

Queensland



Subordinate Legislation 1993 No. 8

*Fishing Industry Organisation and Marketing Act 1982*

**FISHING INDUSTRY ORGANISATION AND  
MARKETING AMENDMENT REGULATION  
(No. 1) 1993**

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**Short title**

1. This regulation may be cited as the *Fishing Industry Organisation and Marketing Amendment Regulation (No. 1) 1993*.

**Amended regulation**

2. The *Fishing Industry Organization and Marketing Regulation 1991* is amended as set out in this regulation.

**Replacement of s.1 (Short title)**

3. Section 1—

*omit, insert—*

**‘Short title**

‘1. This regulation may be cited as the *Fishing Industry Organisation and Marketing Regulation 1991*.’.

**Amendment of s.3 (Interpretation)**

4. Section 3(1) (definition “**size of mesh**”)—

*omit* ‘the net is’, *insert* ‘the meshes of the net are’.

**Amendment of s.7 (Master fisherman’s licence)**

5. Section 7(a)—

*omit* ‘from a vessel which is not a commercial fishing vessel’,

*insert* ‘other than from, or with the use of, a licensed commercial fishing vessel’.

**Amendment of s.12 (Length of vessels)**

6. Section 12(2)—

*omit, insert—*

‘(2) Except as provided by subsection (4), subsection (1) does not prevent the use, by the holder of a commercial fishing vessel licence that is in force on the day that this regulation commences, of a commercial fishing vessel mentioned in the licence, or a replacement vessel approved under subsection (2A)—

- (a) that exceeds a length specified in subsection (1)(a) or (b); and
- (b) in waters where the use of that vessel was previously permitted.

‘(2A) Subject to subsection (4), the holder of a commercial fishing vessel licence in relation to a vessel mentioned in subsection (1)(a), may, subject to the approval of the Authority, replace the vessel with another vessel that has a length that is equivalent to, or less than, the length of the vessel that is being replaced.’.

#### **Amendment of s.22 (Endorsement symbols)**

7. Section 22(1)—

*omit, insert—*

‘(1) The Authority—

- (a) must endorse a primary commercial fishing vessel licence; and
- (b) may endorse a tender commercial fishing vessel licence;

with 1 or more of the symbols ‘A’, ‘B’, ‘C’, ‘E’, ‘F’, ‘G’, ‘H’, ‘I’, ‘J’, ‘K’, ‘L’, ‘M’, ‘N’, ‘O’, ‘P’, ‘Q’, ‘R’, ‘T’, ‘U’, ‘V’, ‘W’, ‘X’ and ‘Z’.’.

#### **Amendment of s.23 (Restrictions on apparatus)**

8. Section 23(b)—

*omit, insert—*

- ‘(b) the person in charge of the commercial fishing vessel to which the licence relates must only use the apparatus prescribed for use under 1 fishery endorsement at any one time except in the case of endorsement ‘F’ in which case crab pots and the apparatus under 1 other fishery endorsement may be used at the same time;’.

**Amendment of s.29 (Use or possession of apparatus)****9.** Section 29(f)—*omit, insert—*

- ‘(f) after shooting a net, contravene any prescribed conditions for the use of the net; or’.

**Amendment of s.37 (Fish or marine product protected on account of gender)****10.** Section 37(b)—*omit ‘Scyllaridae’, insert ‘Scyllaridae’.***Amendment of s.39 (Certain acts prohibited)****11.(1)** Section 39(2)(b)—*omit, insert—*

- ‘(b) the person has purchased the crab meat or crab from a processor for subsequent resale; or’.

**(2)** After section 39(2)—*insert—***‘(3)** A person who is not an authorised person must not—

- (a) take any fish or marine product for a commercial purpose; or
- (b) have in possession any fish or marine product on board a commercial fishing vessel; or
- (c) have in possession any fish or marine product in a vessel for transportation for a commercial purpose;

in the waters of Pumicestone Passage as described in paragraph 1 of fishery endorsement Q of Schedule 3.

**‘(4)** A licensed fisher must not—

- (a) take barramundi; or

- (b) have barramundi in possession on board a commercial fishing vessel;

other than under the authority of a commercial fishing vessel licence endorsed under section 22 with the symbol 'B' or 'G'.

'(5) A licensed fisher must not use any nets, other than a net mentioned in serial 7 of Schedule 5, in the ocean beach net fishery between 1 April and 31 August in a year unless the person is the holder of a licence endorsed under section 22 with the symbol 'A'.

'(6) In this section—

**"authorised person"** means a person who is—

- (a) the holder of a commercial fishing vessel licence endorsed under section 22 with the letter 'Q'; or
- (b) authorised under sections 35A or 43 of the Act; or
- (c) exempted under section 117 of the Act.'

### **Amendment of Schedule 3 (Fisheries endorsements)**

**12.(1)** Schedule 3 (endorsement K, paragraph 3)—

*omit, insert—*

**'3.** If fishery operations are carried out—

- (a) in the waters of Cleveland Bay described in paragraph 3(d) of apparatus Serial No. 26; or
- (b) in the waters of Sinclair Bay described in paragraph 3(g) of apparatus Serial No. 26;

inshore beam trawl apparatus Serial No. 26 must be used.'

**(2)** Schedule 3 (endorsement N, paragraph 2)—

*omit, insert—*

**'2.** Only apparatus Serial No. 1, 2, 3, 4, 5, 6, 10, 11, 12, 15A, 17, 18, 19 or 21 is to be used.'

**(3)** Schedule 3 (after endorsement P)—

*insert—*

**‘Q. Pumicestone Passage fishery**

‘1. Fishery operations are to be carried out only in the waters of Pumicestone Passage bounded—

- (a) on the south by a direct line from the south end of South Esplanade, Bongaree on Bribie Island to the south-eastern extremity of Toorbul Point on the mainland, as shown by fishery boundary boards located near the sites; and
- (b) on the north by a direct line from the south end of the sand spit at Kings Beach to the north end of Bribie Island, as shown by fishery boundary boards located near the sites.

‘2. Only the apparatus permitted under the fishery endorsements on the primary commercial fishing vessel is to be used.

‘3. The endorsement is valid only while—

- (a) the primary commercial fishing vessel licence to which it relates continues to be held in the same name as at the day this provision commences; and
- (b) the vessel is operated by the master fisherman named on the vessel licence.

**‘R. South Queensland spanner crab fishery**

‘1. Fishery operations are to be carried out only in the waters bounded by a line—

- (a) starting at the intersection of the parallel of latitude 25° south with the foreshore at low water mark on Fraser Island (near Indian Head); and
- (b) then due east along that parallel to its intersection with the meridian 154° east longitude; and
- (c) then south along that meridian to its intersection with 27°58' south latitude; and
- (d) then generally south-west in a direct line to the intersection of 28°10' south latitude with the Territorial Sea Baseline of the east coast of Queensland (Queensland/New South Wales border); and

- (e) then in a generally north direction along the Territorial Sea Baseline to Point Lookout on North Stradbroke Island; and
- (f) then generally west along the foreshore of North Stradbroke Island at low water mark to Amity Point; and
- (g) then in a direct line to the most southern point of Moreton Island; and
- (h) then generally north along the ocean foreshore of Moreton Island at low water mark to Cape Moreton; and
- (i) then generally west along the foreshore of Moreton Island at low water mark to Comboyuro Point; and
- (j) then in a direct line to Skirmish Point on Bribie Island; and
- (k) then along the ocean foreshore of Bribie Island at low water mark to the most northern point of Bribie Island; and
- (l) then in a direct line to Caloundra Head; and
- (m) then in a generally north direction along the Territorial Sea Baseline to the point of commencement.

‘2. Only apparatus Serial No. 7 or 32 is to be used.’.

(4) Schedule 3 (endorsement S)—

*omit.*

(5) Schedule 3 (endorsement U)—

*omit, insert—*

#### **‘U. Shell fishery**

‘1. Fishery operations are to be carried out only in tidal waters in which the use of shell dredges is not prohibited.

‘2. Only apparatus Serial No. 37 is to be used.

#### **‘V. Spear fishery**

‘1. Fishery operations are to be carried out only in tidal waters in which the use of spears and spear guns is not prohibited.

‘2. Only apparatus Serial No. 36 is to be used.

**‘W. South Queensland spanner crab and line fishery**

**‘1.** Fishery operations are to be carried out only in waters bounded by a line—

- (a) starting at the intersection of the parallel of latitude 25° south with the foreshore at low water mark on Fraser Island (near Indian Head); and
- (b) then due east along that parallel to its intersection with the meridian 154° east longitude; and
- (c) then south along that meridian to its intersection with 27°58' south latitude; and
- (d) then generally south-west in a direct line to the intersection of 28°10' south latitude with the Territorial Sea Baseline of the east coast of Queensland (Queensland/New South Wales border); and
- (e) then generally north along the Territorial Sea Baseline to Point Lookout on North Stradbroke Island; and
- (f) then generally west along the foreshore of North Stradbroke Island at low water mark to Amity Point; and
- (g) then in a direct line to the most southern point of Moreton Island; and
- (h) then generally north along the ocean foreshore of Moreton Island at low water mark to Cape Moreton; and
- (i) then generally west along the foreshore of Moreton Island at low water mark to Comboyuro Point; and
- (j) then in a direct line to Skirmish Point on Bribie Island; and
- (k) then along the ocean foreshore of Bribie Island at low water mark to the most northern point of Bribie Island; and
- (l) then in a direct line to Caloundra Head; and
- (m) then in a generally north direction along the Territorial Sea Baseline to the point of commencement.

**‘2.** Only apparatus Serial No. 7, 32 or 35 is to be used.

**‘X. Restricted spanner crab and line fishery**

‘1. Fishery operations are to be carried out only in waters bounded by a line—

- (a) starting at the intersection of parallel of latitude 25° south with the foreshore at low water mark on Fraser Island (near Indian Head); and
- (b) then due east along that parallel to its intersection with the meridian 154° east longitude; and
- (c) then south along that meridian to its intersection with 27°58' south latitude; and
- (d) then generally south west in a direct line to the intersection of 28°10' south latitude with the Territorial Sea Baseline of the east coast of Queensland (Queensland/New South Wales border); and
- (e) then generally north along the Territorial Sea Baseline to Point Lookout on North Stradbroke Island; and
- (f) then generally west along the foreshore of North Stradbroke Island at low water mark to Amity Point; and
- (g) then in a direct line to the most southern point of Moreton Island; and
- (h) then generally north along the ocean foreshore of Moreton Island at low water mark to Cape Moreton; and
- (i) then generally west along the foreshore of Moreton Island at low water mark to Comboyuro Point; and
- (j) then in a direct line to Skirmish Point on Bribie Island; and
- (k) then along the ocean foreshore of Bribie Island at low water mark to the most northern point of Bribie Island; and
- (l) then in a direct line to Caloundra Head; and
- (m) then in a generally north direction along the Territorial Sea Baseline to the point of commencement.

‘2. Only apparatus Serial No. 7, 32 or 35 is to be used.

‘3. The endorsement is valid only while the vessel to which it relates is the subject of a current New South Wales licence.

**‘Z. Area No. 3—river beam trawl fishery**

‘1. Fishery operations are to be carried out only in waters between the north head of the Burrum River and Richards Point (Rodds Peninsula) on the east coast of Queensland.

‘2. Only apparatus Serial No. 22 is to be used.

‘3. The endorsement is valid only while—

- (a) the primary commercial fishing vessel licence to which it relates continues to be held in the same name as at the day this provision commences; and
- (b) is only valid while the vessel is operated by the master fisherman named on the vessel licence.’.

**Amendment of Schedule 5 (Apparatus which may be used by licensed fishers using commercial fishing vessels)**

**13.(1)** Schedule 5 (Serial No. 2, paragraph 3)—  
*omit ‘15’, insert ‘31’.*

**(2)** Schedule 5 (Serial No. 12, paragraph 1(d))—  
*omit, insert—*

‘(d) a size of mesh—

- (i) of not less than 25 mm for a maximum of 400 m adjacent to the tunnel; and
- (ii) of not less than 44 mm for the remainder of the net excluding the tunnel; and
- (iii) of not more than 50 mm for the tunnel;  
must be used.’.

**(3)** Schedule 5 (Serial No. 12, paragraph 2(c)(i))—  
*omit, insert—*

- ‘(i) between a direct line from the north head of Snapper Creek to the south head of Carlo Creek, and a direct line from the south head of Kauri Creek to Inskip Point;’.

(4) Schedule 5 (at the end of Serial No.15)—

*insert—*

**‘Serial No.15A—Northern Hervey Bay salmon foreshore set gill net**

‘1. A net that has—

- (a) a length of up to 120 m and a size of mesh of 100–245 mm; and
- (b) a depth of drop of not more than 50 meshes;

must be used.

‘2. A net is to be used only to take unprotected species of fish in tidal waters on the foreshores between the north head of Baffle Creek and the north head of Burnett River.

‘3. A net must not be set within—

- (a) 200 m of the bathing reserve at Moore Park or any jetty or wharf;  
or
- (b) 100 m of another net that is in use.

‘4. Not more than one-third of the total length of the net may extend beyond the seaward limit of the foreshore.

‘5. The net must be anchored or fixed only at the ends.

‘6. A licensed fisher must be at the net.

‘7. No part of the net containing fish is to be in water less than 300 mm deep at any time while the net is set.

‘8. The net must not be used between 12 noon, EST, on 1 September in any year and 12 noon, EST, on 1 February in the following year.’.

(5) Schedule 5 (Serial No. 16 (heading))—

*omit, insert—*

**‘River entrance and foreshore set gill net’.**

(6) Schedule 5 (Serial No. 16, paragraph 2)—

*omit, insert—*

**‘2.** The net is to be used only to take unprotected species of fish in tidal waters—

- (a) of any foreshore, including the foreshore of an entrance to a river or creek between Cape Flattery and the north head of Baffle Creek; and
- (b) surrounding Girt Island to a distance of 1000 m.’.

(7) Schedule 5 (Serial No. 17 paragraph 2(e))—

*omit ‘Elliott River’, insert ‘Baffle Creek’.*

(8) Schedule 5 (Serial No. 18, paragraphs 1 and 2)—

*omit, insert—*

**‘1.** A net that has—

- (a) a length of not more than 600 m; and
- (b) a size of mesh of not less than 88 mm;

must be used.

**‘2.** The net is to be used only to take unprotected species of fish in tidal waters of Hervey Bay (other than rivers and creeks) having a depth of 2 m or more at any stage of the tide and contained within a boundary—

- (a) starting at high water mark at the south head of Baffle Creek; and
- (b) then in a direct line due east to the meridian of 153° east longitude; and
- (c) then generally south along 153° east longitude to where that line intersects high water mark near Sandy Cape (Fraser Island); and
- (d) then in a direct line to high water mark at Dayman Point on the mainland; and
- (e) then by high water mark to the point of commencement.

**‘3.** If the net is used in the area south of a line commencing at high water mark at the south head of the Elliott River then due east to 153° east longitude—

- (a) the net must—

- (i) be made of monofilament of a diameter not greater than 0.65 mm; and
- (ii) have a depth of not more than 33 meshes; and
- (b) the master fisherman who sets the net must remain at the net while it is set or in use.’.

**(9)** Schedule 5 (Serial No. 21, paragraph 1)—

*omit ‘more’, insert ‘less’.*

**(10)** Schedule 5 (Serial No. 22 (after paragraph 2(e)(iii))—

*insert—*

‘(iv) the waters of Keppel Bay and all waters, rivers and creeks flowing or connected to those waters, west of the line—

- (A) starting at high water mark at Cattle Point; and
- (B) then in a direct line to an unnamed point at high water mark on Curtis Island approximately 1.24 n miles north of the north head of Maria Inlet; and
- (C) then by high water mark on Curtis Island to the south head of Barker Creek; and
- (D) then in a direct line across The Narrows to the south head of Deception Creek at Division Point at high water mark.’.

**(11)** Schedule 5 (Serial No. 23, paragraph 2)—

*omit, insert—*

**‘2.** The net is to be used only to take any unprotected species of prawns in waters near the Fitzroy River mouth, west and south of a direct line—

- (a) from Cattle Point to an unnamed point on Curtis Island approximately 1.24 n miles north of the north head of Maria Inlet; and
- (b) then generally south east by high water mark on Curtis Island to the south head of Barker Creek; and
- (c) then in a direct line across The Narrows to the south head of Deception Creek at Division Point at high water mark including

the waters of all rivers and creeks flowing into or connected with those waters.’.

(12) Schedule 5 (Serial No. 25, paragraph 1)—

*omit* ‘8 metres’, *insert* ‘16 m’.

(13) Schedule 5 (Serial No. 25, paragraph 3)—

*omit* ‘8 metres’, *insert* ‘16 m’.

(14) Schedule 5 (Serial No. 26, after paragraph 3(f))—

*insert*—

‘(g) of Sinclair Bay commencing at the intersection of 148°25.3' east longitude and the foreshore at high water mark—

(i) then in a direct line generally north east to the intersection of 148°26.75' east longitude and the foreshore at high water mark; and

(ii) then generally south west by high water mark to the point of commencement;

but not the waters of rivers and creeks flowing into or connected with those waters.’.

(15) Schedule 5 (Serial No. 27, paragraph 3(h))—

*omit, insert*—

‘(h) the waters of Sinclair Bay referred to in Serial No. 26; and

(i) the waters of all creeks and rivers.’.

(16) Schedule 5 (Serial No. 33, after paragraph 5)—

*insert*—

‘6. The apparatus is not to be used in conjunction with apparatus Serial No. 34.’.

(17) Schedule 5 (Serial No. 34)—

*omit, insert*—

**‘Serial No. 34—Trot line or Bottom Set line**

‘1. A trot line or a bottom set line having not more than 300 hooks must be used.

‘2. The line is only to be used to take any unprotected species of fish in waters off the east coast of Queensland, east of the 100 fathom (200 m) bathometric line having a depth greater than 100 fathom (200 m), and in waters of the Gulf of Carpentaria having a depth greater than 10 fathoms (20 m).

‘3. Up to 3 lines may be used, if no more than 300 hooks in total are used.

‘4. The master fisherman who sets the lines must be at the lines while they are in the water.

‘5. The lines must be marked at each end with a light coloured float not less than 30 cm in any dimension.

‘6. The apparatus is not to be used in conjunction with apparatus Serial No. 33.’.

**Amendment of Schedule 6 (Apparatus for general use for taking fish)**

14.(1) Schedule 6 (Serial No. 6, after paragraph 1(a))—

*insert ‘or’.*

(2) Schedule 6 (after Serial 10)—

*insert—*

**‘11. Hand pump**

‘A hand pump may be used in tidal waters to take any unprotected species of yabbies.

**‘12. Worm digging fork**

‘A worm digging fork that has—

- (a) a handle length of not more than 1 m; and
- (b) not more than 12 tines attached to the handle;

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may be used in tidal waters to take any unprotected species of beach worms.’.

**Amendment of Schedule 7 (Waters in which spear guns are illegal apparatus)**

**15.** At the end of Schedule 7—

*insert—*

‘Cooktown (Endeavour River)

The waters within 100 m of the main wharf and pontoons at Cooktown on the Endeavour River.

Horseshoe Bay (Bowen)

The foreshores for a distance seawards of 50 m from low water mark from the boat ramp in Greys Bay around Cape Edgecumbe to the eastern headland of Horseshoe Bay.’.

**Amendment of Schedule 8 (Species of fish and marine product protected on account of size or weight)**

**16.(1)** Schedule 8 (before heading)—

*omit* ‘(reg.33)’, *insert* ‘s.34’.

**(2)** Schedule 8 (paragraph 4)—

*omit* ‘Freshwater (*Maccullochella* spp.) less than 50 cm or more than 120 cm’,

*insert* ‘Freshwater (*Maccullochella* spp.) less than 50 cm’.

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ENDNOTES

1. Made by the Governor in Council on 28 January 1993.
2. Notified in the Gazette on 29 January 1993.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.

