certificate was—
 - (i) issued; or
 - (ii) changed or replaced under section 591ZP; and
- (b) the conditions, if any, imposed on the line units.

Division 4 Evidentiary aids for use of entitlement

591T Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder of a line unit, or a person acting for the holder, gives the chief executive an unloaded fish notice for prescribed coral reef fin fish for the line unit.
- (2) The notice is evidence that the holder has taken, under the line unit, the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice is—
 - (a) for an amount stated for whole regulated coral reef fin fish—the amount stated; or

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- (b) for an amount stated for regulated coral reef fin fish that is not whole—the amount calculated in the way stated in schedule 11, part 1, section 12(1) to (4) that applies to the fish.

591U Particular notice is evidence of unused entitlement

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

Part 3 Conditions for line units

Division 1 Purpose

591V Purpose of pt 3

This part prescribes conditions for—

- (a) line units; and
- (b) if a commercial fisher is acting under line units held by another person—the fisher’s commercial fisher licence.

Division 2 Interpretation

591W Definitions for pt 3

In this part—

authorised boat, for a line unit holder, means—

- (a) the primary boat under any of the RQ fishery licences held by the line unit holder; or

- (b) any of the primary boat's tender boats.

landing period see section 591ZA(e)(i).

landing place, for a prior notice, see section 591ZA(c).

prescribed numerical code, for a place, means the sequence of numbers—

- (a) that may be used to identify the latitude and longitude coordinates for the place; and
- (b) that is nominated by the chief executive; and
- (c) published on the department's website.

prescribed person means each of the following—

- (a) the holder of line units;
- (b) a commercial fisher or an assistant fisher acting under line units held by another person.

prior notice means—

- (a) a notice given under section 591Z(3); or
- (b) if a replacement prior notice is given under section 591ZB(2), the replacement prior notice.

prior notice area means—

- (a) a defined port area; or
- (b) another area that is within 0.5n miles of a part of the State where landing of a boat is practicable.

prior notice deadline, for a prior notice, means the earlier of the following times—

- (a) the time the first authorised boat, for the line unit holder by or for whom the notice is given, enters the prior notice area;
- (b) if the landing place mentioned in the notice is at, or north of, latitude 15°50.30' south and the landing period mentioned in the notice ends between 3p.m. and 10p.m. on a day—6 hours before the first of the authorised

boats, for the line unit holder by or for whom the notice is given, will land at the place;

- (c) if the landing place mentioned in the notice is at, or north of, latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10p.m. on a day (the *first day*) and ending at 3p.m. on the following day—4p.m. on the first day;
- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—1 hour before the first of the authorised boats, for the line unit holder by or for whom the notice is given, will land at the place.

prior notice particulars see section 591ZA.

transshipment notice see section 591ZG(2).

transport vessel see section 591ZG(1)(b).

unloaded fish notice see section 591ZL(2).

unloading area means—

- (a) if the landing place is within a defined port area—the defined port area; or
- (b) if the landing place is not within a defined port area—an area within 0.5n miles of the landing place.

unloading particular see section 591ZA(d).

unnotifiable landing notice see section 591ZI(2).

591X Notices to chief executive

The following notices must be given to the chief executive using the AIVR system or in another way approved by the chief executive—

- (a) a prior notice;
- (b) a replacement prior notice under section 591ZB(2);
- (c) an amending notice under section 591ZC(2);
- (d) a retained fish notice under section 591ZE(1);

- (e) a transshipment notice;
- (f) an unnotifiable landing notice;
- (g) an unloaded fish notice.

Division 3 Requirements for taking or possessing regulated coral reef fin fish

591Y Regulated coral reef fin fish to be taken or possessed only with unused entitlements

A prescribed person may take the following regulated coral reef fin fish from, or possess the fish on, an authorised boat for a line unit holder in a line year only if the holder holds for the fish the following line units with unused entitlements for the line year—

- (a) for regulated coral trout—CT line units;
- (b) for redthroat emperor—RTE line units;
- (c) for other regulated coral reef fin fish—OS line units.

Division 4 Requirements for giving prior notice of regulated coral reef fin fish

591Z Requirement to give prior notice

- (1) This section applies if—
 - (a) regulated coral reef fin fish are on an authorised boat for a line unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and
 - (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.

- (2) This section does not apply if—
 - (a) the authorised boats that are proposed to be landed are proposed to be landed at a place—
 - (i) north of latitude 15°16.57' south; or
 - (ii) on an island other than Bribie Island, Fraser Island, Magnetic Island, Moreton Island, North Stradbroke Island or South Stradbroke Island; and
 - (b) it is not proposed to unload regulated coral reef fin fish at the place.
- (3) The holder, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has passed.

591ZA Particulars to be stated in prior notice

A prior notice must state each of the following (the *prior notice particulars*)—

- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number of the licence to which the regulated coral reef fin fish the subject of the notice relates;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the line unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload regulated coral reef fin fish from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
- (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—

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- (i) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
- (ii) the total number of containers containing each of the following in filleted form that are on board all the authorised boats when the notice is given—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish;
- (iii) the total number of each of the following on board all the authorised boats when the notice is given—
 - (A) regulated coral trout that are whole or gilled and gutted;
 - (B) redthroat emperor that are whole or gilled and gutted;
 - (C) other regulated coral reef fin fish that are whole or gilled and gutted;
 - (D) containers of other regulated coral reef fin fish that are whole or gilled and gutted.

591ZB Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder under section 591Z; and
 - (b) the notice stated that regulated coral reef fin fish were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload regulated coral reef fin fish before the boats leave the unloading area.

- (2) The holder, or a person authorised by the holder, must give another prior notice (a ***replacement prior notice***) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
 - (a) the prior notice particulars; and
 - (b) that the regulated coral reef fin fish will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under subsection (2) replaces the prior notice given under section 591Z.

591ZC Amendment or withdrawal of prior notice

- (1) This section applies if a prior notice has been given by or for a line unit holder.
- (2) If a prior notice particular, other than an unloading particular for the notice changes, the holder, or a person authorised by the holder, may give the chief executive a notice (an ***amending notice***) stating the changes.
- (3) An amending notice must be given before the amending notice deadline for the notice has ended.
- (4) Also, the holder, or a person acting for the holder, may, by notice to the chief executive, withdraw the prior notice at any time before regulated coral reef fin fish are taken from any authorised boat for the holder.
- (5) A prior notice may be amended or withdrawn only under this section.
- (6) In this section—

amending notice deadline, for an amending notice, means—

 - (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—

[s 591ZD]

- (i) when the first authorised boat for the line unit holder enters the area within 0.5n miles of the landing place;
 - (ii) if the landing place is at or north of latitude 15°50.30' south—3 hours before the landing period mentioned in the prior notice ends;
Editor's note—
Latitude 15°50.30' south approximately runs through Rattlesnake Point.
 - (iii) if the landing place is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or
- (b) for another amending notice—the earlier of the following—
- (i) when the first authorised boat for the line unit holder enters the area within 0.5n miles of the landing place;
 - (ii) 1 hour before the landing period ends.

Division 5 Requirements after prior notice of regulated coral reef fin fish

591ZD General requirements after prior notice given

- (1) This section applies to a person in control of an authorised boat for the line unit holder (a *relevant authorised boat*) that is proposed to be landed at a landing place mentioned in a prior notice.
- (2) The person must ensure that—
 - (a) the relevant authorised boat lands at the landing place no more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) when the relevant authorised boat lands, the total number of each of the following on all authorised boats

for the holder is the same as the number stated in the prior notice or, having regard to the circumstances, is close to that number—

- (i) the following regulated coral reef fin fish that are whole or gilled and gutted—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish;
 - (ii) containers containing each of the following in filleted form—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish.
- (3) Also, if the relevant authorised boat lands at the landing place before the landing period mentioned in the notice ends, the person must ensure the boat stays at the landing place until after the landing period has ended.
 - (4) Subsection (2)(a) does not apply if the relevant authorised boat does not land at the landing place, or does not land within the landing period, mentioned in that subsection because of a reason beyond the control of the person.
 - (5) In deciding whether a number is close under subsection (2)(b), regard must be had to the degree of difficulty in counting the number stated in the prior notice.
 - (6) Subsection (3) does not require the person to be on board the relevant authorised boat after the boat has landed.

591ZE Requirement to give retained fish notice

- (1) A line unit holder, or a person authorised by the holder, must not allow an authorised boat for the holder to leave the unloading area for the landing place mentioned in a prior notice with regulated coral reef fin fish on the boat unless the

holder or person has given the chief executive a notice (a *retained fish notice*) under this section.

- (2) The line unit holder or authorised person must give the retained fish notice within 1 of the following periods before the authorised boat leaves or is proposed to leave the unloading area for the landing place—
 - (a) if the landing place is at or north of latitude 15°50.30' south—6 hours;
 - (b) if the landing place is south of latitude 15°50.30' south—1 hour.
- (3) The retained fish notice must state each of the following—
 - (a) the current fisher PIN for the line units to which the notice relates;
 - (b) the numerical part of the licence number of the licence to which the regulated coral reef fin fish the subject of the notice relates;
 - (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
 - (d) the following information, if the person giving the retained fish notice is prompted by the AIVR system to enter it—
 - (i) the total number of containers containing each of the following in filleted form that are on board all the authorised boats when the retained notice is given—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish;
 - (ii) the total number of each of the following that are whole or gilled and gutted on board all the authorised boats when the retained notice is given—

- (A) regulated coral trout;
- (B) redthroat emperor;
- (C) other regulated coral reef fin fish;
- (D) containers of other regulated coral reef fin fish.

591ZF Additional requirements if prior notice stated fish will be unloaded

- (1) This section applies if a prior notice given by, or for, a line unit holder stated that regulated coral reef fin fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not take regulated coral reef fin fish from an authorised boat for the holder after the prescribed time unless—
 - (a) all the regulated coral reef fin fish on board all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 591ZL, for the regulated coral reef fin fish that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 591ZE.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
 - (a) the place (the *unloading place*) where the fish on board the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the *unloading time*) at which the fish are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded,

the fish on the authorised boats other than at the unloading place and at the unloading time.

(6) In this section—

prescribed time, in relation to a prior notice, means the earlier of the following—

- (a) when the first of the authorised boats for the line unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
- (b) 1 hour before the landing period mentioned in the prior notice ends.

591ZG Requirement to give transshipment notice

(1) This section applies if regulated coral reef fin fish are—

- (a) taken from an authorised boat for a line unit holder; and
- (b) transferred, before the fish are transhipped, to any of the following vessels (each a ***transport vessel***)—
 - (i) a boat identified on a carrier boat licence;
 - (ii) 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;
 - (iii) an other Queensland regulated ship registered under the *Transport Operations (Marine Safety) Regulation 2016*; and
- (c) proposed to be unloaded from, or using, the transport vessel to which they have been transferred.

(2) The line unit holder, or a person authorised by the holder, must give a notice (a ***transshipment notice***) to the chief executive as soon as practicable after the fish are transferred to the transport vessel.

(3) The transshipment notice must state each of the following—

- (a) the current fisher PIN for the line units to which the notice relates;

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- (b) the numerical part of the licence number for the licence to which the fish the subject of the notice relates;
 - (c) the identification code for the transport vessel to which the notice relates;
 - (d) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the transport vessel will be landed; and
 - (ii) the place at which the fish will be unloaded from the transport vessel;
 - (e) the date on which the fish that were transferred from the authorised boats to the vessel will be unloaded;
 - (f) if the person giving the transshipment notice is prompted by the AIVR system to enter it, the following information—
 - (i) the total number of containers containing each of the following in filleted form that were transferred from the authorised boats to the transport vessel—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish;
 - (ii) the total number of each of the following that are whole, gilled and gutted and were transferred from the authorised boats to the transport vessel—
 - (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish.
- (4) In this section—
- identification code**, for a transport vessel, means the sequence of numbers used to identify the vessel that is—
- (a) nominated by the chief executive; and

- (b) published on the department's website.

Division 6 Requirements for unloading regulated coral reef fin fish

591ZH General requirement for unloading fish

- (1) A prescribed person must not unload, or allow to be unloaded, regulated coral reef fin fish taken from an authorised boat for a line unit holder unless—
 - (a) a prior notice has been given by or for the holder and the notice stated the fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; or
 - (b) a transshipment notice has been given by or for the holder for the fish.
- (2) However, subsection (1) does not apply if—
 - (a) the prior notice or transshipment notice was not given by or for the line unit holder because of a prescribed reason; and
 - (b) the line unit holder or a person authorised by the holder gave the chief executive an unnotifiable landing notice for the landing of—
 - (i) the authorised boats for the line unit holder; or
 - (ii) the transport vessel, to which the regulated coral reef fin fish taken from the boats were transferred, immediately after the first of the boats, or the vessel, landed; and
 - (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the authorised boats or transport vessel to a place more than 200m

from, or not visible to a person at, the place mentioned in section 591ZI(3)(c)(i); or

- (ii) move, or allow to be moved, the fish from the boats or vessel.

(3) In this section—

authorised unloading time, for unloading regulated coral reef fin fish for which a prior notice or transshipment notice has not been given, means—

- (a) if the person unloading the fish has been given permission by an inspector to unload the fish on or after a stated time—the stated time; or
- (b) otherwise—
 - (i) if the authorised boat or transport vessel containing the fish are landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given before 9a.m. on the day the boat or vessel landed—3p.m. on the day the boat or vessel landed; or
 - (ii) if the authorised boat or transport vessel containing the fish landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9a.m. and 4p.m. on the day the boat or vessel landed—6 hours after the boat or vessel landed; or
 - (iii) if the authorised boat or transport vessel containing the fish landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given after 4p.m. on the day the boat or vessel landed—3p.m. on the day after the boat or vessel landed; or
 - (iv) if the authorised boat or transport vessel containing the fish landed south of latitude 15°50.30' south—1 hour after the boat or vessel landed.

notifying period, in relation to a prior notice or transshipment notice, means the period—

[s 591ZI]

- (a) starting when the first of the authorised boats for the line unit holder who is required to give the prior notice or transhipment notice leaves for a fishing trip; and
- (b) ending—
 - (i) for a prior notice—when the prior notice deadline for the notice has ended; or
 - (ii) for a transhipment notice—immediately before the transport vessel, containing the regulated coral reef fin fish transferred from the authorised boats for the holder, lands.

prescribed reason, for not giving a prior notice or transhipment notice by or for a line unit holder, means either of the following—

- (a) all the relevant equipment on the authorised boats for the line holder—
 - (i) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (ii) was not, and could not reasonably have been, replaced or made usable during the notifying period;
- (b) the authorised boats for the line unit holder landed because of an unforeseeable and uncontrollable event and the notice could not be given because of the event.

relevant equipment means equipment that can be used to—

- (a) use the AIVR system; or
- (b) contact a person on land or on board a boat.

591ZI Requirement to give unnotifiable landing notice

- (1) This section applies if a line unit holder or a person authorised by the holder—

- (a) proposes to unload, or allows to be unloaded, regulated coral reef fin fish taken from an authorised boat for the line unit holder; and
 - (b) has not given a prior notice or transhipment notice for a prescribed reason as mentioned in section 591ZH(3).
- (2) The line unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive at the following time—
- (a) if the fish are on any of the authorised boats for the holder—immediately after the first of the boats lands;
 - (b) if the fish have been transferred from any of the authorised boats of the holder to a transport vessel—immediately after the transport vessel lands.
- (3) The unnotifiable landing notice must state each of the following—
- (a) the current fisher PIN for the line units to which the notice relates;
 - (b) the numerical part of the licence number for the licence to which the fish the subject of the notice relates;
 - (c) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place where the authorised boats or transport vessel to which the notice relates have been landed; and
 - (ii) the place where the fish on the boats or vessel will be unloaded;
 - (d) if the person giving the notice is prompted by the AIVR system to enter the following information, the following information—
 - (i) the total number of containers containing each of the following in filleted form that are on board the authorised boats or transport vessel when the notice is given—
 - (A) regulated coral trout;

- (B) redthroat emperor;
 - (C) other regulated coral reef fin fish;
- (ii) the total number of each of the following that are whole or gilled and gutted and are on board the authorised boats or transport vessels when the notice is given—
- (A) regulated coral trout;
 - (B) redthroat emperor;
 - (C) other regulated coral reef fin fish.

591ZJ Additional requirements for unloading fish if prior notice given

- (1) This section applies if a prior notice given by or for a line unit holder stated that regulated coral reef fin fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload the fish, or allow the fish to be unloaded, unless section 591ZD has been complied with.
- (3) Also, a prescribed person may unload the fish, or allow the fish to be unloaded, only if—
 - (a) the fish are unloaded after the landing period mentioned in the prior notice has ended; and
 - (b) for fish being unloaded from, or using, a tender boat—the tender boat is attached to, or is within 200m of, its primary boat; and
 - (c) the fish are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
 - (i) the landing place;
 - (ii) if the landing place is within a defined port area—another place within the defined port area;

- (iii) if the landing place is not within a defined port area—another place within 0.5n miles of the landing place.
- (4) However, subsection (3)(a) does not apply if—
 - (a) an inspector supervises the person unloading the fish; or
 - (b) both of the following apply—
 - (i) the fish are unloaded by moving the boat carrying the fish to a place on land;
 - (ii) until the landing period has ended—
 - (A) the fish are kept on the boat; and
 - (B) the boat is kept at a place that is within 200m of, and visible to a person at, the landing place.

591ZK Requirements for weighing unloaded fish

- (1) This section applies if regulated coral reef fin fish taken by or for a line unit holder have been unloaded from, or using, an authorised boat for the holder or a transport vessel.
- (2) The holder must weigh the fish, or allow the fish to be weighed—
 - (a) as soon as practicable after the fish have been unloaded; and
 - (b) at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).

591ZL Requirement to give unloaded fish notice

- (1) This section applies if regulated coral reef fin fish are—
 - (a) taken from an authorised boat for a line unit holder; and

- (b) unloaded from, or using, the authorised boat or a transport vessel.
- (2) The line unit holder, or a person authorised by the holder, must give a notice (an *unloaded fish notice*) to the chief executive—
 - (a) as soon as practicable after the first time the fish on the boat or vessel are unloaded from, or using, the boat or vessel; and
 - (b) if the fish are first unloaded by moving the boat or vessel carrying the fish to a place on land—as soon as practicable after the fish are first moved from the boat or vessel.
- (3) Also, the line unit holder, or the person authorised by the holder, must—
 - (a) retain possession of the fish until the unloaded fish notice is given; or
 - (b) for a live fish that is sold or given to another person—remain within 200m of the fish until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
 - (a) the current fisher PIN for the line units to which the notice relates;
 - (b) the numerical part of the licence number of the licence to which the fish the subject of the notice relates;
 - (c) if the person giving the notice is prompted by the AIVR system to enter the transaction number for a prior notice, transshipment notice or unnotifiable landing notice given in relation to the fish mentioned in the unloaded fish notice—the transaction number;
 - (d) the weight of each of the following in whole form and gilled and gutted form unloaded by or for the holder—
 - (i) regulated coral trout;
 - (ii) redthroat emperor;

- (iii) other regulated coral reef fin fish;
- (e) the weight of each of the following in filleted form unloaded by or for the holder—
 - (i) regulated coral trout;
 - (ii) redthroat emperor;
 - (iii) regulated emperor, other than redthroat emperor;
 - (iv) regulated cod or grouper, rosy snapper and lavender snapper;
 - (v) goldband snapper;
 - (vi) regulated tropical snapper or seaperch, other than fish mentioned in subparagraphs (iv) or (v);
 - (vii) other regulated coral reef fin fish and fish of an unidentified species.

Part 4 Transfer of line units

Division 1 When line units may or may not be transferred

591ZM Purpose of div 1

This division states, for section 65(1) of the Act, the circumstances in which line units may or may not be transferred.

591ZN Only whole line units may be transferred

A part of a line unit can not be transferred.

591ZO Eligibility of transferee

A line unit may be transferred only by the holder of the line unit to a person, other than the transferor, who holds an RQ fishery licence.

Division 2 Other provisions about line unit transfers

591ZP Line unit certificate changes required

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

591ZQ Entitlement of transferee

- (1) The entitlement of the transferee under line units transferred in a line year is as follows—
 - (a) for that part of the line year after registration of the transfer—the entitlement of the transferor under the line units immediately before the registration;
 - (b) for a later line year—the entitlement the transferor would have had under the line units at the beginning of the line year, as if the line units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred line unit has been used, the whole entitlement of the transferee under the transferred line unit is taken to have been used.

591ZR Issue of fisher PIN for particular transferees

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

Note—

See also schedule 11, part 2, definition *fisher PIN*.

Part 5 Change of PINs

591ZS Change of unit PIN

- (1) The holder of line units may, by written notice, ask the chief executive to change the unit PIN for the line units.
- (2) On receiving the notice, the chief executive must—
 - (a) change the unit PIN for the line units to another 4-digit identity number (the *new unit PIN*) decided by the chief executive; and
 - (b) give the holder a written notice stating the new unit PIN.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2) is given to the holder.

591ZT Change of fisher PIN

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

Part 6 Prescribed criteria for suspending and cancelling line units

591ZU Criteria for suspending line units

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court suspending line units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a line year—
 - (a) the line unit holder takes an amount of prescribed coral reef fin fish for the line units that exceeds the holder's total entitlements under the line units; or
 - (b) an RQ fishery licence held by the line unit holder is suspended.
- (3) An appropriate suspension may be—
 - (a) for subsection (2)(a)—suspension for the following line year of the number of line units with entitlements equal to the amount by which the entitlements were exceeded; or
 - (b) for subsection (2)(b)—suspension for the line year of all the holder's line units with unused entitlements.

591ZV Criteria for cancelling line units

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court cancelling line units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a line year, a line unit holder is convicted of a serious fisheries offence involving taking or possessing an amount of regulated coral reef fin fish that exceeds the holder's unused line unit entitlements for the line year by at least 500kg (whole weight).
- (3) An appropriate cancellation may be cancellation of the number of the holder's line units with an entitlement

equivalent to the amount of regulated coral reef fin fish unlawfully taken or possessed by the holder.

Chapter 11 Other commercial fisheries

Part 1 Commercial crab fishery ('C1')

592 What is the *commercial crab fishery*

The *commercial crab fishery* is activities by way of fishing—

- (a) relating to crabs to which section 595 applies in the fishery area mentioned in section 594; and
- (b) under the authorisations and conditions stated in this part.

593 Fishery symbol

The fishery symbol for the fishery is 'C1'.

594 Fishery area

The fishery area consists of the area of all tidal waters in the following areas—

- east of longitude 142°31'49" east
- north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east
- in the Gulf of Carpentaria between the 25n mile line and the shore, south of latitude 10°48' south.

595 What fish may be taken

Only crabs, other than spanner crabs, may be taken under the licence.

Note—

For spanner crabs, see parts 1A and 1B.

596 Permitted ways of taking crabs

- (1) Crabs may only be taken by using a crab pot, collapsible trap or dilly (each of which is an item of *crab apparatus*).
- (2) No more than a total of 50 items of crab apparatus, including any combination of items of crab apparatus, may be used at a time.
- (3) Also, no more than 10 items of crab apparatus may be fixed to a single line or attached to each other in sequence.
- (4) Despite subsection (2), if a commercial fisher is acting under a licence that has the fishery symbol 'C1' written on it more than once, the fisher may use, at any one time, no more than a total of 100 items of crab apparatus, including any combination of items of crab apparatus.

596A Use of particular crab apparatus

Two or more items of crab apparatus that are fixed to a single line, or attached to each other in sequence, must not be used in the following waters—

- (a) Moreton Bay (whole) waters south of latitude 27°18.430' south;
- (b) the waters of Great Sandy Strait south of a line between Point Vernon on the mainland and Moon Point on Fraser Island.

596B Possession of crab apparatus

- (1) A commercial fisher must not possess on a boat in the fishery area more than a total of 50 items of crab apparatus, including any combination of items of crab apparatus.
- (2) However, if a commercial fisher is acting under a licence that has the fishery symbol 'C1' written on it more than once, the fisher may possess on a boat in the fishery area no more than a total of 100 items of crab apparatus, including any combination of items of crab apparatus.

597 Use of primary boats

A primary boat must not be longer than 14m.

598 Use of tender boats

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

599 Permitted distance for an assistant fisher to be under direction

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

600 Marking of fishing apparatus

- (1) An item of crab apparatus used to take crabs must—
 - (a) have attached to it a tag on which is written the name of the owner of the apparatus; or
 - (b) be marked with the boat mark for the owner's primary boat.
- (2) Also, the crab apparatus must be attached by a rope to either—
 - (a) a compliant float that is at least 15cm in any dimension; or

- (b) a fixed object above the high water mark, including, for example, a jetty or tree.
- (3) If crab apparatus is attached to a fixed object under subsection (2)(b), a tag, on which is written the boat mark for the primary boat of the owner of the apparatus, must be attached to the part of the rope above the high water mark.
- (4) If 2 items of crab apparatus are fixed to a line, one end of the line must have attached to it 2 compliant floats that are at least 15cm in any dimension.
- (5) If 3 or more items of crab apparatus are fixed to a line—
 - (a) one end of the line must have attached to it a compliant float that is at least 25cm in any dimension; and
 - (b) the other end of the line must have attached to it a flag that is at least 2m above the water; and
 - (c) a tag must be attached to the line near the float or flag stating the number of items of crab apparatus that are attached to the line.
- (6) In this section—

compliant float, for using crab apparatus, means a float that—

 - (a) is light coloured and clearly visible on the surface of the water; and
 - (b) is marked with the boat mark for the primary boat of the owner of the apparatus.

Part 1A Commercial spanner crab fishery (managed area A) ('C2')

Division 1 Definition

600A What is the *commercial spanner crab fishery (managed area A)*

The *commercial spanner crab fishery (managed area A)* is activities by way of fishing—

- (a) relating to spanner crabs in the fishery area mentioned in section 600C; and
- (b) under the relevant authorisations and conditions stated in this part.

Division 2 Fishery symbol and area

600B Fishery symbol

The fishery symbol for the fishery is 'C2'.

Note—

For licences on which both the fishery symbols 'C2' and 'C3' are written, see section 271 (Conditions of licences on which more than 1 fishery symbol is written).

600C Fishery area

The fishery area consists of the area of tidal waters south of latitude 23° south and east of longitude 151°45' east.

Division 3 Taking spanner crabs under the licence

600D What fish may be taken

Only spanner crabs may be taken under the licence.

600E Taking spanner crabs in more than 1 spanner crab fishery

- (1) This section applies if a person is authorised to take spanner crabs under a licence on which the fishery symbols 'C2' and 'C3' are written.
- (2) If the person has taken a spanner crab (the *first crab*) under part 1B, the person must not take a crab under this part until the first crab has been brought ashore on the mainland.

600F Permitted apparatus—dillies

- (1) A spanner crab may be taken only by using a dilly.
- (2) A commercial fisher must not possess more than a total of 50 dillies on a boat in the fishery area.
- (3) A person may use a dilly under the licence only if the dilly complies with division 4.
- (4) A person acting under the licence must not—
 - (a) use more than 45 dillies at a time; or
 - (b) set more than 15 dillies on a single line.

Division 4 General requirements for dillies

Note—

Under section 600ZC(4), the conditions for use of dillies under this division also apply to a licence in the commercial spanner crab fishery (managed area B) under part 1B.

600G Frame area

A dilly must have—

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

600H Net

- (1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- (2) The mesh size of the net must be at least 25mm.

600I Marking of dillies

- (1) A dilly used to take spanner crabs must—
 - (a) have a compliant float attached to it; and
 - (b) either—
 - (i) have attached to it a tag on which is written the name of the owner of the dilly; or
 - (ii) be marked with the boat mark for the owner's primary boat.
- (2) Also, if 2 or more dillies are fixed to a line—
 - (a) one end of the line must be attached to a compliant float; and
 - (b) the float must be attached to a flag that is at least 2m above the water.
- (3) In this section—

compliant float, for using a dilly, means a float that is—

 - (a) light coloured and clearly visible on the surface of the water; and
 - (b) at least 15cm in any dimension; and
 - (c) marked with the boat mark for the primary boat of the owner of the dilly.

Division 6 Other conditions

600K Use of primary boats

A primary boat must not be longer than 20m.

600L Use of tender boats

A tender boat must not be longer than 7m nor used more than 800m from its primary boat.

600M Permitted distance for an assistant fisher to be under direction

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

Division 7 Provisions about ITQ units

Subdivision 1 General provisions

600N Nature of an ITQ unit

Each ITQ unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under subdivision 2.

600NA Restriction on issue of ITQ units

The chief executive must not issue ITQ units.

Subdivision 2 Entitlement

600O Entitlement under ITQ unit

- (1) The holder of an ITQ unit or a person acting under the ITQ unit may take in an ITQ year the weight of spanner crabs worked out by dividing the total quota entitlement for the year by the total number of ITQ units that have been issued.
- (2) The authorisation for an ITQ year under subsection (1)—
 - (a) is the holder's *entitlement* under the ITQ unit for the ITQ year; and
 - (b) imposes a quota on the entitlement for the ITQ year.
- (3) However, the entitlement applies only while the holder holds a licence on which the fishery symbol 'C2' is written.
- (4) The entitlement is also subject to any relevant prohibitions or restrictions under this regulation, a declaration, the ITQ unit or the licence.

Examples of relevant restrictions—

- restrictions under the *Fisheries Declaration 2019*
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

- (5) In this section—

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

600P When ITQ unit entitlement is *used* for an ITQ year

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

[s 600Q]

- (b) if section 600Q applies.
- (2) The *unused entitlement* of a holder's ITQ unit for an ITQ year is the amount of (whole weight) spanner crab for the ITQ unit that has not been taken for the ITQ year under any C2 fishery licence held by the ITQ unit holder.
- (3) In this section—
(whole weight) spanner crab means the weight of an entire intact spanner crab.

600Q No carrying forward of unused entitlement

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

600R Particular notice is evidence of unused entitlement

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

Subdivision 3 ITQ unit certificates

600S Content of ITQ unit certificates

An ITQ unit certificate must state each of the following—

- (a) the certificate number;

-
- (b) the name of the person who holds the ITQ units mentioned in the certificate;
 - (c) that the certificate is issued for the taking of spanner crabs in the fishery area under the licence;
 - (d) the number of ITQ units held by the person;
 - (e) if the chief executive has imposed conditions on the ITQ units—the conditions;
 - (f) if the chief executive has suspended any of the ITQ units—
 - (i) the number of ITQ units suspended; and
 - (ii) the period of the suspension.

600T Evidentiary provision for ITQ unit certificate

An ITQ unit certificate is evidence of—

- (a) the number of ITQ units held when the certificate was—
 - (i) issued; or
 - (ii) changed or replaced under section 600V; and
- (b) the conditions, if any, imposed on the ITQ units.

Subdivision 4 Transfer of ITQ units

600U Only whole ITQ units may be transferred

A part of an ITQ unit can not be transferred.

600V ITQ unit certificate changes required

- (1) This section applies if under section 65B of the Act the chief registers the transfer of ITQ units.
- (2) The chief executive must give effect to the transfer by doing any of the following—

[s 600W]

- (a) changing, cancelling or replacing the transferor's and transferee's current ITQ unit certificates;
- (b) issuing the transferee a new ITQ unit certificate.

600W Entitlement of transferee

- (1) The entitlement of the transferee under ITQ units transferred in an ITQ year is as follows—
 - (a) for that part of the ITQ year after registration of the transfer—the entitlement of the transferor under the units immediately before the registration;
 - (b) for a later ITQ year—the entitlement the transferor would have had under the units at the beginning of the ITQ year, as if the units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a particular transferred ITQ unit has been used, the whole entitlement of the transferee under that unit is taken to have been used.

Part 1B Commercial spanner crab fishery (managed area B) ('C3')

Division 1 Definition

600X What is the *commercial spanner crab fishery (managed area B)*

The *commercial spanner crab fishery (managed area B)* is activities by way of fishing—

- (a) relating to spanner crabs in the fishery area mentioned in section 600Z; and
- (b) under the relevant authorisations and conditions stated in this part.

Division 2 Fishery symbol and area

600Y Fishery symbol

The fishery symbol for the fishery is ‘C3’.

Note—

For licences on which both the fishery symbols ‘C2’ and ‘C3’ are written, see section 271 (Conditions of licences on which more than 1 fishery symbol is written).

600Z Fishery area

The fishery area consists of the area of the following tidal waters—

- waters north of the commercial spanner crab fishery (managed area A) and east of longitude 142°31'49" east
- waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east
- waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland, south of latitude 10°48' south.

Division 3 Taking spanner crabs under the licence

600ZA What fish may be taken

Only spanner crabs may be taken under the licence.

600ZB Taking spanner crabs in more than 1 spanner crab fishery

- (1) This section applies if a person is authorised to take spanner crabs under a licence on which the fishery symbols ‘C2’ and ‘C3’ are written.

- (2) If the person has taken a spanner crab (the *first crab*) under part 1A, the person must not take a crab under this part until the first crab has been brought ashore on the mainland.

600ZC Permitted apparatus—dillies

- (1) A spanner crab may be taken only by using a dilly.
- (2) A commercial fisher must not possess more than a total of 35 dillies on a boat in the fishery area.
- (3) A person acting under the licence must not—
 - (a) use more than 30 dillies at a time; or
 - (b) set more than 10 dillies on a single line.
- (4) The conditions for dillies under the commercial spanner crab fishery (managed area A), under part 1A, division 4 apply to a dilly used under the licence.

Division 4 Daily quota entitlement

600ZD Daily quota entitlement for licence

- (1) The quota of spanner crabs that may be taken or possessed each day under the licence is 16 containers of spanner crabs.
- (2) For subsection (1)—
 - (a) a container must be counted as 2 containers if—
 - (i) it has a whole spanner crab protruding above its top; or
 - (ii) it can not have another container stacked on top of it so that the other container's bottom touches the top of the container on all sides; and
 - (b) if the spanner crabs are not held in a container—the number of containers is worked out by dividing the number of crabs taken or possessed by 30.
- (3) In this section—

container, of spanner crabs, means a container with a capacity of no more than 66.4L.

Note—

An empty container that has internal dimensions of 571mm x 381mm x 305mm has a capacity of approximately 66L. Containers used to hold spanner crabs are commonly called ‘baskets’.

Division 5 Other conditions

600ZE Where spanner crabs may be brought ashore

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

600ZF Use of primary boats

A primary boat must not be longer than 20m.

600ZG Use of tender boats

A tender boat must not be longer than 7m nor used more than 800m from its primary boat.

600ZH Permitted distance for an assistant fisher to be under direction

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

Part 2 Commercial crayfish and rocklobster fishery (‘R’)

601 What is the *commercial crayfish and rocklobster fishery*

The *commercial crayfish and rocklobster fishery* is activities by way of fishing—

[s 602]

- (a) relating to the fish mentioned in section 604 in the fishery area mentioned in section 603; and
- (b) under the authorisations and conditions stated in this part.

602 Fishery symbol

The fishery symbol for the fishery is 'R'.

603 Fishery area

The fishery area consists of the area of the following tidal waters—

- waters east of longitude 142°31'49" east, and north of latitude 14° south
- the Gulf of Carpentaria and adjoining waterways, between the 25n mile line and the shore, south of latitude 10°48' south.

604 What fish may be taken

Only red champagne lobster and tropical rocklobster may be taken under the licence.

605 Permitted ways of taking crayfish and rocklobster

- (1) Fish may only be taken by—
 - (a) hand; or
 - (b) using hand-held non-mechanical implements; or
 - (c) using spears or spear guns.
- (2) Underwater breathing apparatus may also be used when taking fish.
- (3) Only primary boats or tender boats may be used to take fish.
- (4) No more than 1 person may take fish from a primary boat or tender boat at the same time.

605A Annual quota entitlement

- (1) The annual quota of fish that may be taken under the licence is the quota stated on the licence.
- (2) The maximum combined quota entitlements of fish for all licences for the fishery must not be more than 195,000 units.
- (3) In this section—
unit means 1kg of (whole weight) fish.

606 Use of primary boats

A primary boat must not be longer than 25m.

607 Use of tender boats

A tender boat must not be used further than 5n miles from the following—

- (a) generally—its primary boat;
- (b) if its primary boat is located at a reef—the reef.

608 Permitted distance for an assistant fisher to be under direction

The permitted distance for an assistant fisher to be under direction of a commercial fisher is—

- (a) 5n miles; or
- (b) if the commercial fisher is fishing on a reef, 5n miles from the reef.

Part 2A Commercial shark and ray fishery ('S')

608A What is the *commercial shark and ray fishery*

The *commercial shark and ray fishery* is activities by way of fishing—

- (a) relating to the fish to which section 608C applies; and
- (b) in the fishery area and under the authorisations and conditions mentioned in section 608D.

608B Fishery symbol

The fishery symbol for the fishery is 'S'.

608C What fish may be taken

Only the following fish may be taken under the licence—

- (a) shark, other than white shark, sandtiger shark or spartooth shark;

Note—

The grey nurse shark (*Carcharias taurus*) is prescribed as endangered wildlife under the *Nature Conservation Act 1992*. See section 88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal) of that Act.

- (b) rays.

608D Relevant authorisations and conditions for taking fish

- (1) The fish to which section 608C applies may be taken only in the fishery area and under the relevant authorisations and conditions stated in a fishery provision for a commercial fishery (an *applied fishery*) under—

- (a) chapter 8, part 1, 2 or 5; or
- (b) chapter 9.

-
- (2) However, the fish may be taken under the licence—
- (a) in only 1 applied fishery at any one time; and
 - (b) only if the licence has written on it a fishery symbol for the applied fishery in which the fish are taken.

Part 3 Commercial trawl fishery (fin fish) ('T4')

Division 1 Definitions

609 What is the *commercial trawl fishery (fin fish)*

The *commercial trawl fishery (fin fish)* is activities by way of fishing—

- (a) relating to the fish mentioned in section 612 in the fishery area mentioned in section 611; and
- (b) under the authorisations and conditions stated in this part.

609A Meaning of *prescribed whiting* and relevant reference

- (1) Generally, *prescribed whiting* means red spot whiting or stout whiting.
- (2) A reference to a quantity of prescribed whiting (however expressed) is a reference to a quantity of fish consisting of either or both of the following—
 - (a) red spot whiting;
 - (b) stout whiting.

Division 2 Fishery symbol and area

610 Fishery symbol

The fishery symbol for the fishery is 'T4'.

611 Fishery area

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

- from latitude 28°09.24' south, longitude 153°34.2' east, in a north easterly direction to latitude 28°03.96' south, longitude 153°46.32' east
- then along the 50 fathom depth contour to east of Sandy Cape, Fraser Island
- then west to the 20 fathom depth contour
- then along the 20 fathom depth contour to latitude 28°09.24' south, longitude 153°34.2' east.

Division 3 Taking fish and other conditions

612 What fish may be taken

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

- (a) prescribed whiting;
- (b) any of the following fish, if the fish are taken while taking prescribed whiting—
 - (i) Balmain bug;
 - (ii) cuttlefish;
 - (iii) goatfish;
 - (iv) Moreton Bay bug;
 - (v) octopus;

- (vi) squid;
- (vii) threadfin bream;
- (viii) yellowtail scad.

613 Permitted ways of taking fish

- (1) Permitted fish may only be taken by using an otter trawl net or Danish seine net that complies with this section.
- (2) The net must not be longer than 88m and must have a mesh size of at least 38mm.
- (3) For subsection (2), the length of the net must be worked out from the combined length of the following ropes when taut—
 - (a) the head and bottom ropes;
 - (b) the rope fixing the net's opening size;
 - (c) the ropes to which the net's mesh is attached;
 - (d) the part of another rope, other than a lazy line or log rope, to which a wing net is attached.
- (4) For an otter trawl net—
 - (a) each of its sweeps must not be longer than 128m; and
 - (b) the net must not be used from a boat longer than 20m; and
 - (c) the net must be used with a TED that complies with chapter 7A, part 5.
- (5) For subsection (4)(a), an otter trawl net's sweeps includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the net.
- (6) However, if 2 or more fittings mentioned in subsection (5) are joined to make a single fitting, the single fitting is 1 sweep.
- (7) For a Danish seine net—
 - (a) each of the 2 haul ropes attached to the net must not be longer than 2,500m; and

[s 614B]

- (b) the end of the haul rope that is first deployed when the net is deployed must be marked with a floating buoy that is clearly visible on the surface of the water; and
- (c) the net must not be used from a boat longer than 25m.

614B Annual quota entitlement for goatfish and yellowtail scad

- (1) This section applies to the following fish—
 - (a) goatfish;
 - (b) yellowtail scad.
- (2) The annual quota of each of the fish that may be taken under the licence in a T4-ITQ year is the amount worked out using the following formula—

$$AQ = DAQ/L \times N$$

where—

AQ is the annual quota of the fish, in kilograms, that may be taken under the licence in the year.

DAQ is the total quota entitlement for the fish, expressed in kilograms, stated in the quota declaration for the commercial trawl fishery (fin fish) for the year (the *relevant declaration*).

L is the total number of T4 fishery licences that are in force when the relevant declaration is made.

N is the number of fishery symbols ‘T4’ written on the licence.

Division 5 Provisions about T4-ITQ units

Subdivision 1 Nature and issue of T4-ITQ units

614C Nature of a T4-ITQ unit

Each T4-ITQ unit is—

-
- (a) a quota authority; and
 - (b) subject to the quota entitlement provided for under subdivision 2.

614D General condition for issue of T4-ITQ units

A T4-ITQ unit may be issued only under this division.

614E Chief executive must issue T4-ITQ units and ITQ unit certificate

- (1) The chief executive must, on 28 February 2015 (the *issue day*), issue to the holder of each eligible licence 270,000 T4-ITQ units for each fishery symbol 'T4' written on the licence.
- (2) The chief executive must issue the T4-ITQ units by giving the holder a T4-ITQ unit certificate for the units.
- (3) Subsections (1) and (2) do not prevent the chief executive giving the holder the T4-ITQ unit certificate before the issue day.

Note—

Under sections 614H and 614Y, prescribed whiting may be taken under a T4-ITQ unit only in a T4-ITQ year.

- (4) In this section—

eligible licence means a T4 fishery licence as in force immediately before the issue day.

614F Issue of unit PIN and fisher PIN

After issuing T4-ITQ units under section 614E(1), the chief executive must issue to the holder of the units—

- (a) a 4-digit identity number (a *unit PIN*) for the units; and
- (b) a 4-digit identity number (a *fisher PIN*) for the units, unless the holder already holds another quota authority.

614G Restriction on issue of T4-ITQ units

The chief executive must not issue T4-ITQ units after 28 February 2015.

Subdivision 2 Entitlement

614H Entitlement under T4-ITQ unit

- (1) The holder of, or a person acting under, a T4-ITQ unit may take in a T4-ITQ year the weight of prescribed whiting worked out using the following formula—

$$W = TAQ/TN \times N$$

where—

W is the weight, in kilograms, of prescribed whiting that may be taken in the year.

TAQ is the total quota entitlement, expressed in kilograms, stated for prescribed whiting in the quota declaration for the commercial trawl fishery (fin fish) for the year.

TN is the total number of T4-ITQ units issued for the commercial trawl fishery (fin fish).

N is the number of T4-ITQ units held by the holder.

- (2) The authorisation for a T4-ITQ year under subsection (1)—
- (a) is the holder's *entitlement* under the T4-ITQ unit for the T4-ITQ year; and
 - (b) imposes a quota on the entitlement for the T4-ITQ year.
- (3) However, the entitlement—
- (a) applies only while the holder holds a licence on which the fishery symbol 'T4' is written; and
 - (b) is subject to any relevant prohibitions or restrictions under this regulation, a declaration, the T4-ITQ unit or the licence.

Examples of relevant restrictions—

- restrictions under the *Fisheries Declaration 2019*
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

614I When T4-ITQ unit entitlement is *used* for a T4-ITQ year

- (1) The entitlement under a T4-ITQ unit is *used* for a T4-ITQ year—
 - (a) when the unit holder or a person acting under the unit has taken in the year under any T4 fishery licence held by the holder an amount of prescribed whiting equalling the holder's entitlement under the unit; or
 - (b) if section 614J applies.
- (2) The *unused entitlement* of a holder's T4-ITQ unit for a T4-ITQ year is the amount of (whole weight) whiting for the T4-ITQ unit that has not been taken for the ITQ year under any T4 fishery licence held by the T4-ITQ unit holder.
- (3) In this section—

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

614J No carrying forward of unused entitlement

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

614K Particular notice is evidence of unused entitlement

- (1) This section applies if a T4-ITQ unit holder has obtained a written notice from the chief executive stating the amount of

[s 614L]

unused entitlement under the holder's T4-ITQ units for a stated T4-ITQ year on a stated date.

- (2) The notice is evidence of the amount of unused entitlement under the T4-ITQ units for the stated T4-ITQ year on the stated date.

Subdivision 3 T4-ITQ unit certificates

614L T4-ITQ unit certificates

A T4-ITQ unit certificate must state each of the following—

- (a) the certificate number;
- (b) the name of the person who holds the T4-ITQ units mentioned in the certificate;
- (c) that the certificate is issued for the taking of prescribed whiting in the fishery area under the licence;
- (d) the number of T4-ITQ units held by the person;
- (e) if the certificate is issued before 28 February 2015—that the T4-ITQ units are to be issued on that day;
- (f) if the chief executive has imposed conditions on the T4-ITQ units—the conditions;
- (g) if the chief executive has suspended any of the T4-ITQ units—
 - (i) the number of T4-ITQ units suspended; and
 - (ii) the period of the suspension.

614M Evidentiary provision for T4-ITQ unit certificate

A T4-ITQ unit certificate is evidence of—

- (a) the number of T4-ITQ units held—
 - (i) if the certificate is issued before 28 February 2015—on that day; or

- (ii) if the certificate is changed or replaced under section 614O—when the certificate is changed or replaced; or
 - (iii) otherwise—when the certificate is issued; and
- (b) the conditions, if any, imposed on the T4-ITQ units.

Subdivision 4 Transfer of T4-ITQ units

614N Only whole T4-ITQ units may be transferred

A part of a T4-ITQ unit can not be transferred.

614O T4-ITQ unit certificate changes required

- (1) This section applies if under section 65B of the Act the chief executive registers the transfer of T4-ITQ units.
- (2) The chief executive must give effect to the transfer by doing any of the following—
 - (a) changing, cancelling or replacing the transferor's and transferee's current T4-ITQ unit certificates;
 - (b) issuing the transferee a new T4-ITQ unit certificate.

614P Entitlement of transferee

- (1) The entitlement of the transferee under T4-ITQ units transferred in a T4-ITQ year is as follows—
 - (a) for that part of the T4-ITQ year after registration of the transfer—the entitlement of the transferor under the units immediately before the registration;
 - (b) for a later T4-ITQ year—the entitlement the transferor would have had under the units at the beginning of the T4-ITQ year, as if the units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred T4-ITQ unit has been used, the

whole entitlement of the transferee under that unit is taken to have been used.

614Q Issue of fisher PIN for particular transferees

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

Note—

See also schedule 11, part 2, definition *fisher PIN*.

Subdivision 5 Change of PINs

614R Change of unit PIN

- (1) The holder of T4-ITQ units may, by written notice, ask the chief executive to change the unit PIN for the units.
- (2) If the holder of T4-ITQ units gives the chief executive a notice under subsection (1), the chief executive must—
 - (a) change the unit PIN for the units to another 4-digit identity number (the *new unit PIN*) decided by the chief executive; and
 - (b) give the holder a written notice stating the new unit PIN.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2)(b) is given to the holder.

614S Change of fisher PIN

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

Subdivision 6 Prescribed criteria for suspending and cancelling T4-ITQ units

614T Criteria for suspending T4-ITQ units

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court suspending T4-ITQ units under section 68B(2) of the Act.
- (2) The prescribed criteria apply if, in a T4-ITQ year—
 - (a) the T4-ITQ unit holder takes an amount of prescribed whiting for the T4-ITQ units that exceeds the holder's total entitlements under the T4-ITQ units; or
 - (b) any T4 fishery licence held by the T4-ITQ unit holder is suspended.
- (3) An appropriate suspension may be—
 - (a) for subsection (2)(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 (2)(b)—suspension for the T4-ITQ year of all the holder's T4-ITQ units with unused entitlements.

614U Criteria for cancelling T4-ITQ units

- (1) This section prescribes criteria under section 68B(3)(b)(i) of the Act for a court cancelling T4-ITQ units under section 68B(2) of the Act.

[s 614V]

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

Division 6 Conditions for T4-ITQ units

Subdivision 1 Purpose

614V Purpose of div 6

This division prescribes conditions for—

- (a) T4-ITQ units; and
- (b) if a commercial fisher is acting under T4-ITQ units held by another person—the fisher's commercial fisher licence.

Subdivision 2 Interpretation

614W Definitions for div 6

In this division—

authorised boat, for a T4-ITQ unit holder, means the primary boat under any of the T4 fishery licences held by the unit holder.

landing period see section 614ZA(e)(i).

landing place, for a prior notice, see section 614ZA(c).

prescribed numerical code, for a place, means the sequence of numbers that—

- (a) may be used to identify the latitude and longitude coordinates for the place; and
- (b) is nominated by the chief executive and published on the department's website.

prescribed person means each of the following—

- (a) the holder of T4-ITQ units;
- (b) a commercial fisher or an assistant fisher acting under T4-ITQ units held by another person.

prior notice means—

- (a) a notice given under section 614Z(2); or
- (b) if a replacement prior notice is given under section 614ZB(2), the replacement prior notice.

prior notice area means—

- (a) a defined port area; or
- (b) another area that is within 0.5n miles of a part of the State where landing of a boat is practicable.

prior notice deadline, for a prior notice, means the time the first of the authorised boats, for the holder of T4-ITQ units by or for whom the notice is given, enters the prior notice area.

prior notice particulars see section 614ZA.

unloaded fish notice see section 614ZK(2).

unloading area, for a landing place mentioned in a prior notice, means—

- (a) if the landing place is within a defined port area—the defined port area; or
- (b) if the landing place is not within a defined port area—an area within 0.5n miles of the landing place.

unloading particular see section 614ZA(d).

unnotifiable landing notice see section 614ZH(2).

614X Notices to chief executive

The following notices must be given to the chief executive using the AIVR system or in another way approved by the chief executive—

- (a) a prior notice;
- (b) a replacement prior notice under section 614ZB(2);
- (c) an amending notice under section 614ZC(2);
- (d) a retained fish notice under section 614ZE(1);
- (e) an unnotifiable landing notice;
- (f) an unloaded fish notice.

Subdivision 3 Requirements for taking or possessing prescribed whiting

614Y Prescribed whiting to be taken or possessed only with unused T4-ITQ unit entitlements

A prescribed person may take prescribed whiting from, or possess prescribed whiting on, an authorised boat for a T4-ITQ unit holder in a T4-ITQ year only if the holder holds T4-ITQ units with unused entitlements for the T4-ITQ year.

Subdivision 4 Requirements for giving prior notice for permitted fish

614Z Requirement to give prior notice

- (1) This section applies if—
 - (a) permitted fish are on an authorised boat for a T4-ITQ unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and

- (c) if the prior notice area is not a defined port area—it is proposed to land 1 or more authorised boats for the holder within the area.
- (2) The holder, or a person authorised by the holder, must give a prior notice to the chief executive before the prior notice deadline for the notice has ended.

614ZA Particulars to be stated in prior notice

A prior notice must state each of the following (the *prior notice particulars*)—

- (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
- (b) the numerical part of the licence number of the T4 fishery licence to which the permitted fish the subject of the notice relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the place (the *landing place*) at which any or all of the authorised boats, for the T4-ITQ unit holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload permitted fish from, or using, 1 or more of the authorised boats before the boats leave the unloading area for the landing place (the *unloading particular*);
- (e) the following information, if the person giving the prior notice is prompted by the AIVR system to enter it—
 - (i) the estimated number of hours (the *landing period*), rounded to the nearest whole hour, between when the notice is given and when the authorised boats will land at the landing place;
 - (ii) the total number of containers containing each of the following on all the authorised boats when the notice is given—
 - (A) prescribed whiting;

- (B) yellowtail scad;
- (C) goatfish.

614ZB Requirement to give replacement prior notice if unloading particular changes

- (1) This section applies if—
 - (a) a prior notice has been given by or for a T4-ITQ unit holder under section 614Z; and
 - (b) the notice stated that permitted fish were not to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice; and
 - (c) the holder, or another person acting for the holder, proposes to unload permitted fish before the boats leave the unloading area.
- (2) The holder, or a person authorised by the holder, must give another prior notice (a *replacement prior notice*) to the chief executive before the prior notice deadline for the other notice has ended.
- (3) The replacement prior notice must state—
 - (a) the prior notice particulars; and
 - (b) that permitted fish will be unloaded before the boats leave the unloading area.
- (4) A replacement prior notice given under subsection (2) replaces the prior notice given under section 614Z.

614ZC Amendment or withdrawal of prior notice

- (1) This section applies if a prior notice has been given by or for a T4-ITQ unit holder.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person authorised by the holder, may give the chief executive a notice (an *amending notice*) stating the changes.

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- (3) An amending notice must be given before the amending notice deadline for the notice has ended.
 - (4) Also, the holder, or a person authorised by the holder, may, by notice to the chief executive, withdraw the prior notice at any time before permitted fish are taken from any authorised boat for the holder.
 - (5) A prior notice may be amended or withdrawn only under this section.
 - (6) In this section—

amending notice deadline, for an amending notice, means—

- (a) if the amending notice changes the landing period or landing place mentioned in the prior notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or
- (b) if the amending notice relates to the number of containers on all of the authorised boats—when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice; or
- (c) for another amending notice—the earlier of the following times—
 - (i) when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the prior notice;
 - (ii) 1 hour before the landing period mentioned in the prior notice ends.

Subdivision 5 Requirements after prior notice of permitted fish

614ZD General requirements after prior notice given

- (1) This section applies to the person in control of an authorised boat for the T4-ITQ unit holder (a *relevant boat*) that is proposed to be landed at the landing place mentioned in a prior notice.
- (2) The person must ensure that—
 - (a) the relevant boat lands at the landing place no more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) when the authorised boat lands, the total number of each of the following on all the authorised boats for the holder is the same as the number stated in the prior notice or, having regard to the circumstances, is close to that number—
 - (i) containers containing prescribed whiting;
 - (ii) containers containing goatfish;
 - (iii) containers containing yellowtail scad.
- (3) Also, if the relevant boat lands at the landing place before the landing period ends, the person must ensure the boat stays at the landing place until after the landing period has ended.
- (4) Subsection (2)(a) does not apply if the relevant boat does not land at the landing place, or does not land within the landing period, mentioned in that subsection because of a reason beyond the control of the person.
- (5) In deciding whether a number is close under subsection (2)(b), regard must be had to the degree of difficulty in counting the number of containers stated in the prior notice.
- (6) Subsection (3) does not require the person in control of the relevant boat to be on the boat after it has landed.

614ZE Requirement to give retained fish notice

- (1) The T4-ITQ unit holder, or a person authorised by the holder, must not allow an authorised boat for the holder to leave the unloading area for the landing place mentioned in a prior notice with permitted fish on the boat unless the holder or person has given the chief executive a notice (a *retained fish notice*) under this section.
- (2) The T4-ITQ unit holder or authorised person must give the retained fish notice within 1 hour before the authorised boat leaves or is proposed to leave the unloading area for the landing place.
- (3) The retained fish notice must state each of the following—
 - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number of the T4 fishery licence to which the permitted fish the subject of the notice relate;
 - (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice in relation to which the retained fish notice is given—the transaction number;
 - (d) the total number of containers containing each of the following that will be on all the authorised boats for the T4-ITQ unit holder immediately after the boats leave the unloading area for the landing place mentioned in the prior notice—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

614ZF Additional requirements if prior notice stated permitted fish will be unloaded

- (1) This section applies if a prior notice given by, or for, a T4-ITQ unit holder stated that permitted fish were to be unloaded

from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.

- (2) A prescribed person must not take permitted fish from an authorised boat for the holder after the prescribed time unless—
 - (a) all the permitted fish on all the authorised boats for the holder have been unloaded; and
 - (b) an unloaded fish notice has been given, as required under section 614ZK, for the permitted fish that have been unloaded.
- (3) However, subsection (2)(a) does not apply if the prescribed person has complied with section 614ZE.
- (4) If asked by an inspector after an authorised boat for the holder lands at the landing place, a prescribed person must tell the inspector—
 - (a) the place (the *unloading place*) where the permitted fish on the authorised boats for the holder are to be unloaded; and
 - (b) the estimated time (the *unloading time*) at which the permitted fish are to be unloaded.
- (5) If a prescribed person has informed an inspector of the unloading place and unloading time under subsection (4), the prescribed person must not unload, or allow to be unloaded, the permitted fish on the authorised boats other than at the unloading place and at the unloading time.
- (6) In this section—

prescribed time, in relation to a prior notice, means when the first of the authorised boats for the T4-ITQ unit holder enters the area within 0.5n miles of the landing place mentioned in the notice.

Subdivision 6 Requirements for unloading permitted fish

614ZG General requirement for unloading permitted fish

- (1) A prescribed person must not unload, or allow to be unloaded, permitted fish taken from an authorised boat for a T4-ITQ unit holder unless a prior notice given by or for the holder stated the permitted fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) However, subsection (1) does not apply if—
 - (a) the prior notice was not given by or for the T4-ITQ unit holder for either of the following reasons—
 - (i) all the relevant equipment on the authorised boats for the T4-ITQ unit holder—
 - (A) was destroyed or made unusable during the notifying period by an unforeseeable and uncontrollable event; and
 - (B) was not, and could not reasonably have been, replaced or made usable during the notifying period;
 - (ii) the authorised boats for the T4-ITQ unit holder landed because of an unforeseeable and uncontrollable event and the notice could not be given because of the event; and
Examples of an unforeseeable and uncontrollable event—
extreme weather conditions, fire or medical emergency
 - (b) the holder or a person authorised by the holder has given the chief executive an unnotifiable landing notice; and
 - (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the authorised boats to a place more than 200m from, or not visible to a

[s 614ZH]

person at, the landing place mentioned in the unnotifiable landing notice; or

- (ii) move, or allow to be moved, the permitted fish from the boats.

- (3) In this section—

authorised unloading time, for unloading permitted fish for which a prior notice has not been given, means—

- (a) if the person unloading the permitted fish has been given permission, by an inspector, to unload the permitted fish on or after a stated time—the stated time; or
- (b) otherwise—if the authorised boat containing the permitted fish is landed south of latitude 15°50.30' south—1 hour after the boat landed.

notifying period, in relation to a prior notice, means the period—

- (a) starting when the first of the authorised boats for the T4-ITQ unit holder who is required to give the prior notice leaves for a fishing trip; and
- (b) ending when the prior notice deadline for the notice has ended.

relevant equipment means equipment that can be used to—

- (a) use the AIVR system; or
- (b) contact a person who is on land or on a boat.

614ZH Requirement to give unnotifiable landing notice

- (1) This section applies if a T4-ITQ unit holder or a person authorised by the holder—
 - (a) proposes to unload, or allow to be unloaded, permitted fish taken from an authorised boat for the T4-ITQ unit holder; and
 - (b) has not given a prior notice for a prescribed reason.

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- (2) The T4-ITQ unit holder or authorised person must give a notice (an *unnotifiable landing notice*) to the chief executive immediately after the first of the boats lands.
 - (3) The unnotifiable landing notice must state each of the following—
 - (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number for the T4 fishery licence to which the permitted fish the subject of the notice relate;
 - (c) the prescribed numerical code or the latitude and longitude coordinates for—
 - (i) the place at which the authorised boats to which the notice relates have been landed; and
 - (ii) the place at which the permitted fish on the boats will be unloaded;
 - (d) the total number of containers containing each of the following that are on the boats when the notice is given—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

614ZI Additional requirements for unloading permitted fish if prior notice given

- (1) This section applies if a prior notice given by or for a T4-ITQ unit holder stated that permitted fish were to be unloaded from, or using, 1 or more authorised boats for the holder before the boats leave the unloading area for the landing place mentioned in the notice.
- (2) A prescribed person must not unload, or allow to be unloaded, the permitted fish unless section 614ZD has been complied with.

[s 614ZJ]

- (3) Also, a prescribed person may unload the permitted fish, or allow the permitted fish to be unloaded, only if—
 - (a) the permitted fish are unloaded after the landing period mentioned in the prior notice has ended; and
 - (b) the permitted fish are unloaded at 1 of the following places that is open for entry, under the Act, by an inspector—
 - (i) the landing place mentioned in the prior notice;
 - (ii) if the landing place is within a defined port area—another place within the defined port area;
 - (iii) if the landing place is not within a defined port area—another place within 0.5n miles of the landing place.
- (4) However, subsection (3)(a) does not apply if an inspector supervises the person unloading the permitted fish.

614ZJ Requirements for weighing unloaded permitted fish

- (1) This section applies if permitted fish taken by or for a T4-ITQ unit holder have been unloaded from, or using, an authorised boat for the holder.
- (2) The holder must weigh the permitted fish, or allow the fish to be weighed—
 - (a) as soon as practicable after the fish have been unloaded; and
 - (b) at a place that is open for entry, under the Act, by an inspector.
- (3) The weight of the permitted fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).

614ZK Requirement to give unloaded fish notice

- (1) This section applies if permitted fish are—

- (a) taken from an authorised boat for a T4-ITQ unit holder;
and
 - (b) unloaded from, or using, the authorised boat.
- (2) The T4-ITQ unit holder, or a person authorised by the holder, must give a notice (an *unloaded fish notice*) to the chief executive—
- (a) as soon as practicable after the first time the permitted fish on the boat are unloaded from, or using, the boat;
and
 - (b) if the permitted fish are first unloaded by moving the boat carrying the fish to a place on land—as soon as practicable after the permitted fish are first moved from the boat or vessel.
- (3) Also, the T4-ITQ unit holder, or a commercial fisher acting for the holder, must retain possession of the permitted fish until the unloaded fish notice is given.
- (4) The unloaded fish notice must state each of the following—
- (a) the current fisher PIN for the T4-ITQ units to which the notice relates;
 - (b) the numerical part of the licence number for the T4 fishery licence to which the permitted fish the subject of the notice relate;
 - (c) if the person giving the unloaded fish notice is prompted by the AIVR system to enter the transaction number for a prior notice or unnotifiable landing notice given in relation to the permitted fish mentioned in the unloaded fish notice—the transaction number;
 - (d) the weight of each of the following that were unloaded by or for the holder—
 - (i) prescribed whiting;
 - (ii) goatfish;
 - (iii) yellowtail scad.

Chapter 12 Protection of fish habitats and fisheries resources

Part 1 Declared fish habitat areas

Division 1 Declaration of fish habitat areas

615 Areas declared to be fish habitat areas

- (1) Subject to sections 616 to 619, each area shown on a plan (a *fish habitat area plan*) mentioned in schedule 3, column 1 is declared to be a fish habitat area.
- (2) Copies of fish habitat area plans are—
 - (a) available for inspection, free of charge, during office hours on business days at the department's head office; and
 - (b) published on the department's website.

616 Areas included in declared fish habitat area

- (1) If, for an entry for a declared fish habitat area in schedule 3, column 1, an area is stated opposite the entry in schedule 3, column 2, as included in the declared fish habitat area, the declared fish habitat area includes the stated area.
- (2) Subsection (1) is subject to sections 617(1)(a) and 618.
- (3) Each declared fish habitat area shown on a fish habitat area plan mentioned in schedule 3, column 1 includes the unallocated State land or national park land that is within the outer boundary shown on the plan for the area.
- (4) Subsection (3) is subject to sections 617(1)(a) to (c) and 618.

617 Areas excluded from declared fish habitat area

- (1) A declared fish habitat area excludes the following areas—
- (a) the area of a channel marked by aids to navigation;
 - (b) if, for the entry for the declared fish habitat area in schedule 3, column 1, an area is stated opposite the entry in schedule 3, column 2, as excluded from the declared fish habitat area—the stated area;
 - (c) if the fish habitat area plan for the declared fish habitat area states or shows an area is excluded from the declared fish habitat area—the stated or shown area;
 - (d) if the declared fish habitat area is shown on a fish habitat area plan mentioned in schedule 3, column 1—land that is not unallocated State land or national park land within the outer boundary shown on the plan.
- (2) Subsection (1)(d) is subject to section 616(1).

618 Particular cables and air space excluded from declared fish habitat area

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

Examples of a cable—

an overhead electric line or telecommunication cable

- (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.

[s 619]

- (3) The declared fish habitat area excludes the air space that is to be occupied by the cable under the proposal.
- (4) In this section—
proposal includes an application.

619 Interpretation of fish habitat area plans

- (1) Anything stated in schedule 3, column 2, or shown or written on a fish habitat area plan, about the boundary of a declared fish habitat area has effect for deciding the location of the boundary.
- (2) A line in relation to a boundary of a declared fish habitat area on a fish habitat area plan—
 - (a) shows what forms the boundary; and
 - (b) is only indicative of the current position of the boundary.
- (3) If a boundary shown on a fish habitat area plan has a gap in it, the boundary continues in a straight line across the gap to the nearest point of the boundary on the other side of the gap.

Division 2 Prohibited activities in or affecting declared fish habitat areas

620 Person not to take bait using digging implement

- (1) A person must not in a declared fish habitat area take fish for bait by using a digging implement.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to a person using a hand pump only for taking yabbies.

621 Person not to remove weeds etc.

- (1) A person must not do any of the following things in a declared fish habitat area—

- (a) remove weeds;
- (b) use a pesticide;
- (c) carry out biological control of a pest.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

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

fish habitat area code of practice means the code of practice under section 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’, published on the department’s website.

Note—

The code is also available for inspection during office hours on business days at the department’s head office.

pest means a pest or disease declared under a law of the State, the Commonwealth or another State.

Part 3 Non-indigenous fisheries resources

624 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 9A, column 2 taken in the waters mentioned opposite the species in column 1 into those waters is prescribed.

Chapter 13 Fisheries offences and related matters

Part 1 Serious fisheries offences

625 Fisheries offences prescribed as serious fisheries offences—Act, sch 1

- (1) A fisheries offence constituted by any of the following in relation to the reef line commercial fishery is prescribed as a serious fisheries offence—
 - (a) contravening the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38BA;
 - (b) using a tender boat in a way that contravenes the *Great Barrier Reef Marine Park Regulations 2019* (Cwlth), regulation 45(3) or 46(2) or the repealed *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), regulation 49(2) or 51;
 - (c) entering or using a marine park in contravention of the *Marine Parks Act 2004*, section 43 or the *Marine Parks Regulation 2017*, section 135.

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- (2) Also, a fisheries offence constituted by any of the following in relation to the east coast trawl fishery is prescribed as a serious fisheries offence—
- (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.

Part 1A Prescribed criteria for suspending particular authorities

625A Application of part—Act, s 68B

For section 68B(3)(b)(i) of the Act, this part prescribes criteria for a court suspending particular authorities.

625B Spent convictions not to be counted in deciding number of convictions

- (1) For this part, in deciding whether a conviction is a second or later conviction, a spent conviction must not be counted.
- (2) In this section—
spent conviction means a conviction—
 - (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (b) that is not revived as prescribed by section 11 of that Act.

625C Criteria for suspending particular licences

- (1) This section applies in relation to a court that has convicted the holder of any of the following licences of a serious fisheries offence—
 - (a) a commercial harvest fishery licence on which is written the fishery symbol ‘A1’ or ‘A2’;
 - (b) a commercial fisher licence;
 - (c) a commercial fishing boat licence.
- (2) An appropriate period of suspension may be—
 - (a) for the licence holder’s first conviction—3 to 9 months suspension; or
 - (b) for the licence holder’s second conviction—9 months to 5 years suspension; or
 - (c) for the licence holder’s third or later conviction—5 years suspension.

625D Criteria for suspending effort units

- (1) This section applies in relation to a court that has convicted the holder of effort units of a serious fisheries offence.
- (2) An appropriate suspension may be suspension of a number of effort units that reduces the person’s total entitlement under the effort units in a way 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 625C.

Example for subsection (2)—

A holds a commercial fishing boat licence and effort units for the licence. 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 entitles A to use the boat identified in A’s effort unit certificate for the licence for 3 to 9 months.

Part 1B Vessel tracking

Division 1 Preliminary

625E Definitions for part

In this part—

malfunction see section 80(6) of the Act.

relevant authority see section 625F(1).

relevant boat, for a relevant authority, see section 80(1)(b) of the Act and section 625F(2).

relevant period means the period prescribed by section 625H.

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 during office hours on business days at the department’s head office.

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

Division 2 General matters

625F Authorities and boats in relation to which requirements apply

- (1) Section 80 of the Act applies in relation to each authority (a *relevant authority*) that has any of the following symbols written on it—
 - (a) ‘B1’;
 - (b) ‘M1’;
 - (c) ‘T1’, ‘T2’ or ‘T4’;
 - (d) ‘L1’, ‘L2’, ‘L3’, ‘L4’ or ‘L8’;

[s 625G]

- (e) 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8';
 - (f) 'N1', 'N2', 'N3', 'N4', 'N10', 'N11', 'N12' or 'N13';
 - (g) 'C1', 'C2' or 'C3'.
- (2) For section 80 of the Act, each of the following boats is prescribed for a relevant authority (and under section 80(1)(b) is a relevant boat for the authority)—
- (a) if the authority is a commercial fishing boat licence—
 - (i) the primary boat for the licence; and
 - (ii) each tender boat with an engine power of more than 3kW authorised under the Act to be used under the licence;
 - (b) otherwise—each boat authorised under the Act to be used under the authority.

625G Way equipment must be installed

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

625H 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), is prescribed.
- (2) The period the relevant boat is used under the authority—
- (a) starts when the boat's engine is started, whether on water or on land; and
 - (b) ends when the earlier of the following happens—
 - (i) the boat is removed from the water and its engine is stopped;
 - (ii) the boat is taken to a landing place, its engine is stopped and all fish are unloaded from it.

Division 3 Requirements if equipment malfunctions

Subdivision 1 Preliminary

625I 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 that—
 - (a) the holder of the authority, or another person acting under the authority, has given a notice under section 625K; and
 - (b) subdivision 2 is complied with.

625J Definitions for division

In this division—

approved person means a person who is identified as an approved person for installing approved vessel tracking equipment on a boat in the vessel tracking standard.

approved way, for giving a notice to the chief executive under this division, means the way—

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

landing place means—

- (a) a place used for landing a boat, including, for example, a marina berth, wharf or mooring; or
- (b) another place within 0.5n miles of a part of the State where landing of a boat is practicable.

625K Nominating an alternative way of communication

- (1) The holder of the relevant authority, or another person acting under the authority, must, before or as soon as possible after the 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.
- (5) 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.
- (6) A notice given to the chief executive under subsection (5) must be given in an approved way.
- (7) However, if the holder of the relevant authority, or another person acting under the authority, gives a notice under subsection (5), the changed way of communication must not be used until the chief executive has advised the holder that the chief executive has received the notice.

625L 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 section 625K.

Subdivision 2 Requirements if equipment malfunctions

625M Application of subdivision

- (1) This subdivision applies if the person in control of a relevant 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.
- (2) Without limiting subsection (1), 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.

625N 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—

[s 625O]

- (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 earlier of the following happens—
- (a) the relevant boat is taken to a landing place under section 625O or 625P;
 - (b) the relevant period ends;
 - (c) the approved vessel tracking equipment stops malfunctioning.

625O Requirement to take relevant boat to landing place—boat used under particular authority in major scallop 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 (the *major scallop area*)—
 - 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

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- 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.

**625P Requirement to take relevant boat to landing place—
other circumstances**

- (1) This section applies in relation to the relevant boat if section 625O does not apply in relation to it.
- (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

[s 625Q]

- (b) it is unnecessary for the relevant boat to be taken to a landing place.

625Q 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 625O or 625P.
- (2) The person in control of the boat must not cause or allow the boat to be used for fishing unless—
 - (a) the chief executive has given the person a notice that the approved vessel tracking equipment installed on the boat is in a condition that allows it to work properly; or
 - (b) an approved person has given the chief executive or an inspector notice that the approved vessel tracking equipment installed on the boat is in a condition that allows it to work properly.

Part 2 Prescribed acts that must be done only by authority holders

626 Purpose of pt 2

This part prescribes, for section 82 of the Act, acts that must be done only by the holder of an authority.

627 Using boats

- (1) A person may use a primary boat or tender boat to take fish for trade or commerce only if the person—
 - (a) is acting under an authority that authorises the person to take the fish; and
 - (b) holds, or is acting under, a commercial fishing boat licence for the boat; and
 - (c) is—

- (i) a commercial fisher; or
 - (ii) an assistant fisher acting under the direction of a commercial fisher.
- (2) A person may use another type of boat to take fish for trade or commerce only if the person holds, or is acting under, an authority under which the boat may be used for taking fish for trade or commerce.

628 Conducting charter fishing trips in offshore waters

- (1) A person may conduct a charter fishing trip in offshore waters only if the person holds a charter fishing licence.
- (2) Despite subsection (1), a person acting under a charter fishing licence, other than the licence holder, does not unlawfully conduct a charter fishing trip in offshore waters only because the person is not the holder of the licence.

629 Taking fish for trade or commerce

- (1) A person may take fish for trade or commerce only if—
- (a) the person is acting under an authority that authorises the person to take the fish for trade or commerce; and
 - (b) the person—
 - (i) is a commercial fisher; or
 - (ii) is an assistant fisher acting under the direction of a commercial fisher.
- (2) Despite subsection (1), a person, other than a person mentioned in subsection (1), who is acting under an authority authorising fish to be taken for trade or commerce, does not unlawfully take the fish only because the person is not a person mentioned in subsection (1).

630 Carrying fish taken for trade or commerce

- (1) A person may use a boat, or allow a boat to be used, to carry fish taken for trade or commerce, only if the person holds a carrier boat licence or another authority allowing the use of the boat for carrying fish taken for trade or commerce.
- (2) Despite subsection (1), a person is not required to hold a carrier boat licence or other authority mentioned in subsection (1), for using a boat, or allowing a boat to be used for carrying—
 - (a) dead fish, in Queensland waters north of latitude 17° 52' south (the *relevant tropical waters*), on—
 - (i) 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; or
 - (ii) an other Queensland regulated ship registered under the *Transport Operations (Marine Safety) Regulation 2016*; or
 - (b) dead fish, other than regulated coral reef fin fish, on a commercial fishing boat in the relevant tropical waters; or
 - (c) tropical rocklobster on a commercial fishing boat identified in a licence with the fishery symbol 'R' written on it; or
 - (d) live mud crabs on a commercial fishing boat in Gulf of Carpentaria waters or relevant tropical waters.

632 Selling Queensland fisheries resources before second point of sale

- (1) A person (a *seller*) may sell fisheries resources taken from Queensland waters only if the seller—
 - (a) holds an authority that authorises the sale; and
 - (b) gives the person buying the fisheries resources the number of the authority.

-
- (2) However, subsection (1) does not apply if—
- (a) the sale is authorised under chapter 7; or
 - (b) the seller cultivated the fisheries resources in a way that was authorised under the Planning Act; or
 - (c) the seller sells the fisheries resources after the resources have been sold by another person under subsection (1); or
 - (d) the seller sells the fisheries resources after the resources have been bought from another person who cultivated the fisheries resources in a way that was authorised under the Planning Act.

634 Releasing aquaculture fisheries resources

- (1) A person may release aquaculture fisheries resources into Queensland waters only if the person holds a general fisheries permit authorising the person to release the resources into the waters.
- (2) However, subsection (1) does not apply if—
- (a) the person releases the fisheries resources for carrying out fisheries development relating to aquaculture and the development is carried out in a way that is authorised under the Planning Act; or
 - (b) the person releases the fisheries resources into private non-tidal waters and the fisheries resources belong to a population of a species that is indigenous to the area where they are released; or
 - (c) the fisheries resources are mentioned in schedule 10C, part 2, column 2 and the person releases them into private non-tidal waters in the river basin mentioned opposite the resources in schedule 10C, part 2, column 1.
- (3) In this section—

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

635 Placement of fisheries resources cultivated other than for sale

- (1) This section applies to fisheries resources—
 - (a) cultivated other than for sale; and
 - (b) taken from an area, whether in or out of the State.
- (2) A person may place the fisheries resources in an area in the State only if the person holds an authority authorising the placement of the resources in the area.

636 Carrying out particular development in declared fish habitat area

- (1) This section applies for carrying out, in a declared fish habitat area, development mentioned in the *Planning Regulation 2017*, schedule 24, definition *non-referable building work*, paragraph (d).
- (2) A person may carry out the development in the declared fish habitat area only if the person holds a resource allocation authority authorising the person to interfere with the declared fish habitat area.

637 Collecting dead marine wood from unallocated State land

A person may remove, destroy or damage a marine plant if the marine plant is dead marine wood on unallocated State land and the removal, destruction or damage is for trade or commerce only if the person holds a resource allocation authority authorising the person to collect dead marine wood for trade or commerce from the land.

638 Non-indigenous fisheries resources

- (1) A person may do any of the following acts involving non-indigenous fisheries resources (each of which is a *prescribed act*) only if the person holds an authority authorising the act—

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- (a) bring the fisheries resources or cause them to be brought into the State;
 - (b) buy, possess or rear the fisheries resources;
 - (c) release the fisheries resources, or cause them to be released, into Queensland waters;
 - (d) sell the fisheries resources.
- (2) However, subsection (1) does not apply if the act involving the fisheries resources is authorised under the Planning Act.
- (3) Also, subsection (1)(a) to (c) does not apply if—
- (a) the fisheries resources are fish mentioned in schedule 6, part 1; and
 - (b) the fish are—
 - (i) released into waters other than waters on unallocated State land; and
 - (ii) kept in a way preventing their escape into other waters.

640 Entering, or taking particular oysters from, particular areas

- (1) A person may enter a marked licensed area or take a blacklip oyster or milky oyster from a marked licensed area only if the person—
- (a) holds a licence on which the area is stated; or
 - (b) is nominated by the holder of a licence mentioned in paragraph (a).
- (2) In this section—
- marked licensed area*** means an area—
- (a) stated on a licence with the fishery symbol ‘O’ written on it; and
 - (b) that the licence holder, or the holder’s nominee, has identified, by using markers and signs, as the area to which the licence relates.

640A Taking freshwater fish from prescribed stocked impoundment using fishing line

An adult may take a freshwater fish from a prescribed stocked impoundment using a fishing line only if the person holds a stocked impoundment permit.

Part 2A Trafficking in priority fish

640B Commercial quantity of priority fish

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

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

Part 3 Miscellaneous offences

641 Obstructing persons fishing under an authority

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

642 Particulars to be legible, visible and in English

- (1) This section applies if a person is required under this regulation, other than chapter 14, parts 1 to 5, to write or mark particulars in or on a document or other thing.

Examples—

- markings on floats attached to fishing apparatus
 - markings on boats
- (2) The person must write or mark the particulars in or on the document or thing, legibly, visibly and in English.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not prevent a person writing or marking the particulars in another language in addition to English.

Part 4 Other matters

642A Prescribed fishing apparatus—Act, s 14

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

642B Prescribed waters—Act, s 14

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

- Coombabah Lake and Coombabah Creek
- Swan Bay
- Wolf Rock (grey nurse shark protection area)
- Tinana Creek Barrage

- Mary River Barrage
- Burnett River Barrage
- Kolan River Barrage
- Keppel Bay (fishing)
- Fitzroy River Barrage
- Hook Island (fishing)
- Yanks Jetty at Orpheus Island
- Centenary Lakes, Cairns
- Barron River (fishing)
- Bizant River, Princess Charlotte Bay.

Chapter 14 Reporting

Part 1 Preliminary

643 Simplified outline of ch 14

In outline, this chapter provides for requirements about obtaining, keeping and giving information and documents as follows—

- (a) parts 2 to 5 provide for particular information requirements for section 118 of the Act and additional requirements for keeping and giving particular documents and information;
- (b) part 6 provides for keeping and using the AIVR system.

Part 2 **Requirements for persons acting under particular authorities**

Division 1 **Definitions**

644 **Definitions for pt 2**

In this part—

authorised boat means—

- (a) for a holder of a commercial fishing boat licence—the primary boat identified in the licence; or
- (b) for a holder of another relevant authority—
 - (i) a boat identified in the authority; or
 - (ii) if a type of boat is identified in the authority—a boat of the type.

relevant authority means—

- (a) a commercial fishing boat licence or another authority that allows the holder of the authority to take or possess fish for trade or commerce; or
- (b) a charter fishing licence.

Division 2 **Person other than relevant authority holder using authorised boat under relevant authority**

645 **Application of div 2**

This division applies if—

- (a) the chief executive has, by written notice, required the holder of a relevant authority to keep and give to the

- chief executive, in the approved form, information about the daily use of an authorised boat for the holder; and
- (b) the authority holder is not the person in control of the boat on a day or a number of days (the *relevant period*) for which the boat is being used; and
 - (c) another person is in control of the boat during the relevant period.

646 Information requirement for authority holder

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

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

647 Information requirements for person in control of authorised boat

The person in control of the authorised boat during the relevant period must—

- (a) keep the approved form for the relevant period; and
- (b) at the end of the relevant period, give the approved form to the authority holder by—
 - (i) giving the form personally to the holder; or
 - (ii) ensuring the form is left on the boat for the authority holder and telling the authority holder where the form has been left.

648 Additional requirements for person in control of authorised boat

- (1) The person in control of the authorised boat must also ensure the approved form is kept on the boat and is available for immediate inspection during the relevant period.

- (2) However, subsection (1) does not apply if—
- (a) the authorised boat is used in a commercial fishery to which neither a quota declaration nor a quota authority applies; and
 - (b) the relevant period is 24 hours or less.

Division 3 Person other than relevant authority holder fishing under authority

649 Application of div 3

This division applies if—

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

650 Information requirement for relevant authority holder

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

651 Information requirements for relevant person

The relevant person must—

- (a) keep the approved form for the relevant period; and
- (b) give the form to the authority holder as soon as practicable after the end of the relevant period.

652 Additional requirements for relevant person

The relevant person must also ensure the approved form is—

- (a) kept at the place where the person is fishing under the relevant authority; and
- (b) available for immediate inspection during the relevant period.

Part 3 Wholesale selling

Division 1 Preliminary

653 Application of pt 3

This part applies if—

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

654 Meaning of *relevant quantity particulars*

- (1) The *relevant quantity particulars* are—
 - (a) for abalone—the weight of the abalone; or
 - (b) for regulated coral reef fin fish that are dead, the weight of the fish in any of the following forms—
 - (i) whole;
 - (ii) gilled and gutted;
 - (iii) filleted;

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- (iv) another form; or
 - (c) for regulated coral reef fin fish that are alive, the number of the fish; or
 - (d) for spanish mackerel, the weight of the spanish mackerel in any of the following forms—
 - (i) whole;
 - (ii) gilled and gutted;
 - (iii) filleted;
 - (iv) trunked;
 - (v) another form; or
 - (e) for fish of another species—the estimated quantity, by weight or number, of the fish.
- (2) For subsection (1)(b) or (c), the weight or number of regulated coral reef fin fish, other than coral trout or redthroat emperor, must be recorded—
- (a) as a total weight or number for all species of the fish; or
 - (b) as a weight or number for—
 - (i) each individual species of the fish; or
 - (ii) the fish in each group of species of fish mentioned in a part under schedule 5; or
 - (iii) a combination of individual species and groups of species of the fish under subparagraphs (i) and (ii).

Division 2 General requirements

655 Information requirements for wholesale sale of fisheries resources

- (1) The seller must give to the buyer, and the buyer must obtain from the seller, a docket for the sale (a *sale docket*) signed by the seller that contains each of 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 seller is acting under an authority—the number of the authority;
- (e) if the seller cultivated the fisheries resources, or is acting for a person who cultivated the fisheries resources, under a development approval—the number of the approval;
- (f) if paragraphs (d) and (e) do not apply—the address of the seller;
- (g) if the seller is an entity that is incorporated under the *Associations Incorporation Act 1981* and engages in stocking fish—the number of the entity's certificate of incorporation;
- (h) the date of the sale to which the docket relates;
- (i) the relevant quantity particulars for each species of fish sold;
- (j) the estimated total quantity, by weight or number, of all fish sold;
- (k) the form in which the fish are sold.

Examples for paragraph (k)—

live, whole, or in fillets

- (2) The seller and buyer comply with subsection (1) if—
 - (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 particulars mentioned in subsection (1)—signs the sale docket.
- (3) In this section—

seafood food safety scheme means the seafood scheme under the *Food Production (Safety) Act 2000*.

656 Additional requirements for wholesale seller of fisheries resources

- (1) The seller must keep a copy of the sale docket for the sale of the fish for 5 years after the day the seller stops possessing the fish.
- (2) If the seller consigns fish to the buyer, the seller must ensure the consignment is accompanied by a copy of the sale docket for the sale of the fish.

657 Additional requirements for wholesale buyer of fisheries resources

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

Part 4 Abalone

658 Information requirements for processing abalone

- (1) This section applies to a person carrying on the business of processing abalone.
- (2) The person must keep a record in the approved form containing the following particulars for the abalone the person processes—
 - (a) the person's full name and usual address;
 - (b) if the person is not the owner of the abalone—the full name and usual address of the owner;

- (c) the species of abalone processed;
 - (d) the date of processing;
 - (e) the weight of each species of abalone before processing;
 - (f) the weight of each species of abalone after processing;
 - (g) the way the abalone are processed.
- (3) The person must keep the record for 5 years after the day the abalone are processed.
- (4) In this section—
- processing*, abalone, includes doing any of the following to the abalone—
- (a) shelling;
 - (b) filleting;
 - (c) cooking;
 - (d) preserving;
 - (e) packing.

Part 5 Other particular fish

Division 1 Preliminary

659 Application of pt 5

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

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

Division 2 Importation

660 Information requirements—relevant 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 655.
- (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.

661 Information requirement—relevant fish taken outside relevant fishery area

- (1) This section applies if a person—
 - (a) takes, for trade or commerce, relevant fish from Queensland waters other than waters within a relevant fishery area; 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.
- (5) In this section—

relevant fishery area means a fishery area mentioned in section 395, 403, 427 or 549.

Division 3 Commercial carriage and storage

662 Information requirements for commercial carriage of relevant fish

- (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 656(2).
- (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.

663 Records to be kept about commercial storage of relevant fish

- (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.

Part 6 Automated interactive voice response system

Division 1 Preliminary

668 Purpose of pt 6

This part—

- (a) provides for the chief executive to establish and operate an automated interactive voice response system; and
- (b) states the requirements and procedures applying to the operation and use of the system.

Division 2 The AIVR system

669 Chief executive must establish and operate AIVR system

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

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

- (c) a person changing a fisher PIN.

670 Requirements for AIVR system

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

671 Record kept by AIVR system is evidence of particular information

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

672 Transaction number given by AIVR system is evidence of transaction

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

Division 3 Using the AIVR system

673 Requirement to keep record of transaction number

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

674 Procedure if AIVR system not working properly

- (1) This section applies if—
 - (a) a person (the *user*) is required or permitted under the Act to change a fisher PIN, or give or obtain other information, by using the AIVR system; and
 - (b) the system is not working properly or at all.
- (2) The chief executive must ensure the system transfers the user's telephone call to either of the following (each a *nominated person*)—
 - (a) an officer or employee of the department;
 - (b) a telecommunications service provider for the chief executive appointed by gazette notice.
- (3) If the user is transferred to a nominated person—
 - (a) the nominated person must give the user a transaction number for the transaction; and
 - (b) the chief executive must, within 14 days after the transaction, give the user a written notice stating the following—
 - (i) any information given by the user to the nominated person;
 - (ii) any information given by the nominated person to the user.
- (4) A transaction number given under subsection (3)(a) is taken to have been given by the AIVR system.
- (5) A written notice given under subsection (3)(b) including information mentioned in subsection (3)(b)(i) or (ii) is evidence of that information.
- (6) If the user is transferred to a nominated person and gives information to, or obtains information from, the nominated person, the user is taken to have complied with the requirement under the Act to give or obtain the information by using the AIVR system.

Chapter 15 Other matters relating to fisheries management

Part 1 Enforcement

Division 1 Inspectors

692 Persons who may be appointed inspectors

For section 140(1)(d) of the Act, the following persons may be appointed inspectors under the Act—

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

Example for paragraph (b)—

a member of an entity engaged in stocking fish

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

Division 2 Matters prescribed for seizure of fisheries resources

693 Declared fisheries resources for seizure in a heap—Act, s 154

Fish of a species of regulated fish are declared to be fisheries resources to which section 154 of the Act applies.

694 Threshold percentage for declared fisheries resources— Act, s 154

The threshold percentage prescribed for declared fisheries resources under section 154 of the Act is—

- (a) generally—5%; or
- (b) if the *Fisheries Declaration 2019*, schedule 2 prescribes a threshold percentage for a particular species of fish—that threshold percentage.

695 Forfeiture offences—Act, s 154

The offences under sections 77 and 78 of the Act are declared to be forfeiture offences to which section 154 of the Act applies.

Division 3 Evidentiary matters

696 Prescribed matters and equipment for certificates—Act, s 184

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

- (a) stated information, or a stated summary of information, from a document given to the chief executive under chapter 14, parts 2 to 5;
- (b) stated information, or a stated summary of information from a document given to the former Authority.

Part 2 Delegation

697 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;

- (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
 - 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 stocked impoundment by using a fishing line.

Part 3

Accepted development requirements

701 Purpose of pt 3

This part states, under section 32 of the Act, the documents that state the accepted development requirements for fisheries development that is accepted development.

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.

702 Requirements for material change of use of premises for aquaculture

The document called 'Accepted development requirements for material change of use that is aquaculture', prepared and held by the chief executive, states the accepted development requirements for a material change of use of premises for aquaculture.

703 Requirements for operational work for waterway barrier works

The document called ‘Accepted development requirements for operational work that is constructing or raising waterway barrier works’, prepared and held by the chief executive, states the accepted development requirements for operational work for constructing or raising waterway barrier works.

704 Accepted development requirements for operational work within a declared fish habitat area

The 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, states the accepted development requirements for operational work within a declared fish habitat area.

705 Accepted development requirements for operational work impacting on marine plants

The 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, states the accepted development requirements for the removal, destruction or damage of marine plants.

706 Accepted development requirements available for inspection

- (1) A document mentioned in this part is—
 - (a) available for inspection by the public during office hours on business days at the department’s head office; and
 - (b) published on the department’s website.
- (2) Also, a person may obtain a copy of the document, free of charge, from the department’s head office.

Note—

At the commencement, the department's head office was at 41 George Street, Brisbane.

Part 4 Fees and allowances

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

708 Assessment fees for resource allocation authority or fish movement exemption notice

- (1) Schedule 8, parts 1 and 2 states the fees payable for a resource allocation authority and a fish movement exemption notice.
- (2) For schedule 8, parts 1 and 2, an application for a fish movement exemption notice or resource allocation authority requires a level 1, 2, 3, 4 or 5 assessment if the chief executive considers the application will reasonably require the relevant level of assessment having regard to each of the following—
 - (a) the number of hours, and number of persons, that will be involved in assessing the application;
 - (b) the complexity of assessing the development or activity the subject of the application against the Act;
 - (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

711 Other fees payable under the Act

- (1) The fees payable under the Act, other than the fees payable under division 1 are stated in schedule 9.
- (2) A fee stated in schedule 9, part 1 for a licence—
 - (a) is in addition to any fee payable under schedule 9, part 2 for a fishery symbol written on the licence or any quota authority related to the licence; and
 - (b) for an annual fee—
 - (i) is for each financial year in which the authority is held; and
 - (ii) is payable in arrears in 2 payments at the end of each half of the financial year; and
 - (c) is payable by the holder of the licence.
- (3) A fee stated in schedule 9, part 2 for a fishery symbol or quota authority—
 - (a) is an annual fee for each financial year in which—
 - (i) for a fee for a fishery symbol—the fishery symbol is written on an authority held by a person; or
 - (ii) for a fee for a quota authority—the authority is held; and
 - (b) is payable in arrears in 2 payments at the end of each half of the financial year; and
 - (c) is payable by the holder of—
 - (i) for a fee for a fishery symbol—the authority on which the fishery symbol is written; or
 - (ii) for a fee for a quota authority—the authority.
- (4) A fee stated in schedule 9, part 2 for a fishery symbol—
 - (a) is for each fishery symbol of that type written on an authority held by a person; and

- (b) if the fee includes a reference to a unit or area, is for each unit or area to which the fishery symbol relates.
- (5) A fee stated in schedule 9, part 2 for a quota authority is for each quota authority of that type held by a person.
- (6) If an authority is held by a person, or a fishery symbol is written on an authority held by a person, for only part of a financial year, the annual fee payable for the authority or fishery symbol for that financial year is the proportion of the annual fee stated in schedule 9, part 1 or 2 attributable to the number of whole or part months for which the authority is held, or the fishery symbol is written on the authority held, by the person.
- (7) An amount of a fee stated in schedule 9 that is not paid as required under this section may be recovered by the State as a debt.
- (8) If, under schedule 9, a fee for a matter is stated to be at reasonable cost, but no more than actual cost—
 - (a) the chief executive must decide the amount the chief executive considers is the likely reasonable cost for the matter; and
 - (b) if the actual cost of deciding the matter or doing the thing to which the fee relates is less than the fee paid, the chief executive must refund to the person who pays the fee the difference between the fee paid and the actual cost.
- (9) In this section—

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

712 Chief executive may waive or refund a fee

- (1) This section applies for waiving or refunding fees stated in schedule 8, part 1 or schedule 9.
- (2) The chief executive may—

- (a) waive the payment of a fee for a person; or
- (b) refund the whole, or a part of, a fee paid by a person.

Examples—

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

Chapter 16 Repeal and transitional provisions

Part 1 Repeal provision

714 Repeal

The Fisheries Regulation 1995, SL No. 325 is repealed.

Part 2 Transitional provisions

Division 1 Transitional provisions for original regulation

Subdivision 1 Definitions

715 Definitions for div 1

In this division—

commencement means 1 April 2008.

former schedule 5B means the repealed regulation, schedule 5B, as in force immediately before the schedule expired.

repealed regulation means the repealed *Fisheries Regulation 1995*.

Subdivision 2 General transitional provisions

716 References to repealed regulation

In a document, a reference to a particular provision (the *old provision*) of the repealed regulation is, if the context permits, taken to be a reference to any provision of this regulation that corresponds, or substantially corresponds, to the old provision.

717 References to former scientific names for species of fish

- (1) This section applies if—
 - (a) the scientific name for a species of fish stated in schedule 5 (the *current scientific name*) is different from the scientific name for the species of fish under schedule 16A of the repealed regulation (the *former scientific name*); or
 - (b) the scientific name for a species of fish stated in schedule 6 (also the *current scientific name*) is different from the scientific name for the species of fish under schedule 16 of the repealed regulation (also the *former scientific name*).
- (2) A reference in a document to the former scientific name for the species of fish may, if the context permits, be taken to be a reference to the current scientific name for the species of fish.
- (3) In this section—

species includes another taxonomic grouping.

Subdivision 3 Authorities

718 Authorities continue

- (1) This section applies to an authority prescribed under the repealed regulation and in force immediately before the commencement.
- (2) The authority is taken to be an authority of the same type under this regulation.

719 Nominees under particular authorities continue

- (1) This section applies if a person—
 - (a) was nominated under a provision of schedule 15 of the repealed regulation as a nominee for acting under an authority in a commercial fishery mentioned in that schedule; and
 - (b) the person was a nominee for acting under the authority in the fishery immediately before the commencement.
- (2) On the commencement, the person is taken to have been nominated for acting under the authority in the commercial fishery under the relevant fishery provision relating to the authority.

720 Licences for boats longer than permitted length

- (1) Despite section 254, the chief executive may issue a licence with a fishery symbol on it allowing the use in a commercial fishery of a boat that is longer than the length permitted under a fishery provision about the fishery if—
 - (a) the boat is a replacement for a boat identified in another licence; and
 - (b) the other licence—
 - (i) was in force immediately before 1 December 1995; and

(ii) has the fishery symbol on it.

Editor's note—

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

(2) This section stops applying on 1 July 2010.

Subdivision 4 Particular fees

721 Fees payable for fishery symbols and authorities for 2007–2008 financial year

- (1) This section applies to the fees stated in the repealed regulation, schedule 10, table 1, under the column headed '2007–2008 financial year'.
- (2) Despite the repeal of the repealed regulation, the following provisions of that regulation continue to apply for the payment of the fees as if the repealed regulation had not been repealed—
 - (a) section 112;
 - (b) schedule 10, table 1, column headed '2007–2008 financial year'.

Subdivision 5 SM units

722 Saving of operation of pt 13, div 3 of repealed regulation

The repealed regulation, part 13, division 3—

- (a) is a law to which the *Acts Interpretation Act 1954*, section 20A applies; and
- (b) continues to apply to the things mentioned in it as if it had not been repealed.

Editor's note—

part 13 (Transitional and savings provisions), division 3 (Savings provisions for former schedule 5B) of the repealed regulation

723 SM units continue

- (1) This section applies if—
 - (a) before the commencement, an SM unit was issued under former schedule 5B, part 3 or the part as applied under part 13, division 3, of the repealed regulation; and
 - (b) the SM unit was in force immediately before the commencement.
- (2) This section also applies if, on or after the commencement, an SM unit is issued under former schedule 5B, part 3, as applied under part 13, division 3, of the repealed regulation.
- (3) The SM unit is continued as an SM unit under this regulation.

724 SM unit certificates continue

- (1) This section applies if—
 - (a) before the commencement, an SM unit certificate was—
 - (i) issued under former schedule 5B, section 49(8), or the provision as applied under section 124(2) of the repealed regulation; or
 - (ii) issued under section 25I of the repealed regulation; or
 - (iii) issued under a provision mentioned in subparagraph (i) or (ii) and replaced under section 71 of the Act or changed or replaced under section 25O of the repealed regulation; and
 - (b) the certificate was in force immediately before the commencement.
- (2) This section also applies if, on or after the commencement, an SM unit certificate is issued under former schedule 5B, section 49(8) as applied under section 124(2) of the repealed regulation.
- (3) The SM unit certificate is an SM unit certificate under this regulation.

725 Fisher PINs for SM units continue

- (1) This section applies if—
 - (a) before the commencement, a fisher PIN was—
 - (i) issued for SM units under section 25QA(2) of the repealed regulation or former schedule 5B, section 49A(2) or that provision as applied under part 13, division 3 of the repealed regulation; or
 - (ii) changed under section 25V of the repealed regulation; and
 - (b) the fisher PIN as issued or changed was the fisher PIN for the SM units immediately before the commencement.
- (2) This section also applies if, on or after the commencement, a fisher PIN is issued for SM units under former schedule 5B, section 49(8)(a)(ii) as applied under part 13, division 3 of the repealed regulation.
- (3) The fisher PIN is the fisher PIN for the SM units under this regulation.

726 Unit PINs for SM units continue

- (1) This section applies if—
 - (a) before the commencement, a unit PIN was—
 - (i) issued for SM units under former schedule 5B, section 49(8)(a)(ii) or that provision as applied under part 13, division 3 of the repealed regulation; or
 - (ii) changed under section 25U of the repealed regulation; and
 - (b) the unit PIN as issued or changed was the unit PIN for the SM units immediately before the commencement.
- (2) This section also applies if, on or after the commencement, a unit PIN is issued for SM units under former schedule 5B,

section 49(8)(a)(ii) as applied under part 13, division 3 of the repealed regulation.

- (3) The unit PIN is the unit PIN for the SM units under this regulation.

727 Declaration of SM unit entitlement for 2009–2010 SM year

- (1) To remove any doubt, it is declared that the entitlement under an SM unit was 1kg (whole weight) spanish mackerel for the SM year from 1 July 2009 to 30 June 2010 (the **2009–2010 SM year**).
- (2) Also, to remove any doubt, it is declared that, despite former section 727—
 - (a) the entitlement of an SM unit for the 2009–2010 SM year is taken never to have been required to be worked out otherwise than under subsection (1); and
 - (b) the chief executive is taken never to have been required to give an SM unit holder a written notice about the entitlement of an SM unit for the 2009–2010 SM year worked out otherwise than under subsection (1).
- (3) In this section—

former section 727 means section 727 as it was in force before 1 July 2010.

Editor's note—

former section 727 (Reduction in entitlement of SM units)

Division 2 **Transitional provisions for the Fisheries Amendment Regulation (No. 5) 2008**

Subdivision 1 **Movement of fishery symbols from affected licences**

728 **Definitions for sdiv 1**

In this subdivision—

affected licence means a licence on which is written—

- (a) the fishery symbol ‘N1’; and
- (b) a relevant fishery symbol.

licence means a commercial fishing boat licence.

relevant fishery symbol means the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ or ‘N2’.

remaining fishery symbol means a fishery symbol that is neither the fishery symbol ‘N1’ nor a relevant fishery symbol.

729 **Temporary restriction on moving ‘N1’ fishery symbol from affected licence**

- (1) The fishery symbol ‘N1’ can not be moved from an affected licence to a licence on which is written a remaining fishery symbol.
- (2) However, subsection (1) does not prevent the movement of the fishery symbol ‘N1’ to a licence on which a remaining fishery symbol is written if a relevant fishery symbol is also written on the licence.
- (3) This section stops applying on 2 July 2009.

730 Temporary restriction on moving relevant fishery symbol from affected licence

- (1) A relevant fishery symbol can not be moved from an affected licence to a licence on which is written—
 - (a) a relevant fishery symbol; or
 - (b) a remaining fishery symbol.
- (2) However, subsection (1)(b) does not prevent the movement of a relevant fishery symbol to a licence on which a remaining symbol is written if the fishery symbol ‘N1’ is also written on the licence.
- (3) This section stops applying on 2 July 2009.

731 Combined movement of ‘N1’ with relevant fishery symbol not prevented

- (1) Sections 729 and 730 do not prevent the movement of the ‘N1’ fishery symbol with a relevant fishery symbol from an affected licence to a licence on which—
 - (a) a remaining fishery symbol is written; and
 - (b) a relevant fishery symbol is not written.
- (2) This section applies despite sections 729 and 730.

732 Undecided relevant movement application

- (1) This section applies if—
 - (a) a relevant movement application was made before the commencement of this section; and
 - (b) the application has not been decided.
- (2) Sections 729 and 730 do not apply for deciding the application.
- (3) In this section—

relevant movement application means a fishery symbol movement application to which, other than for this section, section 729 or 730 would apply.

733 Removal of ‘N1’ fishery symbol from affected licence

- (1) The fishery symbol ‘N1’ is taken to have been removed from each affected licence.
- (2) This section stops applying on 2 July 2009.

Subdivision 2 Fees for fishery symbols ‘N5’ and ‘N7’

734 Fees continue to be payable for ‘N5’ and ‘N7’ fishery symbols for 2008–2009 financial year

- (1) This section applies to a licence on which the fishery symbol ‘N5’ or ‘N7’ was written immediately before the commencement of this section.
- (2) The relevant former fee provisions of the pre-amended regulation continue to apply for paying the fee for the fishery symbol on the licence for the 2008–2009 financial year as if the pre-amended regulation had not been amended.
- (3) In this section—

pre-amended regulation means this regulation as it was in force immediately before the commencement of this section.

relevant former fee provisions means schedule 9, table 1, under the heading ‘Commercial line fisheries’, entries for items 11 or 13, under the column headed ‘2008–2009 financial year’.

Division 3 Transitional provisions for Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009

735 Applications for buyer licence

- (1) Despite section 205(a), the chief executive may not issue a buyer licence after the commencement of this section.

-
- (2) Subsections (3) and (4) apply to an application for the issue of a buyer licence if—
 - (a) the application was made before the commencement of this section; and
 - (b) the application has not been decided on the commencement.
 - (3) The application is taken to have lapsed.
 - (4) The chief executive must refund the fee accompanying the application.

736 Buyer licence fees for accreditation holders under seafood food safety scheme

- (1) This section applies to the holder of a buyer licence if the holder is granted an accreditation under the seafood food safety scheme before 1 January 2010.
- (2) If the accreditation is granted between the commencement of this section and 30 September 2009, the fee under schedule 9, table 3, is not payable for the buyer licence by the holder for the period from the commencement to 31 December 2009.
- (3) If the accreditation is granted between 1 October 2009 and 31 December 2009, the fee under schedule 9, table 3, is not payable for the buyer licence by the holder for the period from 1 October 2009 to 31 December 2009.
- (4) From the day the accreditation is granted, the buyer licence is taken to be no longer in force.
- (5) In this section—

accreditation means an accreditation granted under the *Food Production (Safety) Act 2000*, part 5.

seafood food safety scheme means the seafood food safety scheme under the *Food Production (Safety) Act 2000*.

Division 4 Transitional provisions for Fisheries and Other Legislation Amendment and Repeal Regulation (No. 1) 2010

Subdivision 1 Preliminary

737 Definitions for div 4

In this division—

commencement means the commencement of this section.

repealed freshwater plan means the repealed *Fisheries (Freshwater) Management Plan 1999*.

repealed spanner crab plan means the repealed *Fisheries (Spanner Crab) Management Plan 1999*.

Subdivision 2 Stocked impoundment permits

738 Stocked impoundment permits continue

- (1) This section applies if—
 - (a) before the commencement, a stocked impoundment permit was issued under section 44 of the repealed freshwater plan; and
 - (b) the permit was in force immediately before the commencement.
- (2) The permit is continued as a stocked impoundment permit under this regulation until the end of the term stated in it, unless it is sooner cancelled or suspended.
- (3) A reference in this regulation to a stocked impoundment permit is taken to include a reference to a stocked impoundment permit continued under this section.

739 Undecided applications for stocked impoundment permits

- (1) This section applies if, before the commencement—
 - (a) a person applied for the issue of a stocked impoundment permit under the repealed freshwater plan; and
 - (b) the application was not decided.
- (2) The application is taken to be an application for the issue of a stocked impoundment permit under this regulation.

740 References to repealed provision in particular documents

A reference to section 44 of the repealed freshwater plan in a stocked impoundment permit or stocked impoundment permit book is taken, if the context permits, to be a reference to section 204(c) of this regulation.

Subdivision 3 Licences for eel fishery

741 Licences continue

- (1) This section applies to a commercial harvest fishery licence on which is written the fishery symbol 'E' that was in force immediately before the commencement.
- (2) The licence is taken to be a licence of the same type under this regulation.

742 Approved nominees under eel licences continue

- (1) This section applies if immediately before the commencement the person was an approved nominee of the holder of an eel licence for a period under section 47A of the repealed freshwater plan.
- (2) On the commencement, the approval is continued under section 310F until the end of the period for which it was granted, unless it is sooner cancelled.

743 Undecided applications for approval of nominee

- (1) This section applies if, before the commencement—
 - (a) an eel licence holder applied under section 47A of the repealed freshwater plan for someone else to be the holder's approved nominee under the repealed freshwater plan; and
 - (b) the application was not decided.
- (2) The application is taken to be an application for the approval of the nominee under section 310F.

744 Refused applications for approval of nominee

- (1) This section applies if, before the commencement—
 - (a) an eel licence holder applied under section 47A of the repealed freshwater plan for someone else to be the holder's approved nominee under the plan; and
 - (b) the chief executive decided to refuse the application under section 47A(4) of the plan; and
 - (c) either—
 - (i) the period in which the licence holder may appeal against the decision has not expired; or
 - (ii) the licence holder started an appeal and the appeal has not been decided.
- (2) The decision to refuse the application is taken to be a decision under section 310F(4).

Subdivision 4 Licences for commercial spanner crab fisheries

745 Licences continue

- (1) This section applies to a commercial fishing boat licence—

-
- (a) that was in force immediately before the commencement; and
 - (b) on which the fishery symbol 'C2' or 'C3' is written.
- (2) The licence is taken to be a licence of the same type under this regulation.

Subdivision 5 ITQ units

746 ITQ units continue

- (1) This section applies if—
- (a) before the commencement, an ITQ unit was issued under part 10, division 1 of the repealed spanner crab plan; and
 - (b) the unit was in force immediately before the commencement.
- (2) The ITQ unit is continued as an ITQ unit under this regulation.

747 ITQ unit certificates continue

- (1) This section applies if—
- (a) before the commencement, an ITQ unit certificate was—
 - (i) issued under section 30 of the repealed spanner crab plan; or
 - (ii) issued under section 30 of the plan and either—
 - (A) changed or replaced under section 31 of the plan; or
 - (B) replaced under section 71 of the Act; and
 - (b) the certificate was in force immediately before the commencement.

- (2) The ITQ unit certificate is an ITQ unit certificate under this regulation.

Division 5 Transitional provisions for Fisheries Legislation Amendment and Repeal Regulation (No. 1) 2011

748 Definitions for div 5

In this division—

commencement means the commencement of this section.

repealed Gulf plan means the repealed *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999*.

749 Licences continue

- (1) This section applies to a commercial fishing boat licence—
- (a) that was in force immediately before the commencement; and
 - (b) on which is written the fishery symbol ‘N3’, ‘N9’ or ‘N11’.
- (2) The licence is taken to be a licence of the same type under this regulation.

750 References to repealed Gulf plan

In a document, a reference to a particular provision (the *old provision*) of the repealed Gulf plan may, if the context permits, be taken to be a reference to any provision of this regulation that corresponds, or substantially corresponds, to the old provision.

Division 6 Transitional provisions for Fisheries Amendment Regulation (No. 2) 2014

751 Period of T4-ITQ year for 2015

- (1) The T4-ITQ year for 2015 starts on 1 April and ends on 31 December.
- (2) Subsection (1) applies despite schedule 11, part 2, definition *T4-ITQ year*.

752 Total annual quota of prescribed whiting for 2015 T4-ITQ year

For the T4-ITQ year for 2015—

- (a) the total annual quota of prescribed whiting that may be taken in the commercial trawl fishery (fin fish) under all T4 fishery licences is 1,150,000kg; and
- (b) section 614A does not apply.

753 Annual quota of goatfish and yellowtail scad for 2015 T4-ITQ year

- (1) This section applies to the following fish—
 - (a) goatfish;
 - (b) yellowtail scad.
- (2) For the T4-ITQ year for 2015—
 - (a) the annual quota of each of the fish that may be taken under a T4 fishery licence is 20,000kg for each fishery symbol ‘T4’ written on the licence; and
 - (b) section 614B does not apply.

Division 7 **Transitional provisions for Fisheries Legislation Amendment Regulation (No. 1) 2015**

754 **Definition for div 6**

In this division—

repealed plan means the repealed *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

755 **Licences continue**

- (1) This section applies to a commercial fishing boat licence—
 - (a) that was in force immediately before the commencement; and
 - (b) on which the fishery symbol ‘RQ’ is written.
- (2) The licence is taken to be a licence of the same type under this regulation.

756 **CT, OS and RTE line units continue**

- (1) This section applies if—
 - (a) before 1 July 2010, a CT line unit, OS line unit or RTE line unit was issued under chapter 3, part 2 of the repealed plan as in force before 1 July 2010; and
 - (b) the CT line unit, OS line unit or RTE line unit was in force immediately before the commencement.
- (2) The CT line unit is continued as a CT line unit under this regulation.
- (3) The OS line unit is continued as an OS line unit under this regulation.
- (4) The RTE line unit is continued as a RTE line unit under this regulation.

757 Line unit certificates continue

- (1) This section applies if—
 - (a) before the commencement, a line unit certificate was—
 - (i) issued under section 72 of the repealed plan; or
 - (ii) issued under section 72 of the repealed plan and—
 - (A) changed or replaced under section 78 of the repealed plan; or
 - (B) replaced under section 71 of the Act; and
 - (b) the line unit certificate was in force immediately before the commencement.
- (2) The line unit certificate is a line unit certificate under this regulation.

758 Fisher PINs for line units continue

- (1) This section applies if—
 - (a) before the commencement, a fisher PIN was—
 - (i) issued for line units under section 61A(2) of the repealed plan as in force before 1 July 2010; or
 - (ii) changed under section 85 of the repealed plan; and
 - (b) the fisher PIN as issued or changed was the fisher PIN for the line units immediately before the commencement.
- (2) The fisher PIN is the fisher PIN for the line units under this regulation.

759 Unit PINs for line units continue

- (1) This section applies if—
 - (a) before the commencement, a unit PIN was—
 - (i) issued for line units under section 61(8)(a)(ii) of the repealed plan as in force before 1 July 2010; or

- (ii) changed under section 84 of the repealed plan; and
 - (b) the unit PIN as issued or changed was the unit PIN for the line units immediately before the commencement.
- (2) The unit PIN is the unit PIN for the line units under this regulation.

760 Filleting permits continue

- (1) This section applies if—
- (a) before the commencement, a filleting permit was issued under section 129 of the repealed plan; and
 - (b) the filleting permit was in force immediately before the commencement.
- (2) The filleting permit is taken to be a filleting permit under this regulation.

761 Continuation of reef line fishery as reef line commercial fishery for annual quota for 2014–15 line year

- (1) For applying an annual quota for the reef line commercial fishery for the 2014–15 line year—
- (a) the reef line fishery under section 2 of the repealed plan continues as the reef line commercial fishery under this regulation; and
 - (b) a reference in a document to the reef line fishery is taken to be a reference to the reef line fishery under section 2 of the repealed plan continued under paragraph (a) as the reef line commercial fishery.

- (2) In this section—

2014–15 line year means the line year starting on 1 July 2014 and ending on 30 June 2015.

762 References to repealed plan

In a document, a reference to a particular provision (the *old provision*) of the repealed plan may, if the context permits, be taken to be a reference to any provision of this regulation that corresponds, or substantially corresponds, to the old provision.

**Division 8 Transitional provisions for Fisheries
Amendment Regulation (No. 1) 2016**

**763 Particular existing permits for taking or possessing
freshwater fish for trade or commerce**

- (1) This section applies if, immediately before the commencement, a person held a permit allowing the taking or possession of freshwater fish for trade or commerce, other than a general fisheries permit for the collection of freshwater fish to be used by the person for broodstock for aquaculture.
- (2) Section 218C does not apply in relation to the permit.

**764 Undecided applications for particular permits for taking
or possessing freshwater fish for trade or commerce**

- (1) This section applies if—
 - (a) before the commencement, a person applied for a permit allowing the taking or possession of freshwater fish for trade or commerce, other than a general fisheries permit for the collection of freshwater fish to be used by the person for broodstock for aquaculture; and
 - (b) immediately before the commencement, the application had not been decided.
- (2) The application ends and the chief executive must refund to the applicant any fee paid for the application.

Division 9 **Transitional provision for Fisheries (Sustainability of Molluscs and Black Jewfish) Amendment Regulation 2019**

765 **Prescribed commercial catch for black jewfish for 2019**

- (1) For 2019, the prescribed commercial catch for black jewfish is the total weight of fish of the species taken by all commercial fishers that is—
 - (a) calculated periodically by the chief executive from the commencement to the day the calculation is made; and
 - (b) published by the chief executive in a form that is likely to be accessible for commercial fishers.

Examples of a form of publication for paragraph (b)—

a recorded message on the AIVR system or a notice published on the department's website

- (2) Subsection (1) applies despite schedule 11, part 2, definition *prescribed commercial catch*, paragraph (b).

Division 10 **Transitional provisions for Fisheries (Sustainable Fisheries Strategy) Amendment Regulation 2019**

766 **Effort units continue**

- (1) This section applies if, immediately before the commencement, a person held an effort unit under the repealed 2010 plan.
- (2) The effort unit continues in force under this regulation.

767 **Provisions for working out use of entitlement**

A notice given to the chief executive under section 75(3) of the repealed 2010 plan that is still in effect immediately

before the commencement is taken to be a notice given under section 392BQ.

768 Existing guidelines about giving notice

- (1) This section applies if, immediately before the commencement, guidelines under section 88(4) of the repealed 2010 plan were in force.
- (2) The guidelines are taken to have been made under section 392CD(4).

769 Existing usage of fishing and steaming days

- (1) This section applies if—
 - (a) before the commencement, the chief executive became aware that the fishing and steaming days were used under section 23(1) of the repealed 2010 plan for the year in which commencement happens; and
 - (b) on the commencement, the chief executive has not given a notice under section 24(2) of the repealed 2010 plan.
- (2) The chief executive may act under section 392CL as if the fishing and steaming days were used under the *Fisheries Declaration 2019*, section 92.

770 Existing usage notices

A notice given by the chief executive to the holder of a ‘T1’ licence under section 24(2) of the repealed 2010 plan for the year in which commencement happens is taken to be a notice given under section 392CL(2).

771 References to repealed plans

In a document, a reference to a particular provision (the *previous provision*) of the repealed 1999 plan or the repealed 2010 plan may, if the context permits, be taken to be a

reference to any provision of this regulation that corresponds, or substantially corresponds, to the previous provision.

772 References to repealed fisheries declarations

In a document, a reference to a regulated waters declaration, regulated fish declaration, regulated fishing apparatus declaration or regulated fishing method declaration under this regulation or the repealed 2010 plan may, if the context permits, be taken to be a reference to a declaration of the equivalent type in the *Fisheries Declaration 2019*.

Schedule 3 Declared fish habitat areas

sections 615(1), 616, 617(1) and 619(1)

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Annan River FHA-049	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land and waters of lot 68 on plan BS87 • the esplanade adjacent to lot 253 on plan BK15762 that is within the outer boundary shown on the plan. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the area 80m upstream and downstream from the centre line of the new Cooktown Development Road Bridge that crosses the river • the area under, and within, 50m of the boat ramp on the northern side of Annan River • the road adjacent to lot 29 on CP896317.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Baffle Creek FHA-031	<p>The declared fish habitat area includes the tidal land within conservation parks on lot 511 on plan NPW571 and lot 154 on plan FD752.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 73 on plan FD391 • lot 46 on plan FD268 • lot 85 on plan FD963 • lot 87 on plan FD963 • lot 114 on plan FD1124 • lot 115 on plan FD1124 • the area 50m either side of the line that links the closest points of lot 3 on RP90442 and lot 81 on plan FD485 • the area 50m upstream and 50m downstream from the line joining the centres of Ferry Road and Boat Ramp Road across Baffle Creek • the area 50m upstream and 50m downstream from the middle of the existing bridge on Hills Road that crosses Oyster Creek • the area 50m upstream and 50m downstream from the middle of the existing causeway on Taunton Road that crosses Oyster Creek.
Balban Dara Guya (Leekes Creek) FHA-076	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.
Barr Creek FHA- 035	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 147 on plan NR4789 • lot 49 on plan N157300.
Bassett Basin FHA-044 (Revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 102 on SP115933 • tidal lands on lot 284 on CI4227, lot 135 on CI4228 and lot 329 on RP893174. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lots 593 and 594 on plan CI3002 • lot 265 on plan CI3220.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Beelbi FHA–030 (Revision 1)	The declared fish habitat area excludes the part of lot 25 on plan NPW541 that is not tidal land.
Bohle River FHA–027 (revision 1)	<p>The declared fish habitat area includes the tidal land on the following—</p> <ul style="list-style-type: none"> • lot 69 on plan EP2023 • lot 474 on plan OL357. <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 1 on plan AP15635 • lot 422 on plan EP1037 • lot 70 on plan EP2023 • lot 505 on plan NPW643 • lot 2 on plan SP126297.
Bowling Green Bay FHA–007	<p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 2 on plan VCL38596 (Bray Islet) • lot 3 on plan VCL38596 (Bare Islet) • lots 4 to 7 on plan VCL38596 (Bald Islet) • lot 1 on plan VCL38321 (Sand Island).
Broad Sound FHA–047	The declared fish habitat area excludes the area within 5m either side of the shortest line between lot 13 on plan MC108 and lot 5 on RP889520 at either end of the corridor as shown on the fish habitat area plan for the declared fish habitat area.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Burdekin FHA–005 (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 plan.</p> <p>The declared fish habitat area excludes the areas under or within 50m of the boat ramps at the following places—</p> <ul style="list-style-type: none"> • the northern side of Ocean Creek • the northern side of Plantation Creek • the northern side of Hell Hole Creek • the southern side of Groper Creek • the eastern side of Yellow Gin Creek • Wallace’s Landing on the western side of Yellow Gin Creek • the eastern side of Molongle Creek. <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 1 on AP2107 • lot 1 on AP6601 • lot 2 on AP6601 • lot 3 on AP6601.
Burrum FHA–029 (revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 20 on plan CK3227 • lot 75 on plan CK3132. <p>The declared fish habitat area excludes the parts of lots 53 and 65 on plan C37398 that are not tidal land.</p>
Cape Palmerston–Rocky Dam FHA–048	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 3 on plan USL 39270 (Taffy Island) • the part of lot 4 on plan USL 39270 that is not tidal land • the part of lot 801 on plan NPW8 that is not tidal land.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Cattle–Palm Creeks FHA–074	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 479 on plan OL223 • the part of the Cattle Creek Esplanade between Sinclair Road and the prolongation of the south-western boundary of lot 10 on plan CAR124284 • lots 181 and 384 on plan CWL3001 • the tidal land within lot 545 on plan CWL666 • the tidal land on the part of lot 382 on SP136985 that is within the outer boundary shown on the plan. <p>The declared fish habitat area excludes the part of lot 123 on plan NPW597 that is within the outer boundary shown on the plan.</p>
Cawarral Creek FHA–050 (revision 1)	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the area within 30m of the centre line of the trunk water main shown on the plan • the area under, or within 50m of, the boat ramp on the northern side of Cawarral Creek • the area under, or within 50m of, the boat ramp on the southern side of Cawarral Creek.
Cleveland Bay FHA–071	The declared fish habitat area includes lot 66 on EP1755.
Colosseum Inlet FHA–037	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land of the part of lot 4 on plan FD841442 that is within the outer boundary shown on the plan • lots 5, 6, 9 and 11 on plan FD841442 • lot 10 on plan FD841442 other than the part of the lot that is described on the plan as ‘Exclusion Area’. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 697 on plan NPW443 and the esplanades surrounding the lot • the esplanade along the eastern boundary of lot 21 on SP114462 and the south-eastern boundary of lot 4450 on plan PH2277 • lot 1 on USL43258.
Coombabah FHA–016	

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Coomera FHA–023	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the part of lot 91 on plan WD3199 that is within the outer boundary shown on the plan • the tidal land on the part of lot 84 on plan WD814529 that is within the outer boundary shown on the plan.
Corio Bay FHA–067	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the parts of lot 130 on plan NPW811 that is tidal land as indicated on the plan as areas ‘A’ and ‘B’ • the part of lot 130 on plan NPW811 indicated on the plan as area ‘C’ • lots 9 to 14 on plan PS104.
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	

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Elliott River FHA-052	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 192 on plan CK2206 • the part of the esplanade adjoining the southern and eastern boundaries of lot 192 on plan CK2206 that is within the outer boundary shown on the plan • the part of the esplanade adjoining the eastern boundaries of lot 11 on RP171643, lot 7 on RP909282 and lot 8 on RP93267, that is within the outer boundary shown on the plan. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 21 on plan C371349 • the area within 15m of the centre line of the water supply pipeline between Elliott Heads and Riverview.
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.
Fitzroy River FHA-072 (revision 1)	<p>The declared fish habitat area includes lot 18 on plan DS727.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the part of lot 169 on plan DT40169 that is not tidal land • the esplanade surrounding lot 535 on plan NPW714.
Fraser Island FHA-053	
Half Moon Creek FHA-033	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 34 on SP113641 • the part of lot 50 on plan USL9567 that is within the outer boundary shown on the plan.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Halifax FHA-024	<p>The declared fish habitat area includes the part of lot 408 on CP91644 that is within the outer boundary shown on the plan.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the parts of lot 15 on plan USL39609 and lot 72 on plan CWL1870 that are not tidal land • Halifax–Lucinda Point Road • Gentle Annie Creek Road • the small parcels shown and described on the plan as ‘area A’.
Hay’s Inlet FHA-012	<p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • the area (the <i>excluded area</i>) of Hay’s Inlet between the prolongation across the inlet of the northern and southern boundaries of lot 23 on RP210075 • the area within 20m of the excluded area.
Hinchinbrook FHA-028	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 1 on plan CWL1111 • lot 165 on plan CWL3150 • the part of lot 18 on plan NPW529 within the outer boundary shown on the plan.
Hull River FHA-046	<p>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.</p>

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Jumpinpin– Broadwater FHA–021 (revision 2)	<p>The declared fish habitat area includes the following—</p> <p>(a) the esplanade surrounding lot 4 on plan WD2140;</p> <p>(b) the following lots—</p> <ul style="list-style-type: none"> • lot 6 on plan WD2107 • lot 4 on plan WD2140 • lots 1 and 2 on plan SP267495; <p>(c) the parts of the following lots that are within the outer boundary shown on the plan for the declared fish habitat area—</p> <ul style="list-style-type: none"> • lot 91 on plan WD3199 • lot 273 on plan SP180240 • lots 274 and 275 on plan WD131 • lots 264 and 266 on plan WD132 • lot 271 on WD3598 • lot 262 on plan W31252.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
	<p>The declared fish habitat area excludes—</p> <p>(a) the land (that is not tidal land) in Southern Moreton Bay Islands National Park within the outer boundary shown on the plan for the declared fish habitat area; and</p> <p>(b) the following—</p> <ul style="list-style-type: none"> • lot 21 on W31475 • lots 243, 244 and 245 on plan W31330 • lot 1 on plan AP7164 • the small parcels (on Short Island) shown and described on the plan for the declared fish habitat area as ‘Area “A”’ • the area adjoining Cobby Cobby Island, identified on the plan for the declared fish habitat 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 • the area adjoining Tabby Tabby Island, identified on the plan for the declared fish habitat area as ‘Exclusion Area’, that is 50m wide and the length of, and adjoins, the western boundary of lot 243 on plan W31330 • the 2 areas on Woogoompah Island— <ul style="list-style-type: none"> • identified on the plan for the declared fish habitat area as ‘Exclusion Areas (Oyster Industry Storage)’ and • each having part of its boundary on the south-eastern boundary of lot 408 on plan NPW645 and • 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.
Kauri Creek FHA–055	
Kinkuna FHA– 002 (revision 1)	<p>The declared fish habitat area includes the part of lot 112 on plan CK3120 that is within the outer boundary shown on the plan.</p> <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>

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Kippa-Ring FHA-014 (revision 1)	
Kolan River FHA-032	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the tidal land on lot 49 on CP844223 within the outer boundary shown on the fish habitat area plan for the area • lot 189 on plan CK3500. <p>The declared fish habitat excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—</p> <ul style="list-style-type: none"> • lot 10 on plan USL43099 • lot 12 on plan USL43095 • lots 17, 19, 20 and 26 on plan USL38977 • lot 27 on plan USL43085 • lot 59 on CP892216 • lot 66 on plan CK2294 • lot 90 on plan C37415.
Maaroom FHA-056	
Margaret Bay (Wuthathi) FHA-070 (Revision 1)	
Maroochy FHA-008 (revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the parts of the road and esplanade that are north of Channel Island and within the outer boundary shown on the plan • the tidal land on lot 721 on plan CG5072 (Chambers Island). <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 3 on RP43727 • lot 3 on RP48355 • lot 361 on plan CG4295 • lot 428 on plan C31740 • lot 509 on plan NPW594.

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
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	
Noosa River FHA-051 (Revision 2)	<p>The declared fish habitat area includes the tidal land within the following lots—</p> <ul style="list-style-type: none"> • lot 35 on plan MCH4795 • lots 140 and 144 to 148 on plan MCH4796 • lot 168 on CP849516 • lot 307 on plan MCH4551 • lots 34 and 35 on plan MCH5214. <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lots 55 and 386 on plan MCH1667 • the land within lot 21 on plan NPW659 and lot 3 on plan USL30873 that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.
Peel Island FHA- 010	The declared fish habitat area excludes land within lot 12 on plan VCL32998 that is not tidal land.
Pimpama FHA- 022	The declared fish habitat area includes lots 88 and 89 on plan WD6507.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Pine River Bay FHA-073	The declared fish habitat area includes the tidal lands on lots 4, 5, 6, 7 and 8 on plan WP50.
Princess Charlotte Bay FHA-043	The declared fish habitat area excludes the part of lot 16 on plan NPW365 that is not tidal land. 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.
Pumicestone Channel FHA-011 (revision 1)	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.
Repulse FHA-004	The declared fish habitat area excludes the following— <ul style="list-style-type: none"> • the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area • the area within 200m of the outer boundary, between 200m north and 200m south of the main building of the Newry Island Resort on Newry Island • the area between the outer boundary and the midstream line of Victor Creek and points 200m either side of the boat ramp (near Seaforth) marked 'A' on the plan • the area within 200m of a line running north-west from the northernmost point of Skull Knob to the nearest point of the outer boundary then along the outer boundary at St. Helens Beach to a point 1km west of Carpet Snake Point.
Rodds Harbour FHA-036	
Sand Bay FHA-006 (Revision 1)	
Seventeen Seventy-Round Hill FHA-018	
Silver Plains FHA-057	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.
Staaten-Gilbert FHA-061	

Schedule 3

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Starcke River (Ngulun) FHA-068	<p>The declared fish habitat area includes the land within lot 18 on SP104580 that is tidal land within the outer boundary shown on the fish habitat area plan for the area.</p> <p>The declared fish habitat area excludes the following—</p> <ul style="list-style-type: none"> • lot 7 on CP892329 • the 150m x 350m area at the mouth of the Starcke River shown and described on the plan as 'Future Exclusion Area'.
Susan River FHA-054	The declared fish habitat area excludes the area shown on the plan as 'Mooring Area' adjacent to lot 54 on plan MCH5147.
Tallebudgera Creek FHA-019	The declared fish habitat area includes lot 94 on plan WD6256.
Temple Bay FHA-058	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • the part of the esplanade that is shown within the boundary of the declared fish habitat area • 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.
Tin Can Inlet FHA-064	

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Trinity Inlet FHA-003 (Revision 3)	<p>The declared fish habitat area includes the following—</p> <p>(a) the following lots—</p> <ul style="list-style-type: none"> • lots 1 to 4 on plan C19823 • lot 51 on plan NR3159 • lot 92 on plan NR3051 • lot 153 on plan NR4373 • lot 36 on AP7416 • lots 4 and 5 on AP12175 • lot 4 on AP21277 • lots 1 to 4 on AP12174 • lot 1 on AP9494 • lot 1 on SP222769; <p>(b) the parts of the following lots that are within the outer boundary shown on the plan—</p> <ul style="list-style-type: none"> • lot 1 on RP736304 • lots 40, 41 and 771 on SP113657 • lot 12 on AP3442 • lot 146 on SP129134 • lot 45 on AP3448 • lots 14 and 18 on SP155099 • lots 4, 773 and 775 on SP218291 • lot 19 on SP214821 • lot 4 on SP264282.

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Trinity Inlet FHA-003 (Revision 3) (continued)	<p>The declared fish habitat area excludes—</p> <p>(a) the following—</p> <ul style="list-style-type: none"> • lot 1 on RP738764 • lot 1 on AP7415 • the area within 10m of the centre line of the vehicular track from Airport Avenue to the Sand Stockpile on lot 1 on RP736304 • the Sand Stockpile on lot 1 on RP736304 • the area within 10m of the centre line of the vehicular track that crosses lot 151 on plan NR4172; and <p>(b) the following esplanades—</p> <ul style="list-style-type: none"> • the esplanade adjacent to lot 1 on RP736304 and Airport Avenue • the esplanade on the northern side of Pine Creek • the esplanade adjacent to lot 34 on plan USL9876 • the esplanade adjacent to lot 36 on plan AP7416 • the esplanade adjacent to part of lot 111 on plan NR7962 • the esplanade adjacent to lot 158 on plan NR5877 • the esplanades surrounding Mackey Creek; and <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"> • lot 116 on plan CWL2112 • that part of lot 234 on plan CWL1830 within the outer boundary shown on the fish habitat area plan for the area.
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>

1	2
Area name and fish habitat area plan no.	Particular areas included in or excluded from the declared fish habitat area
Yorkey's Creek FHA-034 (Revision 1)	<p>The declared fish habitat area includes the following—</p> <ul style="list-style-type: none"> • lot 105 on plan AP7001 • lot 139 on plan NR3818. <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"> • lot 75 on plan USL9604 • lot 12 on plan USL9940 • lot 16 on plan USL9940.

Schedule 4 Commercial quantity of priority fish

section 640B

Priority fish	Commercial quantity		weight equivalent (kg)
	number	volume (L)	
barramundi	25		55
black jewfish	5		17.5 (or 2 if only bladders)
mud crab	50		40 (or 20 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

Schedule 5 Glossary of scientific names for particular coral reef fin fish species

section 6(1), schedule 11, part 2 definitions *regulated cod or grouper, regulated coral reef fin fish, regulated coral trout, regulated emperor, regulated parrotfish, regulated surgeonfish, regulated sweetlip, regulated tropical snapper or seaperch and regulated wrasse*

Part 1 Particular cod and grouper

Column 1

Common name

barramundi cod

bar rockcod

bass groper

birdwire rockcod

blacksaddle rockcod

blacktip rockcod

bluelined rockcod

bluespotted rockcod

brownbarred rockcod

camouflage grouper

Chinaman rockcod

comet grouper

Column 2

Scientific name

Cromileptes altivelis

Epinephelus ergastularius and
Epinephelus septemfasciatus

Polyprion americanus

Epinephelus merra

Epinephelus howlandi

Epinephelus fasciatus

Cephalopholis formosa

Cephalopholis cyanostigma

Cephalopholis boenak

Epinephelus polyphekadion

Epinephelus rivulatus

Epinephelus morrhua

Column 1	Column 2
Common name	Scientific name
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>
highfin grouper	<i>Epinephelus maculatus</i>
leopard rockcod	<i>Cephalopholis leopardus</i>
longfin rockcod	<i>Epinephelus quoyanus</i>
Maori rockcod	<i>Epinephelus undulatostriatu</i>
radiant rockcod	<i>Epinephelus radiatus</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>
redmouth rockcod	<i>Aethaloperca rogae</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>

Column 1	Column 2
Common name	Scientific name
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>

Part 2

Particular coral trout

Column 1	Column 2
Common name	Scientific name
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>

Part 3 Particular emperor

Column 1	Column 2
Common name	Scientific name
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>
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>

Column 1	Column 2
Common name	Scientific name
yellowtail emperor	<i>Lethrinus atkinsoni</i>

Part 4 Fusilier

Column 1	Column 2
Common name	Scientific name
fusilier	family Caesionidae

Part 5 Particular parrotfish

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

Part 6 Particular surgeonfish

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

Part 7 Particular sweetlip

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

Part 8 Particular tropical snapper and seaperch

Column 1	Column 2
Common name	Scientific name
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>
goldband snapper	<i>Pristipomoides multidens</i> and <i>Pristipomoides typus</i>

Column 1	Column 2
Common name	Scientific name
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>

Part 9

Particular wrasse

Column 1

Common name

anchor tuskfish

blackspot tuskfish

blue tuskfish

humphead Maori wrasse

pigfish

purple tuskfish

redbreast Maori wrasse

tripletail Maori wrasse

Venus tuskfish

Column 2

Scientific name

Choerodon anchorago

Choerodon schoenleinii

Choerodon cyanodus

Cheilinus undulatus

Bodianus spp.

Choerodon cephalotes

Cheilinus fasciatus

Cheilinus trilobatus

Choerodon venustus

Schedule 6 Glossary of scientific names for particular fish other than regulated coral reef fin fish

sections 6(2) and 638(3)

Part 1 Particular non-indigenous fish

Column 1	Column 2
Common name	Scientific name
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>
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>

Column 1	Column 2
Common name	Scientific name
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>
Celebes rainbow	<i>Telmatherina ladigesii</i>
chalinochromis	<i>Chalinochromis</i> spp.
checkerboard barb	<i>Capoeta oligolepis</i>
cherry barb	<i>Capoeta titteya</i>
Chinese algae eater	<i>Gyrinocheilus aymonieri</i>
chocolate gourami	<i>Sphaerichthys osphromenoides</i>
clown barb	<i>Barbodes everetti</i>

Column 1	Column 2
Common name	Scientific name
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>
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>

Column 1	Column 2
Common name	Scientific name
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.
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>

Column 1	Column 2
Common name	Scientific name
keyhole cichlid	<i>Aequidens maroni</i>
killie fish	<i>Aphyosemion</i> spp.
kissing gourami	<i>Helostoma temmincki</i>
kooli barb	<i>Puntius vittatus</i>
kuhli loach	<i>Acanthopthalmus kuhli</i>
latticed cichlid	<i>Limnotilapia dardennii</i>
leopard danio	<i>Brachydanio frankei</i>
lipstick leporinus	<i>Leporinus arcus</i>
little giant gourami	<i>Colisa fasciata</i>
long-band rasbora	<i>Rasbora einthoveni</i>
longfin barb	<i>Capoeta arulius</i>
long-finned African tetra	<i>Brycinus longipinnis</i>
Malayan flying barb	<i>Esomus malayensis</i>
Malayan halfbeak	<i>Dermogenys pusillus</i>
medaka	<i>Oryzias latipes</i>
melanochromis	<i>Melanochromis similis</i>
microbrycon	<i>Microbrycon fredcochui</i>
mono	<i>Monodactylus argenteus</i>
moonlight gourami	<i>Trichogaster microlepis</i>
moorii	<i>Tropheus moorii</i>
multi-banded leporinus	<i>Leporinus multifasciatus</i>
Myers's hillstream loach	<i>Pseudogastromyzon myersi</i>
neon tetra	<i>Paracheirodon innesi</i>

Column 1	Column 2
Common name	Scientific name
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>Poecilibrycon</i> spp.
penguin fish	<i>Thayeria</i> spp.
platy	<i>Xiphophorus maculatus</i>
platy variatus	<i>Xiphophorus variatus</i>
poorman's glass catfish	<i>Kryptopterus macrocephalus</i>
pristella	<i>Pristella maxillaris</i>
pygmy gourami	<i>Trichopsis pumilus</i>
rainbow fish	<i>Glossolepsis</i> , <i>Chilatherina</i> , <i>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>

Column 1	Column 2
Common name	Scientific name
rosy barb	<i>Puntius conchonius</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>Macrogathus aculeatus</i>
spot-tailed leporinus	<i>Leporinus melanopleura</i>
spot-tailed rasbora	<i>Rasbora caudimaculata</i>
spotted danio	<i>Brachydanio nigrofasciatus</i>
spotted leporinus	<i>Leporinus maculatus</i>
spotted rasbora	<i>Rasbora maculata</i>
striped barb	<i>Puntius lineatus</i>
striped kribensis	<i>Pelvicachromis taeniatus</i>
striped leporinus	<i>Leporinus striatus</i>
sucker catfish	<i>Otocinclus arnoldi</i>
Swegle's tetra	<i>Megalampodus sweglesi</i>
swordtail	<i>Xiphophorus helleri</i>
tetra	<i>Hemigrammus, Hyphessobrycon and Moenkhausia spp.</i>
thick-lipped gourami	<i>Colisa labiosa</i>

Column 1	Column 2
Common name	Scientific name
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 2 **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>

Column 1	Column 2
Common name	Scientific name
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>
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>

Column 1	Column 2
Common name	Scientific name
firetail gudgeon	<i>Hypseleotris galii</i>
flagtail glassfish	<i>Ambassis miops</i>
flathead gudgeon	<i>Philypnodon grandiceps</i>
flyspecked hardyhead	<i>Craterocephalus stercusmuscarum</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>
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>
Marjorie's hardyhead	<i>Craterocephalus marjoriae</i>
Mary River cod	<i>Maccullochella peelii mariensis</i>

Column 1	Column 2
Common name	Scientific name
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>Denariusa australis</i>
poreless gudgeon	<i>Oxyeleotris nullipora</i>
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>

Column 1	Column 2
Common name	Scientific name
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</i> spp.
spotted blue eye	<i>Pseudomugil gertrudae</i>
spotted flagtail	<i>Kuhlia marginata</i>
square blotch goby	<i>Glossogobius</i> sp C
striped gudgeon	<i>Gobiomorphus australis</i>
tank goby	<i>Glossogobius giurus</i>
threadfin rainbowfish	<i>Iriatherina werneri</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 destructor</i>

Part 3 Particular fish found in the east coast trawl fishery area

Column 1 Common name	Column 2 Scientific name
Balmain bug	<i>Ibacus peronii</i>
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
red champagne lobster	<i>Linuparus trigonus</i>
saucer scallop	<i>Amusium 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</i> , <i>Nototodarus</i> , <i>Photololigo</i> , <i>Sepioteuthis</i> spp.
threadfin bream	family Nemipteridae
three-spotted crab	<i>Portunus sanguinolentus</i>

Column 1

Common name

yellowtail scad

Column 2

Scientific name

Trachurus novaezelandiae and
Trachurus declivis

Part 4

**Particular fish to which
extended possession limits
apply**

Column 1

Common name

pearl perch

snapper

spanish mackerel

Column 2

Scientific name

Glaucosoma scapulare

Pagrus auratus

Scomberomorus commerson

Part 5

Other particular fish

Column 1

Common name

albacore

amberjack

Australian sardine

barramundi

barred javelin

beachworm

Column 2

Scientific name

Thunnus alalunga

Seriola dumerili and *S. rivoliana*

Sardinops neopilchardus or
Sardinops sagax

Lates calcarifer

Pomadasys kaakan

family Onuphidae

Column 1	Column 2
Common name	Scientific name
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>
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.
garfish	family Hemiramphidae
gastropod	class Gastropoda
giant clam	family Tridacnidae
giant helmet shell	<i>Cassis cornuta</i>
giant queenfish	<i>Scomberoides commersonianus</i>

Column 1	Column 2
Common name	Scientific name
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	<i>Sphyrna</i> spp.
helmet shell	<i>Cassis cornuta</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.
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

Column 1	Column 2
Common name	Scientific name
mulloway	<i>Argyrosomus hololepidotus</i>
Northern bluefin tuna	<i>Thunnus orientalis</i>
Northern whiting	<i>Sillago sihama</i>
painted crayfish	<i>Panulirus ornatus</i>
pearl oyster—see entries for blacklip pearl oyster and goldlip pearl oyster	
pickhandle barracuda	<i>Sphyraena 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
samsonfish	<i>Seriola hippos</i>
sandtiger shark	<i>Odontaspis ferox</i>
sand whiting	<i>Sillago ciliata</i>
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>

Column 1	Column 2
Common name	Scientific name
shark	order Carcharhiniformes, order Lamniformes and order Orectolobiformes
shark mackerel	<i>Grammatorcynus bicarinatus</i>
shovelnose ray	family Rhinobatidae
silver javelin	<i>Pomadasys argenteus</i>
skipjack tuna	<i>Katsuwonus pelamis</i>
Southern bluefin tuna	<i>Thunnus maccoyii</i>
spanner crab	<i>Ranina ranina</i>
spartooth shark	genus <i>Glyphis</i>
spotted mackerel	<i>Scomberomorus munroi</i>
swallowtail dart	<i>Trachinotus coppingeri</i>
tailor	<i>Pomatomus saltatrix</i>
tarwhine	<i>Rhabdosargus sarba</i>
teraglin	<i>Atractoscion aequidens</i>
three-spotted crab	<i>Portunus sanguinolentus</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>
whitetip reef shark	<i>Triaenodon obesus</i>

Column 1**Common name**

yellowfin bream

yellowfin tuna

yellowtail kingfish

Column 2**Scientific name***Acanthopagrus australis**Thunnus albacares**Seriola lalandi*

Schedule 7 Prescribed reference documents for scientific names for fish

sections 6(3) and 7

Reference document	
1	Rees, A.J.J., Yearsley, G.K., and Gowlett-Holmes, K., 'Codes for Australian Aquatic Biota', CSIRO Marine and Atmospheric Research, World Wide Web electronic publications, 1999 onwards, available on the notification day at www.marine.csiro.au/caab/
2	Froese, R. and Pauly, D., Editors, 2007, 'FishBase', World Wide Web electronic publication, available on the notification day at www.fishbase.org/search.php

Schedule 8 Fees relating to development

section 708

Part 1 Resource allocation authorities

\$

1	Assessment of application for resource allocation authority relating to—	
	(a) prescribed declared fish habitat area development—	
	(i) for a level 1 assessment	601.70
	(ii) for a level 2 assessment	1,853.10
	(iii) for a level 3 assessment	3,552.00
	(iv) for a level 4 assessment	7,257.15
	(v) for a level 5 assessment	18,066.75
	(b) development mentioned in the <i>Planning Regulation 2017</i> , schedule 24, definition <i>non-referable building work</i> , paragraph (d) or that is operational work impacting on marine plants that is dead marine wood on unallocated State land for trade or commerce	601.70
	(c) prescribed aquaculture development—	
	(i) for a level 1 assessment	601.70
	(ii) for a level 2 assessment	1,853.10
	(iii) for a level 3 assessment	3,552.00
	(iv) for a level 4 assessment	7,257.15
	(v) for a level 5 assessment	18,066.75
2	Assessment of application for renewal of resource allocation authority	601.70

Part 2 **Fish movement exemption notices**

	\$
1 Assessment of application for fish movement exemption notice—	
(a) for a level 1 assessment	601.70
(b) for a level 2 assessment	1,853.10
(c) for a level 3 assessment	3,552.00
(d) for a level 4 assessment	7,257.15
(e) for a level 5 assessment	18,066.75

Schedule 9 Other fees

sections 256(3) and 711

Part 1 Fees for licences

Licence	\$
Carrier boat licence	
Registration fee	327.65
Annual fee	327.65
Charter fishing licence	
Registration fee	327.65
Annual fee	327.65
Commercial fisher licence	
Registration fee	327.65
Annual fee	327.65
Commercial fishing boat licence	
Registration fee	327.65
Annual fee	327.65
Commercial harvest fishery licence	
Registration fee	327.65
Annual fee	327.65

Part 2 Fees for fishery symbols or quota authorities

Fishery symbol or quota authority	\$
Commercial harvest fisheries	

Fishery symbol or quota authority	\$
A1	380.05
A2	124.50
B1	13.1038/unit
D	6.5519/unit
E	124.50
F	124.50
G	124.50
H	124.50
J1 where a unit equals each whole 100kg entitled to be taken under the licence on which the symbol is written	13.1038/unit
JE	124.50
O	65.5193/area
P	380.05
W1	124.50
W2	124.50
Y	124.50
Commercial line fisheries	
L1	380.05
L2	380.05
L3	380.05
L4	1,113.75
L8	1,113.75
Commercial net fisheries	
K1	760.10
K2	760.10
K3	760.10
K4	760.10
K5	760.10
K6	760.10
K7	760.10

Fishery symbol or quota authority	\$
K8	760.10
N1	380.05
N2	760.10
N3	1,441.55
N4	2,883.00
N10	1,113.75
N11	196.55
N12	22,901.05
N13	12,722.85
East coast trawl fishery	
M1	nil
M2	1,113.75
T1	nil
T2	nil
T5	380.05
T6	380.05
T7	380.05
T8	380.05
T9	380.05
'T1' effort unit	0.3934
'T2' effort unit	0.3934
Other commercial fisheries	
SM	nil
SM unit	0.1965
C1	380.05
C2	nil
C3	380.05
ITQ unit	0.9828
R where a unit equals each 1kg of (whole weight) fish entitled to be taken under the licence on which the symbol is written	0.3934/unit

Fishery symbol or quota authority	\$
S	760.10
T4	380.05
T4-ITQ unit	0.03669
RQ	nil
CT line unit	0.3934
OS line unit	0.1965
RTE line unit	0.1965

Part 3 Other fees

		\$
1	Application for general fisheries permit	327.65
2	Application for developmental fishing permit	6,159.10
3	Application for indigenous fishing permit	nil
4	For a stocked impoundment permit—	
	(a) permit fee for 1 week	10.00
	(b) permit fee for 1 year for a person (an <i>eligible person</i>) 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	36.00

		\$
	(c) permit fee for 1 year for a person other than an eligible person	50.00
5	For an application for an authority other than an authority mentioned in items 1 to 4 of this table or in s 708	at reasonable cost, but no more than actual cost
6	For a request to amend a licence (Act, s 63(4)(d))— (a) if the request is to replace a boat identified in the licence (b) otherwise	163.85 at reasonable cost, but no more than actual cost
7	For a fishery symbol movement application	163.85
8	For an application to register the transfer of an authority (Act, s 65A(4))— (a) for a temporary transfer under s 65C of the Act (b) otherwise	32.80 163.85
9	Application for a replacement authority (Act, s 71(2)(b))	32.80
10	For inspecting, or obtaining a copy of details in, the register (Act, s 73(4))	at reasonable cost, but no more than actual cost
11	For an application for a certificate, about an authority, under s 74(3) of the Act	163.85

Schedule 9A Release of non-indigenous fisheries resources

section 624

Column 1	Column 2
Queensland waters	Non-indigenous fisheries resources
Albert river basin	Australian lungfish golden perch Mary River cod
Auburn river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Barambah river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Barron river basin	khaki grunter sooty grunter
Belyando river basin	sooty grunter
Bowen river basin	sooty grunter
Boyne river basin	silver perch

Column 1	Column 2
Queensland waters	Non-indigenous fisheries resources
	Southern saratoga
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

Column 1	Column 2
Queensland waters	Non-indigenous fisheries resources
Comet river basin	barramundi
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

Column 1	Column 2
Queensland waters	Non-indigenous fisheries resources
Mary river basin	Australian bass golden perch silver perch
Nogo river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Nogoa river basin	barramundi silver perch
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

Column 1

Queensland waters

Stanley river basin

Column 2

Non-indigenous fisheries resources

Australian bass

Australian lungfish

golden perch

Mary River cod

silver perch

Southern saratoga

Schedule 10 Defined port areas

schedule 11, part 2 definition *defined port area*

1	2
Name	Description
Southport port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 27°55.73' south, longitude 153°23.53' east to latitude 27°55.73' south, longitude 153°26.01' east • to latitude 27°59.47' south, longitude 153°26.01' east • to latitude 27°59.47' south, longitude 153°23.53' east • to latitude 27°55.73' south, longitude 153°23.53' east
Brisbane port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 27°30.00' south, longitude 153°00.00' east to latitude 27°00.00' south, longitude 153° east • to latitude 27°00.00' south, longitude 153°12.00' east • to latitude 27°30.00' south, longitude 153°12.00' east • to latitude 27°30.00' south, longitude 153°00.00' east
Mooloolaba port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 26°42.72' south, longitude 153°07.06' east to latitude 26°40.86' south, longitude 153°08.28' east • to latitude 26°40.54' south, longitude 153°06.27' east • to latitude 26°38.03' south, longitude 153°06.13' east • to latitude 26°38.07' south, longitude 153°03.68' east • to latitude 26°42.72' south, longitude 153°07.06' east
Tin Can Bay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 25°49.60' south, longitude 152°57.80' east to latitude 25°49.60' south, longitude 153°04.24' east • to latitude 25°59.89' south, longitude 153°04.24' east • to latitude 25°59.89' south, longitude 152°57.80' east • to latitude 25°49.60' south, longitude 152°57.80' east

Schedule 10

1	2
Name	Description
Urangan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 25°17.59' south, longitude 152°54.70' east to latitude 25°17.62' south, longitude 152°55.09' east • to latitude 25°18.02' south, longitude 152°54.91' east • to latitude 25°18.00' south, longitude 152°54.50' east • to latitude 25°17.59' south, longitude 152°54.70' east
Bundaberg port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 24°45.15' south, longitude 152°19.83' east to latitude 24°45.15' south, longitude 152°25.68' east • to latitude 24°52.49' south, longitude 152°25.68' east • to latitude 24°52.49' south, longitude 152°19.83' east • to latitude 24°45.15' south, longitude 152°19.83' east
Gladstone port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 23°49.67' south, longitude 151°14.24' east to latitude 23°49.67' south, longitude 151°15.24' east • to latitude 23°50.29' south, longitude 151°15.24' east • to latitude 23°50.29' south, longitude 151°14.24' east • to latitude 23°49.67' south, longitude 151°14.24' east
Rosslyn Bay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 23°09.54' south, longitude 150°47.00' east to latitude 23°09.54' south, longitude 150°47.44' east • to latitude 23°09.87' south, longitude 150°47.44' east • to latitude 23°09.87' south, longitude 150°47.00' east • to latitude 23°09.54' south, longitude 150°47.00' east
Mackay port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 21°06.91' south, longitude 149°11.53' east to latitude 21°08.54' south, longitude 149°10.92' east • to latitude 21°09.01' south, longitude 149°13.38' east • to latitude 21°05.94' south, longitude 149°13.62' east • to latitude 21°06.91' south, longitude 149°11.53' east

1	2
Name	Description
Bowen port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 20°01.18' south, longitude 148°16.32' east to latitude 20°01.70' south, longitude 148°15.76' east • to latitude 20°01.46' south, longitude 148°14.81' east • to latitude 20°00.75' south, longitude 148°14.75' east • to latitude 20°01.18' south, longitude 148°16.32' east
Townsville port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 19°14.13' south, longitude 146°48.00' east to latitude 19°18.12' south, longitude 146°47.78' east • to latitude 19°16.63' south, longitude 146°50.55' east • to latitude 19°14.41' south, longitude 146°50.15' east • to latitude 19°14.13' south, longitude 146°48.00' east
Lucinda port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 18°29.72' south, longitude 146°19.09' east to latitude 18°32.89' south, longitude 146°19.28' east • to latitude 18°33.76' south, longitude 146°16.72' east • to latitude 18°29.80' south, longitude 146°14.95' east • to latitude 18°29.72' south, longitude 146°19.09' east
Mourilyan port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 17°35.76' south, longitude 146°06.25' east to latitude 17°37.36' south, longitude 146°06.84' east • to latitude 17°36.34' south, longitude 146°08.07' east • to latitude 17°35.51' south, longitude 146°07.63' east • to latitude 17°35.76' south, longitude 146°06.25' east
Innisfail port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 17°30.00' south longitude 146°00.75' east to latitude 17°32.00' south, longitude 146°00.75' east • to latitude 17°32.00' south, longitude 146°04.75' east • to latitude 17°30.00' south, longitude 146°04.75' east • to latitude 17°30.00' south longitude 146°00.75' east

Schedule 10

1	2
Name	Description
Cairns port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 16°54.00' south, longitude 145°44.50' east to latitude 17°00.00' south, longitude 145°44.50' east • to latitude 17°00.00' south, longitude 145°48.75' east • to latitude 16°54.00' south, longitude 145°48.75' east • to latitude 16°54'00' south, longitude 145°44.50' east
Port Douglas port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 16°28.50' south, longitude 145°27.00' east to latitude 16°29.50' south longitude 145°27.00' east • to latitude 16°29.50' south, longitude 145°28.00' east • to latitude 16°28.50' south, longitude 145°28.00' east • to latitude 16°28.50' south, longitude 145°27.00' east
Cooktown port area	<p>the area within the following boundary—</p> <ul style="list-style-type: none"> • from latitude 15°26.00' south, longitude 145°10.75' east to latitude 15°28.00' south longitude 145°10.75' east • to latitude 15°28.00' south, longitude 145°15.50' east • to latitude 15°26.00' south longitude 145°15.50' east • to latitude 15°26.00' south, longitude 145°10.75' east

Schedule 10A Prescribed stocked impoundments

schedule 11, section 6B

- 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

Schedule 10B River basins where non-indigenous fisheries resources can not be released

section 220B(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 10C River basins where aquaculture fisheries resources can be released

section 634(2)(c)

Part 1 Preliminary

1 References to stocks of barramundi in pt 2

In part 2—

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.

Part 2 River basins

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Cliffdale	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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)
Curtis Island	barramundi (south-east coast stock)
Daintree	barramundi (mid north-east coast stock) khaki grunter

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Einasleigh	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Elliott	Australian bass barramundi (south-east coast stock) silver perch

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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)
Hann (with the river basin reference number 1050)	barramundi (east coast Cape York stock) redclaw

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Jardine	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Leichardt	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
Logan	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Mission	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Nebine	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
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

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
Plane	barramundi (central east coast stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock)
Ross	barramundi (mid north-east coast stock)
Russell	barramundi (mid north-east coast stock) khaki grunter sooty grunter

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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)
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

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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
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)

Column 1	Column 2
River basin	Aquaculture fisheries resources that can be released
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 10D Waters where scallops may be processed on a boat

section 392GS(3)(a)

1 Tin Can Bay public wharf area

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

2 Parts of Hervey Bay

(1) Hervey Bay within the following boundary—

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

(2) Hervey Bay within the following boundary—

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

3 Burnett River from near Bundaberg to near Millaquin Sugar Mill

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

4 Area near Gladstone

The area near Gladstone within the following boundary—

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

5 Area near Yeppoon

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

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

6 Area near Bowen

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

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

- to the lead known as M5
- to Dalrymple Point.

7 Area west of Cape Cleveland

Waters west of Cape Cleveland within the following boundary—

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

8 Area west of Magnetic Island

Waters west of Magnetic Island within the following boundary—

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

9 Part of North East Bay (Great Palm Island)

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

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

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

10 Lucinda Services Jetty area

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

Schedule 10E Particular areas for the east coast trawl fishery

section 392AA(2)

1 Meaning of *Brisbane River mouth area–north*

Brisbane River mouth area–north means Brisbane River within the following boundary—

- from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east) to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
- to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot beacon)
- to latitude 27°21.57' south, longitude 153°10.40' east (the Western Inner Bar beacon)
- to longitude 153°09.60' east on the mainland shore (Luggage Point approximately latitude 27°22.69' south, longitude 153°09.60' east)
- to latitude 27°21.74' south on the mainland shore.

2 Meaning of *Brisbane River mouth area–south*

Brisbane River mouth area–south means Brisbane River within the following boundary—

- from latitude 27°21.63' south, longitude 153°10.53' east (the Eastern Inner Bar beacon) to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot beacon)
- to latitude 27°20.01' south, longitude 153°11.75' east
- to latitude 27°21.44' south, longitude 153°10.83' east
- to latitude 27°21.63' south, longitude 153°10.53' east.

3 **Meaning of *Brisbane River–Victoria Bridge to Juno Point area***

Brisbane River–Victoria Bridge to Juno Point area means Brisbane River between the Victoria Bridge and a line from the F↑B sign at Juno Point to the eastern bank of the river.

4 **Meaning of *central area***

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

- from the intersection of latitude 22°00.00' south with the mainland shore at high water mark (approximately latitude 22°00.00' south, longitude 149°29.68' east)
- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point, southern boundary of Llewellyn Bay)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point, northern boundary of Llewellyn Bay)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east

- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the mainland shore to latitude 16°00.00' south
- to latitude 16°00.00' south, longitude 146°42.122' east

- to latitude 18°19.889' south, longitude 148°20.043' east
- to latitude 18°44.900' south, longitude 152°35.040' east
- to latitude 21°09.053' south, longitude 154°00.873' east
- to latitude 21°08.978' south, longitude 152°48.000' east
- to latitude 21°20.000' south, longitude 152°48.100' east
- to latitude 22°00.00' south, longitude 152°56.579' east
- to latitude 22°00.00' south, longitude 149°29.680' east.

5 **Meaning of *Cleveland Bay area***

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

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

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

- from Comboyuro Point, Moreton Island, to the NW2 special mark beacon at the entrance to the North West Channel near Caloundra
- to Caloundra Head
- along the shore to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- to the F↑B sign at the northern tip of Bribie Island
- along the eastern shore of Bribie Island to Skirmish Point
- to Comboyuro Point.

7 **Meaning of *deep water net area***

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

- from latitude 28°03.48' south, longitude 153°47.06' east to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east
- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 26°29.90' south, longitude 153°34.06' east
- to latitude 26°19.90' south, longitude 153°40.76' east
- to latitude 26°09.90' south, longitude 153°50.06' east
- to latitude 24°59.90' south, longitude 153°35.06' east
- to latitude 24°29.90' south, longitude 153°20.06' east
- to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea Spit light, off the northern tip of Fraser Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
- to latitude 22°34.40' south, longitude 151°56.06' east
- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°19.18' south, longitude 153°00.32' east
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east
- to latitude 20°51.91' south, longitude 151°57.41' east

- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°29.91' south, longitude 149°49.06' east
- to latitude 19°29.91' south, longitude 149°57.42' east
- to latitude 19°17.66' south, longitude 149°34.06' east
- to latitude 18°59.14' south, longitude 148°50.22' east
- to latitude 18°50.19' south, longitude 148°22.26' east
- to latitude 18°45.64' south, longitude 148°09.21' east
- to latitude 18°42.97' south, longitude 148°05.16' east
- to latitude 18°37.98' south, longitude 147°58.24' east
- to latitude 18°29.24' south, longitude 147°49.77' east
- to latitude 18°21.41' south, longitude 147°37.76' east
- to latitude 18°19.31' south, longitude 147°24.77' east
- to latitude 18°14.91' south, longitude 147°24.27' east
- to latitude 18°11.41' south, longitude 147°15.07' east
- to latitude 18°09.91' south, longitude 147°10.86' east

- to latitude 18°02.84' south, longitude 147°01.90' east
- to latitude 17°50.67' south, longitude 146°50.97' east
- to latitude 17°45.36' south, longitude 146°48.82' east
- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east
- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east
- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 18°19.91' south, longitude 148°20.06' east
- to latitude 18°44.91' south, longitude 152°35.06' east
- to latitude 22°14.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°22.06' east
- to latitude 27°57.90' south, longitude 154°00.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east.

8 Meaning of *Facing Island area*

Facing Island area means waters within the following boundary—

- from latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point) to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- to latitude 23°45.25' south, longitude 151°19.93' east (North Point, Facing Island)
- along the western shore to latitude 23°52.85' south, longitude 151°22.44' east (Gatcombe Head)
- to latitude 23°53.33' south, longitude 151°30.88' east (Fairway Buoy (Wild Cattle Cutting))
- to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east.

9 Meaning of *Fisherman Island area*

Fisherman Island area means—

- (a) waters upstream of a line between—
 - (i) the northern tip of the northernmost wharf on Fisherman Island; and
 - (ii) the mainland, passing through the rear (seaward) lead of the Lytton Rocks Reach about 900m downstream from Luggage Point; and
- (b) waterways joining the waters described in paragraph (a), other than the part of the Boat Passage east of the bridge between Whyte Island and Fisherman Island.

10 Meaning of *Fitzroy River mouth area*

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

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

11 **Meaning of *Great Sandy Strait area***

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

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

12 **Meaning of *Hervey Bay area***

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

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

13 **Meaning of *Keppel Bay area***

Keppel Bay area means Keppel Bay within the following boundary—

- from latitude 23°30.90' south, longitude 150°59.64' east (an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet) along the shore to latitude 23°28.76' south, longitude 150°59.48' east (Warner Point)

- to latitude 23°24.97' south, longitude 150°51.15' east (Quartz Rock)
- to latitude 23°25.98' south, longitude 150°49.80' east
- to latitude 23°28.77' south, longitude 150°52.38' east (Cattle Point)
- to latitude 23°30.90' south, longitude 150°59.64' east.

14 **Meaning of *Laguna Bay area***

Laguna Bay area means waters within the following boundary—

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

15 **Meaning of *Llewellyn Bay area***

Llewellyn Bay area means Llewellyn Bay, near Sarina, west of a line—

- from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
- to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).

16 **Meaning of *Logan River area***

Logan River area means Logan River and adjoining waterways, upstream of the line—

- from the intersection of the mainland shore with longitude 153°19.20' east (at approximately latitude

27°40.50' south) to latitude 27°40.40' south, longitude 153°19.50' east

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

17 Meaning of 'M1' and 'M2' area

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

- from latitude 27°04.93' south on Bribie Island's western shore (approximately latitude 27°04.93' south, longitude 153°09.48' east) to latitude 27°09.19' south, longitude 153°03.91' east (the special mark flashing yellow light beacon off the Caboolture River)
- to latitude 27°10.97' south, longitude 153°06.14' east (the special mark yellow flashing light beacon No. 1 at the entrance of the Scarborough Boat Harbour)
- to latitude 27°11.03' south, longitude 153°07.97' east (the North Reef flashing green light beacon)
- to latitude 27°14.51' south, longitude 153°07.40' east (the Garnet Rock flashing green light beacon off Margate)
- to latitude 27°16.51' south, longitude 153°06.75' east (the Otter Rock flashing green light beacon off Woody Point)
- to latitude 27°15.99' south, longitude 153°06.12' east
- to latitude 27°19.44' south, longitude 153°06.44' east (the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek)
- to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel)

- to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°20.07' south, longitude 153°11.62' east (the Eastern Coffee Pot flashing red light beacon)
- to latitude 27°21.64' south, longitude 153°10.53' east (the east inner bar flashing red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°22.19' south, longitude 153°14.18' east (the north cardinal beacon north of St Helena Island)
- to latitude 27°24.34' south, longitude 153°14.50' east (the south cardinal light beacon south-east of St Helena Island)
- to latitude 27°24.86' south, longitude 153°14.56' east (the red light beacon north-east of Green Island)
- to latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point)
- to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)
- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)
- to latitude 27°35.65' south, longitude 153°23.83' east (the south cardinal beacon at the southern tip of the Pelican Banks)

- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)
- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western shore (approximately latitude 27°30.14' south, longitude 153°24.08' east)
- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty at One Mile Anchorage)
- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)
- to latitude 27°27.25' south, longitude 153°19.98' east (the green light beacon that flashes every 6 seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)
- to latitude 27°25.31' south, longitude 153°18.26' east (the flashing green light beacon north of Chain Banks)

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

18 Meaning of *Moreton Bay (trawling)*

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

- from the F[↑]B sign at the south-eastern tip of Toorbul Point to the F[↑]B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island's western and southern shores to Skirmish Point
- to Comboyuro Point, Moreton Island
- along Moreton Island's western shore to Reeders Point
- to Amity Point, North Stradbroke Island
- along North Stradbroke Island's western and southern shores to its south-eastern tip

- to the north-eastern tip of South Stradbroke Island
- along South Stradbroke Island's northern, western and southern shores to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the southern breakwater wall of the Gold Coast Seaway at Nerang Head on The Spit
- along the shore of The Spit to the Gold Coast Highway bridge over the Nerang River near Waterways Drive, Main Beach
- along the eastern side of the Gold Coast Highway bridge to the mainland shore
- along the shore to the F↑B sign at the south-eastern tip of Toorbul Point.

19 Meaning of *northern area*

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

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

20 Meaning of *Repulse Bay area*

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

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

21 Meaning of *Sinclair Bay area*

Sinclair Bay area means Sinclair Bay, near Bowen, within the following boundary—

- from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude 20°06.80' south, longitude 148°26.81' east on the shore
- along the shore to latitude 20°09.54' south, longitude 148°25.36' east.

22 Meaning of '*T1*' area

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

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

- along the eastern shore of North Stradbroke Island to latitude 27°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)
- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)
- to latitude 27°05.08' south, longitude 153°12.43' east (Skirmish Point)
- along the eastern shore of Bribie Island to latitude 26°50.05' south, longitude 153°07.78' east
- to latitude 26°48.38' south, longitude 153°08.36' east (southern end of Kings Beach)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.68' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
- along the eastern shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)
- to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
- along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)
- to latitude 24°44.83' south, longitude 152°23.84' east
- along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
- to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)

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- along the shore to latitude 24°00.50' south, longitude 151°36.22' east
 - to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
 - along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)
 - to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)
 - along the shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
 - to latitude 23°59.38' south, longitude 151°25.67' east
 - along the shore to latitude 23°56.23' south, longitude 151°21.42' east
 - to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
 - along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
 - to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)
 - along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
 - to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
 - along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
 - to latitude 23°28.77' south, longitude 150°52.38' east
 - along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (southern tip of Rosslyn Bay breakwall)
 - to latitude 23°09.52' south, longitude 150°47.10' east (northern end of Rosslyn Bay breakwall)

- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)
- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
- to latitude 22°23.01' south, longitude 149°48.55' east (Charon Point)
- along the shore to latitude 22°20.90' south, longitude 149°41.53' east
- to latitude 22°00.00' south, longitude 149°29.68' east
- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east

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- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
 - to latitude 20°09.54' south, longitude 148°25.36' east
 - along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
 - to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
 - along the shore to latitude 19°16.24' south, longitude 146°50.15' east
 - to latitude 19°16.13' south, longitude 146°50.13' east
 - to latitude 19°15.32' south, longitude 146°50.80' east
 - to latitude 19°14.57' south, longitude 146°50.14' east
 - to latitude 19°14.62' south, longitude 146°50.00' east
 - to latitude 19°15.01' south, longitude 146°49.74' east
 - to latitude 19°14.97' south, longitude 146°49.43' east
 - to latitude 19°14.98' south, longitude 146°49.35' east
 - along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
 - to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
 - along the shore to latitude 17°30.65' south, longitude 146°04.22' east
 - to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
 - along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
 - to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
 - along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
 - to latitude 16°28.83' south, longitude 145°27.34' east

- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 18°19.91' south, longitude 148°20.04' east
- to latitude 18°44.90' south, longitude 152°35.04' east
- to latitude 22°14.90' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

23 Meaning of 'T2' area

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

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

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- along the eastern shore of North Stradbroke Island to latitude 27°26.06' south, longitude 153°32.78' east (Point Lookout)
 - to latitude 27°01.67' south, longitude 153°28.09' east (Cape Moreton)
 - to latitude 26°48.15' south, longitude 153°09.03' east (Caloundra Head)
 - along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)
 - to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)
 - along the shore to latitude 25°48.62' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
 - to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
 - along the eastern shore of Fraser Island to latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape)
 - to latitude 24°44.83' south, longitude 152°23.84' east (Burnett Heads)
 - along the shore to latitude 24°21.40' south, longitude 151°58.66' east
 - to latitude 24°21.40' south, longitude 154°40.08' east
 - to latitude 27°47.32' south, longitude 154°40.08' east
 - to latitude 27°47.90' south, longitude 154°22.08' east
 - to latitude 27°57.91' south, longitude 154°00.06' east.

Schedule 10F Effort unit conversion factor for boats

schedule 11, part 2, definition *effort unit conversion factor*

Number of hull units for boat	Effort unit conversion factor for boat
1	3
2	5
3	6
4	7
5	9
6	10
7	11
8	12
9	13
10	14
11	15
12	16
13	17
14	18
15	19
16	20
17	21
18	22
19	23

Number of hull units for boat	Effort unit conversion factor for boat
20	24
21	25
22	26
23	27
24	28
25	28
26	29
27	30
28	31
29	32
30	33
31	33
32	34
33	35
34	36
35	37
36	37
37	38
38	39
39	40
40	40
41	41
42	42
43	43

Number of hull units for boat	Effort unit conversion factor for boat
44	43
45	44
46	45
47	46
48	46
49	47
50	48
51	49
52	49
53	50
54	51
55	51
56	52
57	53
58	54
59	54
60	55
61	56
62	56
63	57
64	58
65	58
66	59
67	60

Number of hull units for boat	Effort unit conversion factor for boat
68	60
69	61
70 or more	62

Schedule 11 Dictionary

sections 4, 562(3) and 591T(3)

Part 1 Extended definitions

1 References to a commercial fishery *identified by a fishery symbol*

A commercial fishery is *identified by* a fishery symbol if the fishery symbol is a fishery symbol for the fishery.

2 References to *drainage divisions*

- (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.

2A Meaning of *fishing line*

- (1) A *fishing line* means, generally, fishing apparatus consisting of a line that is hand-held or attached to a rod or reel.
- (2) However, a *fishing line* does not include the following—
 - (a) a cross-line;
 - (b) a drum line;
 - (c) a free-floating line;
 - (d) a set line.

3 Meaning of *length of a boat*

- (1) *Length*, of a boat, means the distance between the front and end tips of the boat.

- (2) However, the length does not include anything that does not increase the boat's effective length.

Examples of things that do not increase a boat's effective length—

- an anchor rail
- a bowsprit

Example of things that do increase a boat's effective length—

- additions to the boat's hull (whether fixed temporarily or permanently) that increase the boat's deck area

4 Meaning of *length* of a net

- (1) The *length*, of a beam trawl net, means the distance the net is capable of extending across the beam or pole used to open it.
- (2) The *length*, of a cast net, means the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following—
- (a) the net's lead line;
 - (b) the bottom of the net's lowest pocket.
- (3) The *length*, of an otter trawl net, means—
- (a) for an otter trawl net used under section 613—see section 613(3); 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, means 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, means the total length of the net and the back net in use.

4A Meaning of *nearshore waters*

- (1) *Nearshore waters* are tidal waters that are less than 2m deep at low water.

- (2) However, *nearshore waters* 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.

6 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 each of 10 meshes at least 30cm from each other.
- (2) *Mesh size*, of a net that is knotless, is the average distance, when the mesh of the net is closed, between the inner edges of 2 diagonally opposite corners of each 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.

6A Meaning of *offshore waters*

- (1) *Offshore waters* are tidal waters that are at least 2m deep at low water.
- (2) However, *offshore waters* 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.

6B Meaning of *prescribed stocked impoundment*

- (1) A *prescribed stocked impoundment* is an impoundment mentioned in schedule 10A.
- (2) However, a *prescribed stocked impoundment* includes only the waters up to the full supply level of the impoundment.

7 References to *primary boat* and *tender boat* and related references

- (1) A *primary boat* is a boat identified in either of the following licences as the primary commercial fishing boat for the licence—
 - (a) a commercial fishing boat licence;
 - (b) a commercial harvest fishery licence for the shell fishery under chapter 7, part 4.
- (2) A *tender boat* is a boat, other than a primary boat, that may be used under section 246.
- (3) In a provision about a commercial fishing boat licence or commercial harvest fishery licence—
 - (a) a reference to the *primary boat* is a reference to the primary boat identified in the licence; and
 - (b) a reference to a *tender boat* is a reference to a tender boat that—
 - (i) under section 246(1)(c) may be used under the licence; and
 - (ii) has its boat mark fixed in a way that complies with section 229.
- (4) A reference to a *primary boat's tender boat* is a reference to a tender boat that—
 - (a) under section 246, may be used under the commercial fishing boat licence in which the primary boat is identified; and
 - (b) has its boat mark fixed in a way that complies with section 229.

- (5) A reference to a *tender boat's primary boat* is a reference to the primary boat identified in the commercial fishing boat licence under which the tender boat is being or may be used.

8 Meaning of *recreational fisher* and *recreational fishing*

- (1) A *recreational fisher* is a person who is carrying out recreational fishing.
- (2) A person is carrying out *recreational fishing* if the person takes or possesses fish, unless—
- (a) the person takes or possesses the fish—
 - (i) for trade or commerce; or
 - (ii) in the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth); or
 - (b) the person is an Aborigine and takes or possesses the fish under Aboriginal tradition; or
 - (c) the person is a Torres Strait Islander and takes or possesses the fish under Island custom.
- (3) For subsection (2)(a)(i), trade or commerce does not include trade or commerce that is limited to conducting a charter fishing trip.
- (4) To remove any doubt, it is declared that the following persons may act as a recreational fisher—
- (a) a person who holds an authority that authorises the person to take fish for trade or commerce; or
 - (b) a person who is, under this regulation, authorised to take fish for trade or commerce under an authority mentioned in paragraph (a).
- (5) However, a person acting as a recreational fisher under subsection (4) is subject to any relevant prohibitions or restrictions under this regulation.

Example—

If the person holds, or is acting under, an SM unit or line unit, spanish mackerel or regulated coral reef fin fish taken by the person as a

recreational fisher are included in the use of the entitlements under the SM unit or line unit.

9 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) Also, a reference number for a *river basin* is the reference number for the river basin shown on the freshwater basins map.

9A When is a mesh net a *set mesh net*

- (1) A mesh net is a *set mesh net* if—
 - (a) 2 or more points of the net are each fixed to the ground or a thing to prevent the net from moving from the position in which it is set; or
 - (b) a point of the net is fixed to a boat and another point of the net is fixed to the ground or a thing.
- (2) For subsection (1), the ground includes the bed of a body of water.

9B References to a *stock* of fish by location

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).

10 Meaning of *under direction* for an assistant fisher

- (1) This section states when an assistant fisher is *under direction* of a commercial fisher in a commercial fishery under this regulation.
- (2) The assistant fisher is *under direction* of the commercial fisher if—
 - (a) the assistant fisher and commercial fisher are engaged in—
 - (i) the same fishing operation in a commercial fishery; or
 - (ii) different fishing operations, 1 of which is in the crab fishery; and
 - (b) either—
 - (i) the assistant fisher and commercial fisher are at the same place, in the same vehicle or on the same commercial fishing boat; or
 - (ii) the assistant fisher and commercial fisher are not at the same place, in the same vehicle or on the same commercial fishing boat, but—
 - (A) they are no further apart than the distance authorised under a fishery provision about the commercial fishery; and
 - (B) the assistant fisher is following the commercial fisher's instructions.
- (3) However, in the commercial trawl fishery (fin fish) under chapter 11, part 3, an assistant fisher is *under direction* of a commercial fisher only if the assistant fisher and the commercial fisher are—
 - (a) on the same boat; or
 - (b) on different boats but the assistant fisher is on a tender boat that is not a trawler.

11 Meaning of *whole weight* of spanish mackerel

- (1) The *whole weight* of whole spanish mackerel is the weight, in kilograms, of the spanish mackerel.
- (2) The *whole weight* of spanish mackerel that is filleted, gilled and gutted or trunked is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

WW is the whole weight, in kilograms, of the spanish mackerel.

W is the weight, in kilograms, of the spanish mackerel.

CF is—

- (a) for filleted spanish mackerel—1.61; or
 - (b) for gilled and gutted spanish mackerel—1.05; or
 - (c) for trunked spanish mackerel—1.18.
- (3) The *whole weight* of a number of the spanish mackerel mentioned in subsection (2) is the weight worked out by using the following formula—

$$WW = N \times 7.25$$

where—

WW is the whole weight, in kilograms, of the spanish mackerel, worked out under subsection (2).

N is the number of spanish mackerel.

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

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

$$WW = W \times CF$$

where—

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

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

CF is—

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

$$WW = W \times 1.1$$

where—

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

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

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

13 Working out hull units for a boat

The **hull units**, for a boat, must be 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 beam 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.

14 Meaning of *beam* of a boat

The *beam*, of a boat, means the maximum breadth amidships between—

- (a) if the boat has a metal shell—the moulded lines of its frame; or
- (b) if the boat does not have a metal shell—the outer surfaces of its hull, excluding sponsons, fenders and rubbing strips.

15 Meaning of *depth* of a boat

(1) The *depth*, of a boat, means the vertical distance from its keel datum to—

- (a) if the boat is or was, after 15 December 2000, modified or replaced under chapter 3, part 8 of the repealed 1999 plan, chapter 3, part 8 of the repealed 2010 plan or chapter 7A, part 8—a point amidships that is level with the highest point of its uppermost continuous deck; or
- (b) otherwise—

- (i) for a boat with a stepped uppermost continuous deck the raised part of which extends over amidships—a line of reference extending from the lower part of the deck along a parallel line to the raised part; or
 - (ii) if subparagraph (i) does not apply—the underside of its uppermost continuous deck at the side amidships.
- (2) In this section—

keel datum means—

 - (a) for a composite or wooden boat—the lower edge of its keel rabbet; or
 - (b) for a boat in which the form at the lower part of midship section is of a hollow nature or if thick or horizontal garboards are fitted—the point where the line of the hull bottom shell continued inwards cuts the boat's centre-line; or
 - (c) if, because of the boat's shape, the keel datum can not be worked out under paragraph (a) or (b)—the tangent providing the greatest depth measurement.

16 Working out an engine's *maximum continuous brake kW*

- (1) An engine's *maximum continuous brake kW* must be worked out from the manufacturer's recommended maximum continuous brake kW for its 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.

17 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 a 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.

18 Meaning of *detected by vessel tracking equipment*

The location or movement of a boat is *detected by vessel tracking equipment* if details of the location or movement of the boat have been sent to the chief executive from the vessel tracking equipment installed on the boat.

Part 2 Other definitions

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

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

administrative conditions, for chapter 6, part 4, see section 255.

AIVR system see section 669.

amidships, of a boat, means the vertical plane at the middle of its length at a right angle to its centre-line plane.

annual, in relation to a quota or total quota entitlement, unless otherwise provided, means the period from 1 January to 31 December.

appropriately marked means stated in writing that is—

- (a) legible and permanent; and
- (b) raised or recessed.

approved person, for chapter 13, part 1B, division 3, see section 625J.

approved way, for chapter 13, part 1B, division 3, see section 625J.

assistant fisher see section 233(1).

authorised boat—

- (a) for chapter 5, part 6, division 2, see section 227; or
- (b) for chapter 10, part 3, see section 565; or
- (c) for chapter 10A, part 3, see section 591W; or
- (d) for chapter 11, part 3, division 6, see section 614W; or
- (e) for chapter 14, part 2, see section 644.

authorised person, for chapter 6, part 6, see section 262.

back net means a part of a mesh net that—

-
- (a) is part of the total length of a mesh net; and
 - (b) is no more than 1 quarter of the total length of the mesh net being used; 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 or seine net, remains in the water while the ring or seine net is being used; and
 - (e) is used as an artificial shore for concentrating fish to remove them from the water.

bar, in relation to mesh in a trawl net, means—

- (a) for a knotted trawl net—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 knotless trawl net—a side of a mesh of the net from 1 corner to the next corner.

barramundi (central east coast stock), for schedule 10C, see schedule 10C, section 1.

barramundi (east coast Cape York stock), for schedule 10C, see schedule 10C, section 1.

barramundi (Gulf) regulated period means a regulated period mentioned in the *Fisheries Declaration 2019*, section 21(2).

barramundi (mid north-east coast stock), for schedule 10C, see schedule 10C, section 1.

barramundi (north-west Cape York stock), for schedule 10C, see schedule 10C, section 1.

barramundi (south-east coast stock), for schedule 10C, see schedule 10C, section 1.

barramundi (south-east Gulf of Carpentaria stock), for schedule 10C, see schedule 10C, section 1.

beam, of a boat, see section 14 of this schedule.

beam trawl net means a net with its mouth attached to a beam or pole to keep the net open.

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.

belly rope, for a cod end, means rope that—

- (a) is made from at least 12mm polyethylene rope; and
- (b) runs the length of the cod end.

boat communication notice see section 625K(1).

boat mark, for an authorised boat, see section 228.

boat mark notice see section 227(b).

bottom set line means a line that is anchored to the bed of a body of water in which the line is being used.

bottom set net means a mesh net that is set along the seabed.

BRD means bycatch reduction device.

Brisbane River mouth area–north see schedule 10E, section 1.

Brisbane River mouth area–south see schedule 10E, section 2.

Brisbane River–Victoria Bridge to Juno Point area see schedule 10E, section 3.

C2 fishery licence means a commercial fishing boat licence on which is written the fishery symbol ‘C2’.

canister trap means a trap consisting of a bucket with perforations in the bottom and sides or a similar type of device.

carrier boat licence means a carrier boat licence issued under chapter 5.

cast net means a circular net that is—

- (a) weighted around its outside; and
- (b) has a rope attached to its centre to allow the net to be cast and retrieved.

central area see schedule 10E, section 4.

charter fishing licence means a charter fishing licence issued under chapter 5.

charter fishing trip means a trip on a boat, during which a person uses a boat (the ***charter boat***) to take paying passengers to fish, as recreational fishers, from, or by otherwise using, the charter boat.

Examples of using a boat to fish—

- 1 using the boat to tow a tender that is being used for fishing
- 2 using the boat as a platform for spearfishing or to fish on a reef or sandbank

Cleveland Bay area see schedule 10E, section 5.

collapsible trap means a trap made of rigid material, with 1 or more collapsible sides.

Comboyuro Point to Caloundra Head area see schedule 10E, section 6.

commercial fisher see section 15.

commercial fisher licence means a commercial fisher licence issued under chapter 5.

commercial fishery see section 15A.

commercial fishing apparatus means fishing apparatus other than recreational fishing apparatus.

commercial fishing boat means a primary boat or a tender boat.

commercial fishing boat licence means a commercial fishing boat licence issued under chapter 5.

commercial harvest fishery licence means a commercial harvest fishery licence issued under chapter 5.

commercial trawl fishery (fin fish) see section 609.

compliant crab bag means a crab bag that—

- (a) is made of mesh of a mesh size of at least 88mm; and
- (b) has a circumference of no more than 50 meshes; and
- (c) is installed—

- (i) inside the cod end of the net; and
- (ii) at no more than 50 meshes from the cod end drawstrings of the net.

crab apparatus, for chapter 11, part 1, see section 596(1).

crab fishery means the commercial crab fishery under chapter 11, part 1.

crab pot means fishing apparatus consisting of a cage with a round opening in the top, or an elongated opening (parallel to the base) in the side, for trapping crabs.

cross-line means a line fixed at both ends and set across or in water.

CT line unit means a CT line unit continued under section 756(2).

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

deep water net area see schedule 10E, section 7.

defined port area means any of the areas described in schedule 10, column 2.

department's website means the department's website on the internet.

depth, of a boat, see section 15 of this schedule.

detected by vessel tracking equipment, for a boat, see section 18 of this schedule.

development see the Planning Act, schedule 2.

developmental fishing permit means a developmental fishing permit issued under chapter 5.

dilly means fishing apparatus consisting of a frame and a net that hangs below the frame's horizontal plane when the apparatus is in use.

domestic commercial vessel see the domestic commercial vessel national law, section 7.

domestic commercial vessel national law see the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*, section 20.

drainage division see section 2 of this schedule.

drop line, for chapter 8 part 5, see section 429(1)(a).

drum line means a line, to which a hook is attached, that is suspended from a float anchored to the bed of a body of water in which the line is being used.

east coast trawl fishery see section 392.

east coast trawl fishery area see section 392AA(1).

east coast trawl fishery symbol means a fishery symbol mentioned in section 392AB(2).

eastern ‘N11’ area see section 528(a).

eel licence means a commercial harvest fishery licence on which is written the fishery symbol ‘E’.

eel trap means a mesh trap—

- (a) supported by a rigid rectangular frame; and
- (b) to which a cod-end or pocket is attached.

effort unit means an effort unit continued under section 766(2).

effort unit certificate means a certificate—

- (a) issued under section 101 of the repealed 1999 plan; or
- (b) replaced under section 71 of the Act; or
- (c) changed or replaced under—
 - (i) section 93 of the repealed 2010 plan; or
 - (ii) section 392CI.

effort unit conversion factor, for a boat, means the effort unit conversion factor for the boat stated in schedule 10F opposite the number of hull units for the boat.

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

entitlement—

- (a) under an effort unit, see section 392BO(4); or
- (b) under an ITQ unit, see section 600O(2); or
- (c) under a line unit, see section 591O(4); or
- (d) under an SM unit, see section 557(2); or
- (e) under a T4-ITQ unit, see section 614H(2).

escape hole see section 392BC(2)(b).

F[↑]B sign means a sign with the marking F[↑]B on it, erected or displayed by the chief executive.

Facing Island area see schedule 10E, section 8.

filleting permit means a filleting permit issued under chapter 5.

fin fish means a fish that has a fin at any stage of its life cycle.

first licence, for chapter 6, part 4, see section 256(1)(a).

Fisherman Island area see schedule 10E, section 9.

fisher PIN means—

- (a) for line units—
 - (i) the fisher PIN for the units continued under section 758(2); or
 - (ii) the 4-digit identity number issued for the units under section 591ZR(2); or
 - (iii) if the fisher PIN for the line unit is changed under section 591ZT, the fisher PIN as changed; or
- (b) for SM units—
 - (i) the fisher PIN for the units continued under section 725; or
 - (ii) the 4-digit identity number issued for the units under section 587(2); or
 - (iii) if the fisher PIN for the units is changed under section 589, the fisher PIN as changed; or
- (c) for T4-ITQ units—

- (i) the 4-digit identity number issued for the units under section 614F(b); or
- (ii) if the fisher PIN for the units is changed under section 614S, the fisher PIN as changed.

fishery area, of a commercial fishery, means an area stated in a fishery provision about the commercial fishery as a fishery area of the commercial fishery.

fishery period, for a commercial fishery, see section 268(1).

fishery provision, for a provision about a commercial fishery, means a provision of chapters 7 to 11 about the fishery.

fishery symbol, for a commercial fishery, means a symbol stated in a fishery provision about the fishery as a fishery symbol for the fishery.

fishery symbol movement application means an application under section 256.

fish habitat area plan see section 615(1).

fishing days, for effort units, means the number of days worked out by dividing the total number of the units by the effort unit conversion factor for the boat identified in the effort unit certificate for the units.

fishing line see section 2A of this schedule.

Fitzroy River mouth area see schedule 10E, section 10.

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.

former Authority means—

- (a) the former Queensland Fisheries Management Authority under the Act; or
- (b) the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982*.

free-floating line means a line—

- (a) with or without a float; and

(b) to which is attached a hook; and

(c) that is not fixed.

freshwater 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.

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, means the opening through which fish enter the net.

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

funnel trap means a mesh trap consisting of a rigid frame with funnel-shaped entrances or a similar device.

general fisheries permit see section 204(1)(e).

general purpose mesh net means a mesh net of a type mentioned in a fishery provision under chapter 9, part 2 and used in the way stated in the provision.

Great Sandy Strait area see schedule 10E, section 11.

ground chain means 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.

Gulf 'N11' area see section 528(b).

Gulf of Carpentaria waters means the regulated waters of that name mentioned in the *Fisheries Declaration 2019*, schedule 1.

hand pump means a hand-operated pump used for taking bait.

haul, a net, means to gather or retrieve the net or a part of the net, without the use of a boat, for taking fish.

Hervey Bay area see schedule 10E, section 12.

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.

hull units, for a boat, see section 13 of this schedule.

identified by, in the context of a commercial fishery identified by a fishery symbol, see section 1 of this schedule.

indigenous fishing permit means an indigenous fishing permit issued under chapter 5.

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.

inlet means 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.

ITQ means individual transferable quota.

ITQ unit means an ITQ unit continued under section 746(2).

ITQ unit certificate means—

- (a) an ITQ unit certificate continued under section 747(2); or
- (b) if the certificate is replaced under section 71 of the Act, or changed or replaced under section 600V(2), the certificate as replaced or changed.

ITQ unit holder means a holder of an ITQ unit.

ITQ year means a period of 1 year starting on 1 June in a year and ending on 31 May in the next year.

juvenile eel means an elver or a glass eel.

Keppel Bay area see schedule 10E, section 13.

Laguna Bay area see schedule 10E, section 14.

land, a boat, includes—

- (a) landing a person or thing that is on the boat; and
- (b) moving a person or thing that is on land to the boat.

landing period—

- (a) for chapter 10, part 3, see section 569(e)(i); or
- (b) for chapter 10A, part 3, see section 591ZA(e)(i); or
- (c) for chapter 11, part 3, division 6, see section 614ZA(e)(i).

landing place—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591ZA(c); or
- (c) for chapter 11, part 3, division 6, see section 614ZA(c);
or
- (c) for chapter 13, part 1B, division 3, see section 625J.

leading edge, in relation to a part of a net or a thing used with a net, means the edge nearest to the front opening of the net.

length—

- (a) of a commercial fishing boat—see section 3 of this schedule; or
- (b) of a net—see section 4 of this schedule.

line fishery area—

- (a) for chapter 10, part 1, see section 546; or
- (b) for chapter 10A, part 1, see section 591D.

line fishery symbol—

- (a) for chapter 10, part 1, see section 546; or
- (b) for chapter 10A, part 1, see section 591A.

line unit, for chapter 10A, means a CT line unit, OS line unit or RTE line unit.

line unit certificate means—

- (a) a line unit certificate continued under section 757; or
- (b) if the certificate is replaced under section 71 of the Act, or changed or replaced under section 591ZP(2), the certificate as replaced or changed.

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

Llewellyn Bay area see schedule 10E, section 15.

Logan River area see schedule 10E, section 16.

lure means an artificial bait with 1 or more hooks attached to it.

‘M1’ and ‘M2’ area see schedule 10E, section 17.

‘M1’ licence means a commercial fishing boat licence with an ‘M1’ fishery symbol written on it.

‘M2’ licence means a commercial fishing boat licence with an ‘M2’ fishery symbol written on it.

malfunction, for chapter 13, part 1B, see section 80(6) of the Act.

management A area means an area within a declared fish habitat area identified by the words ‘management A’ on the fish habitat area plan mentioned in schedule 3 for the declared fish habitat area.

management B area means an area within a declared fish habitat area identified by the words ‘management B’ on the fish habitat area plan mentioned in schedule 3 for the declared fish habitat area.

manually reported, for a boat, means notice about a boat’s position and operation given under section 625N.

maximum continuous brake kW see section 16 of this schedule.

mesh net means 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 net that is neither fixed nor hauled, but does not include a net that is hauled by use of a boat for taking fish.

mesh size, of a net, see section 6 of this schedule.

Moreton Bay (trawling) see schedule 10E, section 18.

Moreton Bay (whole) waters means the regulated waters of that name mentioned in the *Fisheries Declaration 2019*, schedule 1.

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.

nearshore waters see section 4A of this schedule.

net that is neither fixed nor hauled means 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.

n mile means nautical mile.

northern area see schedule 10E, section 19.

notification day means the day this regulation was notified in the gazette.

ocean beach fishery means a commercial fishery mentioned in chapter 9, part 1.

ocean beach fishery flag see section 234.

ocean beach net area see section 234.

offshore waters see section 6A of this schedule.

original ocean beach fishery area means a fishery area mentioned in section 437, 440, 443, 446, 449, 452, 455 or 458.

OS line unit means an OS line unit continued under section 756(3).

other Queensland regulated ship means an other Queensland regulated ship under the *Transport Operations (Marine Safety) Act 1994*.

otter trawl net means a net with its mouth kept open by otter boards and the force of water.

permitted fish—

- (a) for chapter 7A, see section 392AC; or
- (b) for chapter 11, part 3, see section 612.

power assisted device means an electrical or mechanical device for setting or retrieving fishing apparatus.

prescribed commercial catch means—

- (a) for a species of fish other than black jewfish—the total weight of fish of the species taken by all commercial fishers that is—
 - (i) calculated periodically by the chief executive from the end of the previous 30 June to the day the calculation is made; and
 - (ii) published by the chief executive in a form that is likely to be accessible for commercial fishers; or

Examples of a form of publication for subparagraph (ii)—

a recorded message on the AIVR system or a notice published on the department's website

- (b) for black jewfish—the total weight of fish of the species taken by all commercial fishers that is—
 - (i) calculated periodically by the chief executive from the end of the previous 31 December to the day the calculation is made; and
 - (ii) published by the chief executive in a form that is likely to be accessible for commercial fishers.

Examples of a form of publication for subparagraph (ii)—

a recorded message on the AIVR system or a notice published on the department's website

prescribed coral reef fin fish, for a line unit, means—

- (a) for a CT line unit—regulated coral trout; or
- (b) for a RTE line unit—redthroat emperor; or
- (c) for an OS line unit—other regulated coral reef fin fish.

prescribed development purpose, for a declared fish habitat area, see section 214.

prescribed numerical code—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

prescribed person—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

prescribed reason, for chapter 10, part 3, see section 565.

prescribed reference document see section 6(3).

prescribed stocked impoundment see section 6B of this schedule.

prescribed whiting, for chapter 11, part 3, see section 609A.

primary boat see section 7 of this schedule.

primary boat mark, for a net, means the boat mark written on the primary boat under which the net is being used.

principal bug see section 392AC(a)(iii).

principal fish see section 392AC(a).

prior notice—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

prior notice area—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

prior notice deadline—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

prior notice particulars—

- (a) for chapter 10, part 3, see section 569; or
- (b) for chapter 10A, part 3, see section 591ZA; or
- (c) for chapter 11, part 3, division 6, see section 614ZA.

process, in relation to fish, includes freezing, packing, refrigerating, sorting or thawing the fish.

published, on the department's website, means published on, or accessible through, the website.

purse seine net means 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.

pyramid trap means a mesh trap with a square-shaped base and 4 triangular sides that meet at a point where there is a trap opening.

ready to fish, for chapter 5, part 7, division 2, see section 235.

recognised BRD see section 392AI.

recognised TED see section 392BC(1)(a).

recreational fisher see section 8(1) of this schedule.

recreational fishing see section 8(2) of this schedule.

recreational fishing apparatus means—

- (a) a spear or spear gun; and
- (b) any of the following fishing apparatus that may be 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 pyramid trap;
- (xi) a round trap;
- (xii) a scoop net;
- (xiii) a seine net.

reef line commercial fishery see section 591B.

regulated cod or grouper means any of the species of fish identified in schedule 5, part 1, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated coral reef fin fish means any of the species of fish identified in schedule 5, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated coral trout means any of the species of fish identified in schedule 5, part 2, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated emperor means any of the species of fish identified in schedule 5, part 3, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated parrotfish means any of the species of fish identified in schedule 5, part 5, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated surgeonfish means any of the species of fish identified in schedule 5, part 6, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated sweetlip means any of the species of fish identified in schedule 5, part 7, whether by express mention or by reference to another taxonomic grouping of the fish.

regulated tropical snapper or seaperch means any of the species of fish identified in schedule 5, part 8, whether by

express mention or by reference to another taxonomic grouping of the fish.

regulated waters—

- (a) generally—means the waters declared to be regulated waters under the *Fisheries Declaration 2019*, section 10; or
- (b) if specifically referred to by name or description—see section 9.

regulated wrasse means any of the species of fish identified in schedule 5, part 9, whether by express mention or by reference to another taxonomic grouping of the fish.

relevant authority—

- (a) for chapter 13, part 1B—see section 625F(1); or
- (b) for chapter 14, part 2—see section 644.

relevant boat, for a relevant authority, for chapter 13, part 1B, see section 80(1)(b) of the Act and section 625F(2).

relevant fish, for chapter 14, part 5, see section 659.

relevant fishery, for chapter 6, part 6, see section 263(1).

relevant period—

- (a) for chapter 13, part 1B, see section 625H; or
- (b) for chapter 14, part 2, division 2, see section 645(b); or
- (c) for chapter 14, part 2, division 3, see section 649(b).

relevant person, for chapter 14, part 2, division 3, see section 649(c).

relevant quantity particulars see section 654.

repealed 1999 plan means the repealed *Fisheries (East Coast Trawl) Management Plan 1999*.

repealed 2010 plan means the repealed *Fisheries (East Coast Trawl) Management Plan 2010*.

Repulse Bay area see schedule 10E, section 20.

resource allocation authority means a resource allocation authority issued under chapter 5, part 3.

ring net means a mesh net shot in a way that allows it to encircle the fish being targeted.

river basin see section 9 of this schedule.

round eel trap means a mesh trap—

- (a) supported by a rigid cylindrical frame; and
- (b) to which a cod-end or pocket is attached.

round trap means a mesh trap supported by a rigid cylindrical frame.

RQ fishery licence means a commercial fishing boat licence on which is written the fishery symbol ‘RQ’.

RTE line unit means a RTE line unit continued under section 756(4).

sale docket, see section 655(1).

scoop net means a mesh net, with a handle, that can be used to take fish by being formed into a scoop.

second licence, for chapter 6, part 4, see section 256(1)(b).

seine net means 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.

set, a net, means fix the net or part of it in a way that it can trap fish.

set line means a line used to take fish that—

- (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 it 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

set mesh net see section 9A of this schedule.

set pocket net means a bag shaped set net placed across a current or tide to trap fish.

shell dredge means a rigid device that is used for gathering shells as it is dragged along the substrate.

shoot, a net, means place or spread the net, or part of it, in a way that it can trap fish.

Sinclair Bay area see schedule 10E, section 21.

SM fishery licence means a licence under the Act with the fishery symbol ‘SM’ written on it.

SM unit means an SM unit continued under section 723.

SM unit certificate means—

- (a) an SM unit certificate continued under section 724; or
- (b) if the certificate is replaced under section 71 of the Act, or changed or replaced under section 585(2), the certificate as replaced or changed.

SM unit holder means a holder of an SM unit.

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

spear gun includes a bow for propelling a spear.

species, of fish, for chapter 1, part 2, division 3, see section 5.

square mesh means netting material orientated so the direction of the mesh twine is longitudinal and transverse to the length of the cod end.

steaming day see section 392BO(1).

stock, of a species of fish by reference to a location, see section 9B of this schedule.

stocked impoundment permit means a stocked impoundment permit issued under chapter 5.

stowed and secured see section 4A.

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—

- (a) for an otter trawl net used under section 613—see section 613(5) and (6); or
- (b) otherwise—see section 17 of this schedule.

‘T1’ area see schedule 10E, section 22.

T1 effort units see section 392BO(1)(a).

‘T1’ licence means a commercial fishing boat licence with a ‘T1’ fishery symbol written on it.

‘T2’ area see schedule 10E, section 23.

T2 effort units see section 392BO(1)(b).

‘T2’ licence means a commercial fishing boat licence with a ‘T2’ fishery symbol written on it.

T4 fishery licence means a commercial fishing boat licence on which is written the fishery symbol ‘T4’.

T4-ITQ unit means a T4-ITQ unit issued under section 614E(1).

T4-ITQ unit certificate means—

- (a) a T4-ITQ unit certificate issued under section 614E(2); or
- (b) if the certificate is replaced under section 71 of the Act, or changed, replaced or issued under section 614O(2), the certificate as replaced, changed or issued.

T4-ITQ unit holder means a holder of a T4-ITQ unit.

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

Note—

See, however, section 751.

‘T5’ licence means a commercial fishing boat licence with a ‘T5’ fishery symbol written on it.

‘T6’ licence means a commercial fishing boat licence with a ‘T6’ fishery symbol written on it.

‘T7’ licence means a commercial fishing boat licence with a ‘T7’ fishery symbol written on it.

‘T8’ licence means a commercial fishing boat licence with a ‘T8’ fishery symbol written on it.

‘T9’ licence means a commercial fishing boat licence with a ‘T9’ fishery symbol written on it.

TED means turtle excluder device.

tender boat see section 7 of this schedule.

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

the licence, for a fishery provision, see section 16.

tickler chain means 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.

trailing edge, in relation to a part of a net or a thing used with a net, means the edge furthest from the front opening of the net.

transaction number, for a transaction carried out using the AIVR system, see section 670(1)(b).

transshipment notice—

- (a) for chapter 10, part 3, see section 576(2); or
- (b) for chapter 10A, part 3, see section 591ZG(2).

transport vessel—

- (a) for chapter 10, part 3, see section 576(1)(b); or
- (b) for chapter 10A, part 3, see section 591ZG(1)(b).

trap entrance, for chapter 7, part 3A, see section 310K(1)(a).

trap pocket entrance, for chapter 7, part 3A, see section 310K(1)(b).

trawling see section 392.

trawl net means any net described in a provision of chapter 7A, part 9 and any other fishing apparatus normally used with it.

Examples of other fishing apparatus—

ground chains or ropes

trawl shoe, of a beam, otter board or trawl sled, means the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor.

trunked, for a fish, means the fish has had its head or tail removed.

try net means an otter or beam trawl net of the following lengths, 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—

- (a) for an otter trawl net—no longer than 10m; or
- (b) for a beam trawl net—no longer than 2.5m.

tunnel net means a net, supported by stakes, in which there is an opening so fish trapped by the net can enter a trough or tunnel formed by the net.

unallocated State land see the *Land Act 1994*, schedule 6.

under direction, for an assistant fisher, see section 10 of this schedule.

unit PIN means—

- (a) for line units—
 - (i) the unit PIN for the units continued under section 759; or
 - (ii) if the unit PIN for the units is changed under section 591ZS, the unit PIN as changed; or
- (b) for SM units—

- (i) the unit PIN for the units continued under section 726; or
- (ii) if the unit PIN for the units is changed under section 588, the unit PIN as changed; or
- (c) for T4-ITQ units—
 - (i) the unit PIN for the units issued under section 614F(a); or
 - (ii) if the unit PIN for the units is changed under section 614R, the unit PIN as changed.

unload, for fish, means—

- (a) if the fish have been taken by a commercial fisher and are on a commercial fishing boat—
 - (i) moving the fish from the boat, or a transport vessel to which the fish have been transferred, to a vehicle or a place; or
 - Examples of a place for subparagraph (i)—*
 - a wharf, an enclosed part of Queensland waters used to keep live fish, a place on land
 - (ii) moving the boat while the fish are on the boat to a place on land; or
- (b) if the fish have been taken by a recreational fisher and are on a boat—
 - (i) moving the fish from the boat to a vehicle or a place on land; or
 - (ii) moving the boat while the fish are on the boat to a place on land.

unloaded fish notice—

- (a) for chapter 10, see section 581(2); or
- (b) for chapter 10A, see section 591ZL(2); or
- (c) for chapter 11, part 3, division 6, see section 614ZK(2).

unloading area—

- (a) for chapter 10, part 3, see section 565; or

- (b) for chapter 10A, part 3, see section 591W; or
- (c) for chapter 11, part 3, division 6, see section 614W.

unloading particular—

- (a) for chapter 10, part 3, see section 569(d); or
- (b) for chapter 10A, part 3, see section 591ZA(d); or
- (c) for chapter 11, part 3, division 6, see section 614ZA(d).

unnotifiable landing notice—

- (a) for chapter 10, part 3, see section 578(2); or
- (b) for chapter 10A, part 3, see section 591ZI(2); or
- (c) for chapter 11, part 3, division 6, see section 614ZH(2).

unused entitlement—

- (a) for ITQ units, see section 600P(2); or
- (b) for line units, see section 591P(2); or
- (c) for SM units, see section 558(2); or
- (d) for T4-ITQ units, see section 614I(2).

usage notice see section 392CL(2).

use—

- (a) a net, includes setting and shooting the net; or
- (b) a trawl net, includes—
 - (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

used—

- (a) for a boat, on a fishing or steaming day, see section 392BQ; or
- (b) for effort units, see section 392BP; or
- (c) for an entitlement under an ITQ unit, see section 600P(1); or

- (d) for an entitlement under a line unit, see section 591P(1);
or
- (e) for an entitlement under a SM unit, see section 558(1);
or
- (f) for an entitlement under a T4-ITQ unit, see
section 614I(1).

vessel tracking standard, for chapter 13, part 1B, see
section 625E.

whole weight—

- (a) for an amount of spanish mackerel—see section 11 of
this schedule; or
- (b) for an amount of regulated coral reef fin fish—see
section 12 of this schedule.

working properly, for chapter 13, part 1B, see section 80(6)
of the Act.