



Queensland

Fisheries Act 1994

Fisheries (Coral Reef Fin Fish) Management Plan 2003

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(includes commenced amendments up to 2004 SL No. 111)**

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- a correction
- a retrospective provision
- other relevant information.



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[as amended by all amendments that commenced on or before 2 July 2004]

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This management plan may be cited as the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

2 Commencement

- (1) The following provisions commence 3 months after the notification day—
 - (a) chapter 2, part 2;
 - (b) chapter 3, part 3, division 1;
 - (c) chapter 3, part 3, division 2, subdivisions 1 to 3;
 - (d) chapter 4.
- (2) The following provisions commence on 1 July 2004—
 - (a) chapter 3, part 3, division 2, subdivision 4;
 - (b) sections 153 to 156.¹

¹ The *Fisheries Management Plans Amendment Management Plan (No. 1) 2004* provides for the replacement of chapter 3, part 3, division 2, subdivision 4, and sections 153–156 immediately after the commencement of the provisions.

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3 Application of plan

This plan applies to the taking, possessing and other uses of coral reef fin fish (the *fishery*).²

4 Main purpose of plan and its achievement

- (1) The main purpose of this management plan is to provide for the use, conservation and enhancement of the community's coral reef fin fish resources by managing commercial and recreational fishing, fishing by Aborigines and Torres Strait Islanders and commercial fishing tours, for the fishery in a way that seeks to—
 - (a) apply and balance the principles of ecologically sustainable development; and
 - (b) promote ecologically sustainable development.
- (2) Schedule 1 states how the main purpose must be achieved.
- (3) The achievement of the main purpose must be—
 - (a) measured in the way stated in the schedule; and
 - (b) reviewed by the chief executive under section 148³ if a review event stated in the schedule happens.
- (4) In this section—

principles of ecologically sustainable development has the meaning given under section 3(3) of the Act.

2 See, also, schedule 12 (Line fisheries (commercial)), parts 4 (Line fishery (Queensland Fisheries Joint Authority No. 1)) and 5 (Line fishery (Queensland Fisheries Joint Authority No. 2)) of the regulation.

3 Section 148 (Consultation for review)

Part 2 Interpretation

5 Interpretation

- (1) Unless this plan provides otherwise, terms used in it have the meaning given in the regulation.
- (2) Subsection (1) is not limited to a term defined in the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

Example for subsection (2)—

Part 2, divisions 2 and 3 of the regulation.

- (3) The dictionary in schedule 8 defines particular terms used in this plan.

6 Scientific names of coral reef fin fish

- (1) The scientific names of coral reef fin fish are stated in schedule 2.
- (2) The scientific names follow—
 - (a) for bar rockcod, crimson seaperch (small mouth nannygai), goldband snapper, hapuku and saddletail seaperch (large mouth nannygai)—Yearsley, G.K., Last, P.R. and Ward, R.D. (eds), 1999, *Australian Seafood Handbook, Domestic Species*, CSIRO Marine Research, Melbourne, Victoria; and
 - (b) for eight-bar grouper—Heemstra, P.C. and Randall, J.E., 1993, *FAO Species Catalogue, volume 16, Groupers of the world (family Serranidae, subfamily Ephinephelidae), an annotated and illustrated catalogue of the grouper, rockcod, hind, coral grouper and lyretail species known to date*, *FAO Fish. Synop.*, (125) 16:382 p; and
 - (c) for coral reef fin fish not mentioned in paragraph (a) or (b)—Randall, John E., Allen, Gerald R. and Steene, Roger C., 1997, *The Complete Divers and Fishermen's Guide to Fishes of the Great Barrier Reef and Coral*

Sea, 2nd revised ed, Crawford House Publishing Pty Ltd, Bathurst, Australia.

6A References to latitudes and longitudes—sch 3A

- (1) Latitudes and longitudes mentioned in schedule 3A⁴ are worked out using WGS 84.⁵
- (2) In this section—

WGS 84 means the ‘World Geodetic System 1984’ (commonly called ‘WGS 84’) defined in the technical report titled ‘Department of Defense—World Geodetic System 1984—Its Definition and Relationships with Local Geodetic Systems’, third edition, published by the (US) National Imagery and Mapping Agency.⁶

Chapter 2 Closed waters and regulated fish declarations

Part 1 Closed waters

Division 1 Annual closures

7 Closures—sch 3

- (1) Waters east of longitude 142°31.82' east between latitude 10°41.00' south and latitude 24°50.00' south are closed waters.

4 Schedule 3A (Grey nurse shark protection area water closures)

5 See also section 2A (References to latitudes and longitudes) of the regulation.

6 The technical report may be accessed on the Internet at the website of Geoscience Australia at <www.ga.gov.au>. At the commencement of this section, the report could be accessed at <www.ga.gov.au/nmd/geodesy/datums/wgs.jsp>.

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- (2) The waters are closed waters for the periods stated in schedule 3.

8 Prohibited activities

- (1) Person must not—
- (a) take coral reef fin fish from closed waters under this division; or
 - (b) possess coral reef fin fish taken from closed waters under this division; or
 - (c) possess coral reef fin fish on board a boat in closed waters under this division, whether or not the fish were taken from the closed waters.
- (2) However, subsection (1)(c) does not apply to coral reef fin fish that—
- (a) are possessed—
 - (i) on board a boat, other than a commercial fishing boat or a boat that has prescribed fishing apparatus on board, for the purpose of consumption by persons on board the boat; or
 - (ii) on board a boat used for a commercial fishing tour conducted for an uninterrupted period of at least 24 hours; and
 - (b) were not taken from the closed waters.
- (3) This section applies to everybody.
- (4) In this section—
- prescribed fishing apparatus*** means—
- (a) commercial fishing apparatus; or
 - (b) fishing apparatus that may be used by a recreational fisher, under section 139,⁷ to take coral reef fin fish.

⁷ Section 139 (Permitted ways of taking coral reef fin fish)

Division 2 Grey nurse shark protection area closures

Subdivision 1 Schedule 3A, part 1

8A Closures—sch 3A, pt 1

- (1) The waters mentioned in schedule 3A, part 1 are closed waters.
- (2) The waters are closed every year, all year.

8B Prohibited activities

- (1) This section applies to everybody.
- (2) The following activities are prohibited—
 - (a) taking coral reef fin fish from closed waters under this subdivision;
 - (b) possessing coral reef fin fish taken in contravention of paragraph (a).

Subdivision 2 Schedule 3A, part 2

8C Closures—sch 3A, pt 2

- (1) The waters mentioned in schedule 3A, part 2 are closed waters.
- (2) The waters are closed every year, all year.

8D Prohibited activities—commercial fishers acting under ‘A1’ or ‘A2’ fishery symbol

- (1) This section applies to commercial fishers acting under the fishery symbol ‘A1’ or ‘A2’.
- (2) The following activities are prohibited—

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- (a) taking coral reef fin fish in closed waters under this subdivision from 6 p.m. to 6 a.m. on any day;
- (b) using a fishing line or cast net to take coral reef fin fish in closed waters under this subdivision from 6 a.m. to 6 p.m. on any day;
- (c) possessing a fish taken in contravention of paragraph (a) or (b).

8E Prohibited activities—other fishers

- (1) This section applies to everybody other than commercial fishers acting under the fishery symbol 'A1' or 'A2'.
- (2) The following activities are prohibited—
 - (a) taking coral reef fin fish from closed waters under this subdivision; or
 - (b) possessing coral reef fin fish taken in contravention of paragraph (a).

Part 2 Regulated fish

Division 1 Fish regulated by number

9 Fish regulated by number—sch 4, pt 1

- (1) This section applies to the following persons—
 - (a) persons conducting commercial fishing tours and crew members for commercial fishing tours;
 - (b) recreational fishers, including recreational fishers on commercial fishing tours.
- (2) Coral reef fin fish mentioned in schedule 4, part 1 are regulated by number.
- (3) However, only the following fish are regulated—

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- (a) fish in excess of the number stated for a species, or a group of species, of coral reef fin fish;
- (b) a combined total of more than 20 coral reef fin fish of any species, other than—
 - (i) coral reef fin fish regulated by species; and
 - (ii) fusiliers.
- (4) Taking or possessing fish regulated by number is prohibited.

10 Exemption for recreational fishers on particular commercial fishing tours

Despite section 9(3), a recreational fisher on a commercial fishing tour conducted for an uninterrupted period of 72 hours or more may—

- (a) on or after the 4th day of the tour—
 - (i) take not more than twice the number stated for a species, or group of species, of coral reef fin fish mentioned in schedule 4, part 1; and
 - (ii) possess not more than twice the number stated for the species, or group of species, of coral reef fin fish if the fish were taken during the tour; or
- (b) on or after the 4th day, but before the 8th day, of the tour—possess a combined total of not more than 40 coral reef fin fish of any species if the fish were taken during the tour; or
- (c) on or after the 8th day of the tour—possess a combined total of not more than 60 coral reef fin fish of any species if the fish were taken during the tour.

Division 2 Fish regulated by size

11 Fish regulated by size—sch 4, pt 2

- (1) This section applies to everybody.

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- (2) Fish mentioned in schedule 4, part 2 of the size stated are regulated fish.
- (3) Taking or possessing fish regulated by size is prohibited.

12 Exemption for particular commercial fishers

- (1) Despite section 11(3), the holder of, or a person acting under, an authority with the fishery symbol 'A1' or 'A2' written on it, may take or possess a prescribed fish that is less than the minimum size stated in schedule 4, part 2.

- (2) In this section—

prescribed fish means a coral reef fin fish for which a minimum size of 25 cm is stated in schedule 4, part 2, other than—

- (a) hussar (pink hussar); and
- (b) spanish flag (stripey).

Division 3 Fish regulated by species

13 Fish regulated by species

- (1) This section applies to everybody.
- (2) The following coral reef fin fish are regulated by species—
 - (a) barramundi cod;
 - (b) chinamanfish;
 - (c) humphead Maori wrasse;
 - (d) paddletail;
 - (e) potato cod;
 - (f) Queensland grouper;
 - (g) red bass.
- (3) Taking or possessing fish regulated by species is prohibited.

Chapter 3 Commercial fishery

Part 1 Fishery symbols

Division 1 General provisions

14 Fishery symbols for commercial fishery

The following are the fishery symbols for the commercial fishery—

- (a) 'RQ';
- (b) 'A1' and 'A2'.

15 Restrictions on writing 'RQ' fishery symbol

The chief executive may write the 'RQ' fishery symbol on an authority only—

- (a) under division 2 or 3; or
- (b) if—
 - (i) the authority replaces an authority on which the symbol was written under division 2 or 3; or
 - (ii) the chief executive renews an authority on which the symbol was written under division 2 or 3.

Division 2 Obtaining fishery symbol 'RQ'

Subdivision 1 Preliminary

16 Simplified outline of div 2

In outline, this division—

- (a) states, in subdivision 2—

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- (i) the commercial fishing boat licences to which this division applies; and
- (ii) the criteria that must be met for the chief executive to be required to write the fishery symbol 'RQ' on the licences; and
- (b) limits, in subdivision 3, the information the chief executive may use when considering whether a licence meets the criteria; and
- (c) provides, in subdivision 4—
 - (i) for the chief executive to give the holder a preliminary notice if the chief executive is not reasonably satisfied the licence meets the criteria; and
 - (ii) for the grounds on which the holder may ask the chief executive to reconsider whether the licence meets the criteria; and
- (d) states, in subdivision 5, how the criteria are adjusted for a reconsideration; and
- (e) provides, in subdivision 6, for the chief executive to give the holder an amendment notice if the chief executive is reasonably satisfied the licence meets the criteria or adjusted criteria.

17 Definitions for div 2

In this division—

adjusted criteria—

- (a) for a special south-east Queensland licence—see section 36E(1); or
- (b) for another relevant licence—see section 33(1)(a).

amendment notice means an amendment notice given to a licence holder under subdivision 6.

criteria, for a relevant licence, means—

- (a) if the licence has the fishery symbol 'L3' written on it—the first and second criteria; or

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- (b) if the licence does not have the fishery symbol ‘L3’ written on it—the second criteria.

disregarded fish means coral reef fin fish—

- (a) recorded in relevant logbook information; and
(b) disregarded by the chief executive under section 27(3).

event, for an event-based special circumstance, means an event, or a combination of events, mentioned in section 18(1)(b).

event-based special circumstance see section 18.

event period, for an event-based special circumstance, see section 18(1)(a).

first criteria means the criteria stated in section 24.

preliminary notice means a preliminary notice given to a licence holder under subdivision 4.

prescribed period, for the first or second criteria, means a prescribed period stated for the criteria in section 24 or 25.

reason for reconsideration see section 29(d).

recent entrant special circumstance see section 19.

reconsideration notice see section 30(2).

relevant licence see section 22.

seasonal effect special circumstance see section 20.

second criteria means the criteria stated in section 25.

special circumstance, for a the holder of a relevant licence, means an event-based special circumstance, a recent entrant special circumstance or a seasonal effect special circumstance.

special reconsideration notice see section 36B(3).

special south-east Queensland licence see section 20A.

18 Meaning of ***event-based special circumstance***

- (1) An ***event-based special circumstance*** exists for the holder of a relevant licence if—

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- (a) for an uninterrupted period (the *event period*) of at least 6 months during a prescribed period for the first or second criteria—
 - (i) fish were not taken under any fishery symbol written on the relevant licence; and
 - (ii) either—
 - (A) the boat identified on the licence was not used for taking fish under any fishery symbol; or
 - (B) there was no boat identified on the licence; and
 - (b) fish were not taken during the event period because of any of the following—
 - (i) a relevant person was affected by illness or injury;
 - (ii) the death of a relevant person other than the holder;
 - (iii) for an event period starting on or before 19 May 1997—the boat identified on the licence—
 - (A) was destroyed or was unusable as a commercial fishing boat; and
 - (B) was not replaced or made usable during the period;
 - (iv) for an event period starting after 19 May 1997—the boat identified on the licence—
 - (A) was destroyed, or made unusable as a commercial fishing boat, by an unforeseeable and uncontrollable event; and
 - (B) was not replaced or made usable during the period; and
 - (c) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence throughout the event period.
- (2) In this section—
- relevant person* means—

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- (a) if the holder of the licence is an individual—
 - (i) the holder; or
 - (ii) a close relative of the holder; or
- (b) if the holder of the licence is a corporation—
 - (i) a director or member of the corporation; or
 - (ii) a close relative of the director or member.

19 Meaning of *recent entrant special circumstance*

- (1) A *recent entrant special circumstance* exists for the holder of a relevant licence if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 1 January 1996 and 19 May 1997.
- (2) However, a recent entrant special circumstance does not exist for the holder if—
 - (a) there is more than 1 holder of the licence; and
 - (b) any of the holders held the licence on or before 1 January 1996.

20 Meaning of *seasonal effect special circumstance*

- (1) A *seasonal effect special circumstance* exists for an eligible holder if—
 - (a) the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 20 May 1995 and 31 December 1995; and
 - (b) the majority of coral reef fin fish taken under the licence, or a former licence for the licence, during 1996 or 1997 were taken between 1 July and 31 December in the year.
- (2) However, a seasonal effect special circumstance does not exist for the holder if—
 - (a) there is more than 1 holder of the licence; and

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- (b) any of the holders held the licence on or before 20 May 1995.

20A Meaning of *special south-east Queensland licence*

- (1) A relevant licence is a *special south-east Queensland licence* if—
 - (a) the licence has written on it the fishery symbol ‘L3’ and any of the following fishery symbols—
 - (i) ‘L1’;
 - (ii) ‘L6’;
 - (iii) ‘L7’; and
 - (b) during the relevant period, coral reef fin fish were lawfully taken, under the licence, from waters between latitude 24°30.00' south and the New South Wales–Queensland border.
- (2) In this section—

relevant period means the period between 20 May 1997 and 31 December 2001.

21 Effect of transfer of licence to corporation for ss 18–20

For sections 18 to 20—

- (a) an individual who transfers a licence to a corporation does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual; and
- (b) a corporation that transfers a licence to an individual does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual.

Subdivision 2 Relevant licences and criteria

22 Application of div 2 to relevant licences

This division applies to a primary licence (a *relevant licence*)—

- (a) that, on the notification day—
 - (i) is in force; or
 - (ii) has expired, if the holder has applied to the chief executive for the licence's renewal and the chief executive has not decided the application; and
- (b) on which 1 or more prescribed fishery symbols is written on the notification day.

23 Criteria to be met for relevant licence

- (1) The criteria to be used by the chief executive to decide whether the fishery symbol 'RQ' must be written on a relevant licence are stated in sections 24 and 25.
- (2) For a relevant licence with the fishery symbol 'L3' written on it, both the first and second criteria must be met.⁸
- (3) For a relevant licence that does not have the fishery symbol 'L3' written on it, only the second criteria must be met.

24 First criteria

- (1) This section applies to a relevant licence with the fishery symbol 'L3' written on it.
- (2) At least the minimum amount of coral reef fin fish stated in subsection (3) for a prescribed period stated in the subsection must have been taken lawfully—
 - (a) during at least 2 of the periods; and

⁸ However, for a special south-east Queensland licence, see section 36F.

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- (b) under a prescribed fishery symbol written on the relevant licence and any former licence for the relevant licence.
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
 - 1 January 1994 to 31 December 1994—500 kg
 - 1 January 1995 to 31 December 1995—500 kg
 - 1 January 1996 to 31 December 1996—500 kg
 - 1 January 1997 to 19 May 1997—190 kg.

25 Second criteria

- (1) This section applies—
 - (a) to a relevant licence that does not have the fishery symbol ‘L3’ written on it; and
 - (b) to a relevant licence with the fishery symbol ‘L3’ written on it only if the chief executive is reasonably satisfied the first criteria is met for the licence.⁹
- (2) At least the minimum amount of coral reef fin fish stated in subsection (3) for a prescribed period stated in the subsection must have been taken lawfully—
 - (a) during at least 2 of the periods; and
 - (b) under a prescribed fishery symbol written on the relevant licence and any former licence for the relevant licence.
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
 - 20 May 1997 to 31 December 1997—310 kg
 - 1 January 1998 to 31 December 1998—500 kg
 - 1 January 1999 to 31 December 1999—500 kg

⁹ However, for a special south-east Queensland licence, see section 36F.

- 1 January 2000 to 31 December 2000—500 kg
- 1 January 2001 to 31 December 2001—500 kg.

Subdivision 3 First consideration by chief executive

26 First consideration of relevant licences by chief executive

- (1) Within 3 months after this division commences, the chief executive must decide whether the criteria for each relevant licence are met.
- (2) For subsection (1), the chief executive must consider only relevant logbook information for a prescribed period for the criteria.
- (3) The chief executive must round up to the nearest multiple of 10 kg the total amount of fish recorded in the relevant logbook information for a prescribed period.
- (4) This section is subject to section 27.

27 Interpretation of unlawful, ambiguous or incomplete logbook information

- (1) If relevant logbook information considered by the chief executive under section 26 is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.

- (3) The chief executive must disregard relevant logbook information considered under section 26 if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (4) For subsection (3), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 4 Preliminary notice and application for reconsideration

28 Chief executive to give preliminary notice

- (1) The chief executive must give the holder of a relevant licence a preliminary notice if the chief executive is not reasonably satisfied, under subdivision 3, the criteria for the licence are met.
- (2) The chief executive must give the notice as soon as practicable after making the decision.

29 Requirements for preliminary notice

A preliminary notice must state, in writing, each of the following—

- (a) that the chief executive is not reasonably satisfied the criteria for the licence are met;
- (b) from the relevant logbook information considered by the chief executive, for each prescribed period for the criteria—
 - (i) the amount of coral reef fin fish taken under the licence; and
 - (ii) the amount of unidentified fish interpreted by the chief executive as an amount of coral reef fin fish under section 27; and

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- (iii) the amount of disregarded fish;
- (c) if there is an amount of disregarded fish—the documents or information used by the chief executive to decide whether the fish were not taken or were taken unlawfully;
- (d) that the holder may, by written notice, ask the chief executive to reconsider the decision only if the holder can establish any of the following (a *reason for reconsideration*)—
 - (i) an amount of coral reef fin fish recorded in the relevant logbook information for a prescribed period for the criteria, other than an amount of disregarded fish, was not used by the chief executive in deciding whether the criteria are met;
 - (ii) disregarded fish were taken and were not taken unlawfully;
 - (iii) a special circumstance for the holder exists;
- (e) that a reconsideration notice must be given within 6 weeks after the preliminary notice is given to the holder;
- (f) that if the holder does not give the chief executive a reconsideration notice under section 30—
 - (i) the preliminary notice is taken to be final notice of the chief executive's decision; and
 - (ii) the holder may appeal against the decision to the tribunal within 28 days after the end of the 6 week period mentioned in paragraph (e); and
 - (iii) how to appeal.

30 Applying for reconsideration

- (1) The holder of a relevant licence may, by written notice, ask the chief executive to reconsider the chief executive's decision under subdivision 3.
- (2) The notice (the *reconsideration notice*) must—

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- (a) be given to the chief executive within 6 weeks after the preliminary notice is given to the holder; and
 - (b) state the reason for reconsideration; and
 - (c) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully or that special circumstances exist for the holder—be accompanied by all documents or information on which the holder relies to establish the reason for reconsideration.
- (3) Despite subsection (2)(a), the chief executive may consider a reconsideration notice received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the notice to the chief executive within the period by reasons beyond the holder's control.

31 Chief executive to decide whether reason for reconsideration established

- (1) As soon as practicable after receiving a reconsideration notice, the chief executive must, using only the information stated in section 32, decide whether the reason for reconsideration stated in the notice is established.
- (2) If the chief executive is not reasonably satisfied the reason for reconsideration is established, the chief executive must give the holder a decision notice about the decision.

32 Information chief executive may consider in deciding whether reason for reconsideration is established

- (1) For section 31(1), the information is—
 - (a) the relevant logbook information; and
 - (b) the documents or information accompanying the notice; and
 - (c) any further information or evidence given to the chief executive within the stated period under subsection (3); and

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- (d) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully—
 - (i) the documents or information used by the chief executive under section 27(4); and
 - (ii) any further information or evidence obtained by the chief executive under subsection (5) and any response from the holder received by the chief executive within the stated period under subsection (6).
- (2) However, if the reason for reconsideration is that a seasonal effect special circumstance exists for the holder, the chief executive must not use the documents, information or evidence mentioned in subsection (1)(c) in deciding whether section 20(1)(b) is complied with for the holder.
- (3) The chief executive may ask the holder to give, within a stated period of at least 14 days, any further relevant information or evidence the chief executive requires to decide whether—
 - (a) disregarded fish were not taken or were taken unlawfully; or
 - (b) a special circumstance exists for the holder.
- (4) The holder must give the chief executive the further information or evidence requested.
- (5) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded fish were not taken or were taken unlawfully.
- (6) If the chief executive obtains information or evidence under subsection (5), the chief executive must, before deciding whether the reason for reconsideration is established, give the holder a notice stating—
 - (a) the information or evidence obtained; and
 - (b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.

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- (7) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (8) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (9) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 5 Reconsideration and adjustment of criteria

33 Criteria reapplied if reason for reconsideration established

- (1) If the chief executive is reasonably satisfied a reason for reconsideration is established for the holder of a relevant licence, the chief executive must consider whether the following criteria are met for the relevant licence—
 - (a) if the reason for reconsideration is that special circumstances exist for the holder—the criteria for the licence adjusted under sections 34 to 36 (the *adjusted criteria*);
 - (b) for another reason for reconsideration—the criteria for the licence.
- (2) In considering whether the criteria are met, the chief executive must use only—
 - (a) the relevant logbook information; and

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- (b) any further information or evidence given to the chief executive within the stated period under section 32(3); and
 - (c) if the reason for reconsideration is that disregarded fish were taken and were not taken unlawfully—the documents or information mentioned in section 32(1)(d).
- (3) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
- (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (4) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (5) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (6) The chief executive must give the licence holder the following notice—
- (a) if the chief executive is reasonably satisfied the criteria or adjusted criteria are met for the licence—an amendment notice;
 - (b) if paragraph (a) does not apply—a decision notice about the decision.

34 Adjusted criteria for event-based special circumstance

- (1) This section applies, for section 33(1)(a)—
- (a) if the special circumstance is an event-based special circumstance; and

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- (b) for the first and second criteria.
- (2) The amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, for a prescribed period must be decided as required under schedule 5.

35 Adjusted first criteria for recent entrant special circumstance

- (1) This section applies, for section 33(1)(a)—
- (a) if the special circumstance is a recent entrant special circumstance; and
 - (b) only for the first criteria.
- (2) The prescribed periods and minimum amounts stated in subsection (3) apply instead of the prescribed periods and minimum amounts stated in section 24(3).
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
- 1 January 1996 to 31 December 1996—500 kg
 - 1 January 1997 to 19 May 1997—190 kg
 - 20 May 1997 to 31 December 1997—310 kg
 - 1 January 1998 to 31 December 1998—500 kg.
- (4) The chief executive must round up to the nearest multiple of 10 kg the total amount of fish recorded in the relevant logbook information for a prescribed period mentioned in subsection (3).

36 Adjusted first criteria for seasonal effect special circumstance

- (1) This section applies, for section 33(1)(a)—
- (a) if the special circumstance is a seasonal effect special circumstance; and
 - (b) only for the first criteria.

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- (2) The prescribed periods and minimum amounts stated in subsection (3) apply instead of the prescribed periods and minimum amounts stated in section 24(3).
- (3) The following are the prescribed periods and minimum amounts (expressed as whole weights)—
 - 1 January 1996 to 31 December 1996—500 kg
 - 1 January 1997 to 19 May 1997—190 kg
 - 20 May 1997 to 31 December 1997—310 kg.
- (4) The chief executive must round up to the nearest multiple of 10 kg the total amount of fish recorded in the relevant logbook information for a prescribed period mentioned in subsection (3).

Subdivision 5A Special reconsideration for special south-east Queensland licences

36A Application and purpose of subdiv 5A

This subdivision—

- (a) applies to a relevant licence—
 - (i) that is a special south-east Queensland licence; and
 - (ii) on which the fishery symbol 'RQ' is not written at the commencement of this section; and
- (b) states the procedure that applies for writing the fishery symbol 'RQ' on the licence.

36B Application for special reconsideration of particular licences

- (1) A holder of a relevant licence that is a special south-east Queensland licence may, by written notice, ask the chief executive to reconsider the chief executive's decision under subdivision 3.
- (2) Subsection (1) applies whether or not—

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- (a) the chief executive has given the holder a preliminary notice under section 29 that is taken to be a final notice under section 29(f)(i); or
 - (b) the holder has given the chief executive a reconsideration notice under section 30; or
 - (c) the holder has lodged an appeal against a decision of the chief executive under subdivision 3 or 5.
- (3) The written notice (the *special reconsideration notice*) must—
- (a) state—
 - (i) that the holder’s licence is a special south-east Queensland licence; and
 - (ii) if an event-based special circumstance exists for the holder—that an event-based special circumstance exists for the holder; and
 - (b) be given to the chief executive within 6 weeks after the commencement of this section; and
 - (c) be accompanied by an application for an amendment of the relevant licence, and any tender licence identifying a tender boat of the primary boat identified on the relevant licence, to remove the fishery symbol ‘L3’ from the licence or licences.
- (4) Despite subsection (3)(b), the chief executive may consider a special reconsideration notice received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the notice to the chief executive within the period by reasons beyond the holder’s control.
- (5) If a person makes an application under this section, the making of the application does not affect—
- (a) the person’s right to appeal against a decision of the chief executive under subdivision 3 or 5; or
 - (b) if the person has lodged an appeal against a decision of the chief executive under subdivision 3 or 5—the appeal.

36C Chief executive to decide whether licence is special south-east Queensland licence

- (1) As soon as practicable after receiving a special reconsideration notice, the chief executive must, using only the information stated in section 36D, decide whether the licence the subject of the notice is a special south-east Queensland licence.
- (2) If the chief executive is not reasonably satisfied the licence is a special south-east Queensland licence, the chief executive must give the holder a decision notice about the decision.

36D Information chief executive may consider in deciding whether licence is a special south-east Queensland licence

- (1) For section 36C(1), the information is—
 - (a) the relevant logbook information; and
 - (b) the documents or information accompanying the special reconsideration notice.
- (2) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (3) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (4) The chief executive must disregard relevant logbook information considered under this section if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

36E Criteria reapplied if licence is special south-east Queensland licence

- (1) If the chief executive is reasonably satisfied the relevant licence the subject of a special reconsideration notice is a special south-east Queensland licence, the chief executive must consider whether the criteria stated in section 36F (the *adjusted criteria*) are met for the relevant licence.
- (2) In considering whether the adjusted criteria are met, the chief executive must use only—
 - (a) the relevant logbook information relating to coral reef fin fish taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border; and
 - (b) any further information or evidence given to the chief executive within the stated period under subsection (3).
- (3) If the notice states an event-based special circumstance exists for the holder, the chief executive may ask the holder to give, within a stated period of at least 14 days, any further relevant information or evidence the chief executive requires to decide whether an event-based special circumstance exists for the holder.
- (4) The holder must give the chief executive the further information or evidence requested.
- (5) If relevant logbook information considered by the chief executive under this section is ambiguous or incomplete, the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.
- (6) However, if there is more than 1 interpretation of the information the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (7) The chief executive must disregard relevant logbook information considered under this section if the chief

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executive reasonably believes coral reef fin fish recorded in the relevant logbook information—

- (a) were not taken; or
 - (b) were not taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border; or
 - (c) were taken unlawfully.
- (8) The chief executive must give the holder the following notice—
- (a) if the chief executive is reasonably satisfied the adjusted criteria are met for the licence—an amendment notice;
 - (b) if paragraph (a) does not apply—a decision notice about the decision.

36F Adjusted criteria for special south-east Queensland licences

- (1) For section 36E(1), the criteria are that—
- (a) the second criteria must be met for the licence; and
 - (b) the second criteria must be met taking into account only coral reef fin fish taken from waters between latitude 24°30.00' south and the New South Wales–Queensland border.
- (2) The first criteria need not be met for the licence.
- (3) If the chief executive is reasonably satisfied that an event-based special circumstance exists for the holder of the licence, for working out whether the second criteria is met for the licence, the amount of coral reef fin fish taken under the licence and a former licence for the licence for a prescribed period must be decided as required under schedule 5.
- (4) Subsections (1) and (2) apply despite section 23(2).

Subdivision 6 Amendment notice and amendment of licences

37 Chief executive to amend licences and give amendment notice

- (1) This section applies if the chief executive is reasonably satisfied—
 - (a) under subdivision 3 or 5, that the criteria for a relevant licence are met; or
 - (b) under subdivision 5 or 5A, that the adjusted criteria are met.
- (2) As soon as practicable after making the decision, the chief executive must—
 - (a) amend the licence, and any tender licence identifying a tender boat of the primary boat identified on the relevant licence, by writing the fishery symbol 'RQ' on the licence or licences; and
 - (b) give the holder an amendment notice.

38 Requirements for amendment notice

An amendment notice must state, in writing, each of the following—

- (a) that the chief executive is reasonably satisfied the criteria, or the adjusted criteria, for the relevant licence are met;
- (b) how the licence has been amended;
- (c) that the amendment takes effect when the holder receives the amendment notice;
- (d) that, until each of the following happens, a person taking or possessing coral reef fin fish under the fishery symbol 'RQ' must have the amendment notice available for immediate inspection while the person is taking or possessing the fish—

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- (i) the chief executive writes the fishery symbol 'RQ' on the licence;
- (ii) the amended licence is returned to the holder;
- (e) that the holder may appeal against the decision to the tribunal within 28 days after the holder receives the amendment notice;
- (f) how to appeal.

39 Taking or possessing coral reef fin fish under amended licence

- (1) During the period stated in subsection (2), a relevant licence amended under this subdivision is subject to the condition that a person taking or possessing coral reef fin fish under the fishery symbol 'RQ' must have the amendment notice available for immediate inspection while the person is taking or possessing the fish.
- (2) For subsection (1), the period—
 - (a) starts on the day the holder receives the amendment notice; and
 - (b) ends on the day the amended licence is returned to the holder with the fishery symbol 'RQ' written on it.

Division 3 Changing fishery symbol 'RQ' to another authority

40 Definition for div 3

In this division—

eligible authority see section 41.

41 Application to change fishery symbol 'RQ' to another primary licence of holder

A person who holds a licence on which the fishery symbol 'RQ' was written under division 2 may apply to the chief executive for the fishery symbol 'RQ' to be written on—

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- (a) another primary licence (the *eligible authority*) held by the person on which a prescribed fishery symbol is written; and
- (b) any tender licence identifying a tender boat of the primary boat identified on the eligible authority.

42 How chief executive must deal with application

- (1) The chief executive must approve an application made under section 41 if it is accompanied by each of the following—
 - (a) notice of the surrender of the person's RQ licence, as required under section 72 of the Act;
 - (b) the RQ licence;
 - (c) the eligible authority;
 - (d) any tender licence identifying a tender boat of the primary boat identified on the eligible authority.
- (2) The chief executive can not approve the application if it is not accompanied by the documents mentioned in subsection (1).
- (3) If the chief executive approves the application, the chief executive must, as soon as practicable after approving the application—
 - (a) amend the eligible authority, and any tender licence identifying a tender boat of the primary boat identified on the eligible authority, by writing the fishery symbol 'RQ' on the licence or licences; and
 - (b) replace the line unit certificate issued to the holder for the line year in which the application is made to reflect the surrender of the RQ licence and the amendment of the eligible authority; and
 - (c) send the amended authorities and the replacement line unit certificate to the holder.

Part 2 Line units

Division 1 General

43 Simplified outline of pt 2

- (1) This part provides for the issue of line units, their entitlements and conditions for their transfer.
- (2) The following are the 3 types of line units—
 - (a) CT line units, for coral trout;
 - (b) RTE line units, for red throat emperor;
 - (c) OS line units, for other coral reef fin fish.
- (3) The holder of a licence on which the fishery symbol ‘RQ’ was written under part 1, division 2 (an *eligible holder*) may apply to the chief executive for the issue of—
 - (a) if the licence is a special south-east Queensland licence—only OS line units in relation to the licence; or
 - (b) if paragraph (a) does not apply—CT line units, RTE line units and OS line units in relation to the licence.
- (4) Division 3 states how the chief executive must decide the number of line units to be issued to an applicant in relation to an RQ licence.
- (5) Under division 3, the total entitlements under all line units must not be more than the following amounts—
 - (a) for CT line units—1 350 t of coral trout;
 - (b) for RTE line units—700 t of red throat emperor;
 - (c) for OS line units—1 011 t of other coral reef fin fish.
- (6) Division 3A requires the chief executive to issue additional CT line units, RTE line units or OS line units to particular holders if the entitlement under the CT line units, RTE line units or OS line units on a particular day is less than 80% of the prescribed recorded catch for the CT line units, RTE line units and OS line units.

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- (7) Division 4 requires the chief executive, after all line units have been issued under division 3, to reduce the total entitlements of the line units if any of the entitlements mentioned in subsection (5) is exceeded.
- (8) Divisions 5 and 6 provide for the entitlements of line units and working out when they are used.
- (9) Division 7 prescribes conditions for the transfer of line units and provides for the entitlement under transferred line units.
- (10) Division 8 provides for how a line unit holder may substitute the RQ licence to which the line units relate.

44 Definitions for pt 2

In this part—

adjusted allocation provisions see section 62.

disregarded fish means coral reef fin fish—

- (a) recorded in relevant logbook information; and
- (b) disregarded by the chief executive under section 57(4).

eligible holder see section 43(3).

event, for an event-based special circumstance, means an event, or a combination of events, mentioned in section 45(1)(b).

event-based special circumstance see section 45.

event period, for an event-based special circumstance, see section 45(1)(a).

issued see section 50.

line unit factor, of an RQ licence, for CT line units, RTE line units or OS line units means the factor of the licence for the line units worked out under section 54.

prescribed recorded catch means—

- (a) for CT line units—the average recorded catch for coral trout, worked out under section 65D, for the holder of the RQ licence to which the line units relate; or

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- (b) for RTE line units—the average recorded catch for red throat emperor, worked out under section 65D, for the holder of the RQ licence to which the line units relate; or
- (c) for OS line units—the average recorded catch for other coral reef fin fish, worked out under section 65D, for the holder of the RQ licence to which the line units relate.

reason for adjusted allocation see section 59(e).

recent entrant special circumstance see section 46.

recorded catch amount see section 56(2).

relevant years see section 56(1).

special circumstance, for an eligible holder, means an event-based special circumstance or a recent entrant special circumstance.

standardised catch amount, for an eligible holder's RQ licence for a relevant year, means an amount worked out under section 56.

45 **Meaning of *event-based special circumstance***

- (1) An *event-based special circumstance* exists for an eligible holder if—
 - (a) for an uninterrupted period (the *event period*) of at least 6 months between 1 January 1994 and 31 December 2001—
 - (i) fish were not taken under any fishery symbol written on the relevant licence; and
 - (ii) either—
 - (A) the boat identified on the licence was not used for taking fish under any fishery symbol; or
 - (B) there was no boat identified on the licence; and
 - (b) fish were not taken during the event period because of any of the following—

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- (i) a relevant person was affected by illness or injury;
 - (ii) the death of a relevant person other than the holder;
 - (iii) for an event period starting on or before 19 May 1997—the boat identified on the licence—
 - (A) was destroyed or was unusable as a commercial fishing boat; and
 - (B) was not replaced or made usable during the period;
 - (iv) for an event period starting after 19 May 1997—the boat identified on the licence—
 - (A) was destroyed, or made unusable as a commercial fishing boat, by an unforeseeable or uncontrollable event; and
 - (B) was not replaced or made usable during the period; and
 - (c) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence throughout the event period.
- (2) However, an event-based special circumstance does not exist for the holder if an event did not happen for at least 1 year in each of the following periods—
- (a) 1 January 1994 to 31 December 1996;
 - (b) 1 January 1998 to 31 December 2001.
- (3) In this section—
- relevant person*** means—
- (a) if the holder of the licence is an individual—
 - (i) the holder; or
 - (ii) a close relative of the holder; or
 - (b) if the holder of the licence is a corporation—
 - (i) a director or member of the corporation; or
 - (ii) a close relative of the director or member.

46 Meaning of recent entrant special circumstance

- (1) A *recent entrant special circumstance* exists for an eligible holder if the holder was first named in the licence as the holder, or an application was made to transfer the licence to the holder, between 1 January 1996 and 19 May 1997.
- (2) However, a recent entrant special circumstance does not exist for the holder if—
 - (a) there is more than 1 holder of the licence; and
 - (b) any of the holders held the licence on or before 1 January 1996.

47 Effect of transfer of licence to corporation for ss 45, 46 and 65A

For sections 45, 46 and 65A—

- (a) an individual who transfers a licence to a corporation does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual; and
- (b) a corporation that transfers a licence to an individual does not cease to be a holder of the licence if any of the following persons is a director or member of the corporation—
 - (i) the individual;
 - (ii) a close relative of the individual.

Division 2 General provisions about line units

48 Nature of a line unit

Each line unit is—

- (a) an authority, the entitlement for which is provided for under division 5; and
- (b) a quota for the fishery.

49 General condition for issue of line units

A line unit may be issued only under this part.

50 When line unit is *issued*

A line unit is *issued* when—

- (a) a line unit certificate that includes the unit is issued; or
- (b) a line unit certificate is amended under this part to include the unit.

Division 3 Issue of line units

Subdivision 1 Number of line units to be issued to eligible holders

51 Purpose of subdiv 1

- (1) This subdivision provides for how the chief executive must work out the number of line units to be issued to an eligible holder, in relation to an RQ licence, if the holder applies for the issue of line units under section 60.
- (2) This subdivision is subject to section 62.¹⁰

52 Number of line units to be issued to eligible holders

The number of line units the chief executive must issue to an eligible holder, in relation to an RQ licence, is—

- (a) the following—

¹⁰ Section 62 (Allocation provisions to be applied if reason for adjusted allocation is established)

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- (i) if the licence is a special south-east Queensland licence—800 OS line units;
- (ii) if subparagraph (i) does not apply—each of the following—
 - (A) 800 CT line units;
 - (B) 400 RTE line units;
 - (C) 800 OS line units; and
- (b) if the line unit factor of the licence, for CT line units, RTE line units or OS line units, is greater than 0—the number of additional line units worked out by the chief executive under section 53.

53 Working out number of additional line units

- (1) For section 52(b), the number of additional CT line units, RTE line units or OS line units is the number worked out by applying the following formula—

$$AU = \left(\frac{LUF}{B} \right) \times C$$

where—

AU means the number of additional CT line units, RTE line units or OS line units, rounded up to the nearest whole number, worked out by applying the formula.

LUF means the line unit factor, of the holder's RQ licence, for CT line units, RTE line units or OS line units.

B means the following amount—

- (a) for CT line units—1 129 130;
- (b) for RTE line units—574 828;
- (c) for OS line units—749 305.

C means the following amount—

- (a) for CT line units—918 000;
- (b) for RTE line units—482 000;
- (c) for OS line units—613 000.

54 Working out line unit factor

The line unit factor, of an eligible's holder RQ licence, for CT line units, RTE line units or OS line units is the factor worked out by applying the following formula—

$$\text{LUF} = \left(\frac{\text{AC}}{\text{B}} \times \text{C} \right) - \text{D}$$

where—

LUF means the line unit factor, of the licence, for CT line units, RTE line units or OS line units worked out by applying the formula.

AC means the average catch amount (in kilograms) for the licence, worked out under section 55, of the prescribed coral reef fin fish for the line units.

B means the following amount—

- (a) for CT line units—2 069 764;
- (b) for RTE line units—1 131 411;
- (c) for OS line units—1 492 651.

C means the following amount—

- (a) for CT line units—1 350 000;
- (b) for RTE line units—700 000;
- (c) for OS line units—1 011 000.

D means the following amount—

- (a) for CT line units—800;
- (b) for RTE line units—400;
- (c) for OS line units—800.

55 Average catch amount

- (1) For section 54, the average catch amount (in kilograms), for an eligible holder's RQ licence, of the prescribed coral reef fin fish for CT line units, RTE line units or OS line units is one-half of the total of the 2 highest amounts mentioned in subsection (2).

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- (2) For subsection (1), the amounts are—
- (a) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1994, 1995 or 1996; and
 - (b) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1997; and
 - (c) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1998, 1999, 2000 or 2001.

56 Standardised catch amount

- (1) This section provides for how the chief executive must work out the standardised catch amount, for an eligible holder's RQ licence, for each year from 1994 to 2001 (the *relevant years*), of the prescribed coral reef fin fish for CT line units, RTE line units or OS line units.
- (2) The standardised catch amount is the amount worked out by applying the following formula—

$$SC = \frac{RC \times A}{TC}$$

where—

SC means the standardised catch amount (in kilograms), for the licence, of the prescribed coral reef fin fish worked out by applying the formula.

RC means the amount (in whole weight) (the *recorded catch amount*) of the prescribed coral reef fin fish taken lawfully during the year under a prescribed fishery symbol written on the RQ licence and a former licence for the RQ licence.

A means the following amount—

- (a) for coral trout—1 350 000;
- (b) for red throat emperor—700 000;
- (c) for other coral reef fin fish—1 011 000.

TC means the total catch of the prescribed coral reef fin fish, for the year, worked out using the table in schedule 6.

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- (3) Subject to section 57, in deciding the recorded catch amount the chief executive must consider only relevant logbook information for the relevant years.

57 Interpretation of unlawful, ambiguous or incomplete relevant logbook information

- (1) If relevant logbook information for a relevant year is ambiguous or incomplete the chief executive may—
- (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information that the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (3) Despite subsections (1)(b) and (2), the chief executive must not interpret, as an amount of coral trout, an amount of unidentified fish recorded in the relevant logbook information if the relevant logbook information also records any of the following as being taken on the same day as the unidentified fish—
- (a) an amount of fish identified as 'trout';
 - (b) an amount of fish identified as coral trout.
- (4) The chief executive must disregard relevant logbook information for a relevant year if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (5) For subsection (4), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

Subdivision 2 Catch history notice

58 Chief executive to give catch history notice

- (1) The chief executive must give an eligible holder a catch history notice.
- (2) The catch history notice must accompany the amendment notice given to the holder under part 1, division 2, subdivision 2.

59 Requirements for catch history notice

A catch history notice must state, in writing, each of the following—

- (a) that the eligible holder may apply for the issue of line units in relation to an RQ licence held by the holder;
- (b) the recorded catch amounts, for the licence for each relevant year of—
 - (i) coral trout; and
 - (ii) red throat emperor; and
 - (iii) other coral reef fin fish;
- (c) from relevant logbook information for each relevant year—
 - (i) the amount of unidentified fish interpreted by the chief executive as an amount of coral trout, red throat emperor or other coral reef fin fish; and
 - (ii) the amount of fish taken under the licence for a relevant year that is—
 - (A) identified in the logbook information as ‘sweetlips’ or ‘emperor’; and
 - (B) not identified, in the logbook information, as a particular species of fish; and
 - (C) interpreted by the chief executive as an amount of red throat emperor; and
 - (iii) the amount of disregarded fish;

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- (d) if there is an amount of disregarded fish—the documents or information used by the chief executive to decide whether the fish were not taken or were taken unlawfully;
- (e) that the holder may, when applying for the issue of line units, ask the chief executive to decide the number of line units to be issued to the holder using the adjusted allocation provisions if the holder can establish any of the following (*a reason for adjusted allocation*)—
 - (i) the relevant logbook information or copies of docketts identify, as coral trout—
 - (A) unidentified fish recorded in the relevant logbook information and interpreted by the chief executive as other coral reef fin fish, except if an amount of fish identified as ‘trout’ or coral trout is recorded in the logbook information as being taken on the same day as the unidentified fish; or
 - (B) fish (the *identified fish*) identified in the logbook information as other coral reef fin fish, except if an amount of fish identified as ‘trout’ or coral trout is recorded in the logbook information as being taken on the same day as the identified fish;
 - (ii) the relevant logbook information or copies of docketts identify, as red throat emperor—
 - (A) unidentified fish recorded in the relevant logbook information and interpreted by the chief executive as other coral reef fin fish; or
 - (B) fish identified in the logbook information as other coral reef fin fish;
 - (iii) the relevant logbook information or copies of docketts identify, as a species of coral reef fin fish other than red throat emperor, fish mentioned in paragraph (c)(ii);
 - (iv) disregarded fish were taken and were not taken unlawfully;

- (v) a special circumstance for the holder exists;
- (e) that an application for line units must be received by the chief executive on or after 2 February 2004 but before 15 March 2004.

Subdivision 3 Application for issue of line units

60 Application for issue of line units

- (1) An eligible holder may, by written notice, apply to the chief executive for the issue of line units under this part.
- (2) The application must—
 - (a) be received by the chief executive on or after 2 February 2004 but before 15 March 2004; and
 - (b) if the holder wishes the chief executive to decide the number of line units to be issued to the holder using the adjusted allocation provisions—
 - (i) state the reasons for adjusted allocation; and
 - (ii) be accompanied by all documents or information on which the holder relies to establish the reasons for adjusted allocation.
- (3) Despite subsection (2)(a), the chief executive may consider an application received after 15 March 2004 if the chief executive is reasonably satisfied the holder was prevented from giving the application to the chief executive by 15 March 2004 by reasons beyond the holder's control.

61 Deciding application for issue of line units

- (1) The chief executive must, as soon as practicable after receiving an application for line units from an eligible holder, decide the number of line units to be issued to the holder.
- (2) If the application states a reason for adjusted allocation exists, the chief executive must decide whether the reason for adjusted allocation is established using only the following—
 - (a) the relevant logbook information;

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- (b) any copies of dockets accompanying the application;
 - (c) any further information or evidence given to the chief executive within the stated period under subsection (3);
 - (d) if the reason for adjusted allocation is that disregarded fish were taken and were not taken unlawfully—
 - (i) the documents or information used by the chief executive under section 57(5); and
 - (ii) the documents or information accompanying the application; and
 - (iii) any further information or evidence obtained by the chief executive under subsection (5) and any response from the holder received by the chief executive within the stated period under subsection (6).
- (3) The chief executive may ask the applicant to give, within the period stated by the chief executive of at least 14 days, further relevant information or evidence the chief executive requires to decide whether a reason for adjusted allocation exists.
- (4) The applicant must give the chief executive the further information or evidence requested.
- (5) Also, the chief executive may obtain, other than from the holder, further information or evidence the chief executive requires to decide whether disregarded fish were not taken or were taken unlawfully.
- (6) If the chief executive obtains information or evidence under subsection (5), the chief executive must, before deciding the application, give the holder a notice stating—
- (a) the information or evidence obtained; and
 - (b) that the holder may respond, in writing, to the information or evidence within the period stated by the chief executive of at least 14 days after the notice is given to the holder.
- (7) In deciding the number of line units to be issued to the holder, the chief executive must use only the information mentioned in subsection (2)(a) to (d).

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- (8) As soon as practicable after deciding the application, the chief executive must—
- (a) issue to the holder—
 - (i) a line unit certificate for the line units for the first line year; and
 - (ii) a 4-digit identity number (a *unit PIN*) for the line units.
 - (b) give the holder a decision notice for the decision.

61A Issue of fisher PIN

- (1) This section applies if the chief executive has decided under section 61 the number of line units to be issued to an eligible holder.
- (2) The chief executive must issue the holder a 4-digit identity number (a *fisher PIN*) for the line units issued to the holder—
- (a) if the decision was made before the commencement of this section—immediately after the commencement of this section; or
 - (b) if paragraph (a) does not apply—when the chief executive issues the holder a line unit certificate for the line units under section 61.

62 Allocation provisions to be applied if reason for adjusted allocation is established

If the chief executive is reasonably satisfied a reason for adjusted allocation is established for an eligible holder, the chief executive must decide the number of line units to be issued to the holder using the following provisions (the *adjusted allocation provisions*)—

- (a) if the reason for adjusted allocation is that special circumstances exist for the holder—sections 52 to 57 adjusted under section 63 or 64;
- (b) for another reason for adjusted allocation—sections 52 to 57.

63 Adjusted allocation provisions for event-based special circumstance

- (1) This section applies if the special circumstance is an event-based special circumstance.
- (2) The amount mentioned in subsection (3) is taken to be an additional amount mentioned in section 55(2).¹¹
- (3) The amount is the recorded catch amount of the prescribed coral reef fin fish for the following period, whichever is higher—
 - (a) the year ending immediately before the start of the event;
 - (b) the year starting immediately after the end of the event.
- (4) However, coral reef fin fish taken before 1 January 1990 or after 31 December 2001 must not be included in the recorded catch amount.
- (5) If the standardised catch amounts mentioned in section 55(2)(a) to (c) for the RQ licence and a former licence for the RQ licence are 0 kg, the average catch amount (in kilograms) of the prescribed coral reef fin fish is the amount mentioned in subsection (3).

64 Adjusted allocation provisions for recent entrant special circumstance

- (1) This section applies if the special circumstance is a recent entrant special circumstance.
- (2) The following amounts apply instead of the amounts mentioned in section 55(2)—
 - (a) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1997;
 - (b) the standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1998;

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- (c) the highest standardised catch amount of the prescribed coral reef fin fish, for the licence, for 1999, 2000 or 2001.

65 Particular applications for line units must be decided before start of 1st line year

- (1) The chief executive must decide all on time applications for line units before the first line year starts.
- (2) In this section—
on time application for line units means an application for line units received by the chief executive before 15 March 2004.

Division 3A Additional units

65A Application of div 3A

This division applies if—

- (a) the chief executive has issued CT line units, RTE line units or OS line units under division 3, or has worked out the number of CT line units, RTE line units or OS line units to be issued under division 3, to an eligible holder in relation to an RQ licence; and
- (b) the holder, or, if there is more than 1 holder of the licence, at least 1 of the holders, held the licence continuously from 19 May 1997 to the following day—
- (i) if line units were issued under division 3 before the commencement of this section—the day this section commences; or
- (ii) if subparagraph (i) does not apply—the day the chief executive works out the number of CT line units, RTE line units or OS line units to be issued under division 3; and
- (c) the entitlement under the CT line units, RTE line units or OS line units on the relevant day is less than 80% of

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the prescribed recorded catch for the CT line units, RTE line units or OS line units; and

- (d) if the CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—the holder applies to the chief executive as required under section 65F for the issue of additional units under this division.

65B Definitions for div 3A

In this division—

recorded catch amount, for an eligible holder, for a year, means the amount of coral trout, red throat emperor or other coral reef fin fish—

- (a) taken lawfully during the year under a prescribed fishery symbol written on the holder's RQ licence and a former licence for the RQ licence; and
- (b) recorded in relevant logbook information.

relevant day means—

- (a) if CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—the day the line units were issued to the holder; or
- (b) if paragraph (a) does not apply—the day the chief executive decides the number of CT line units, RTE line units or OS line units to be issued to the holder under division 3.

relevant period means the period starting on 1 January 1994 and ending on 31 December 1996.

65C Chief executive must issue additional units

- (1) The chief executive must issue enough additional CT line units, RTE line units or OS line units to the holder to ensure the entitlement, on the day the additional units are issued, under the total number of CT line units, RTE line units or OS line units issued to the holder is at least 80% of the

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prescribed recorded catch for the CT line units, RTE line units or OS line units.

- (2) The additional CT line units, RTE line units or OS line units must be issued to the holder—
 - (a) if CT line units, RTE line units or OS line units were issued to the holder under division 3 before the commencement of this section—as soon as practicable after the chief executive receives the holder's application for the issue of additional CT line units, RTE line units or OS line units under this division; or
 - (b) if paragraph (a) does not apply—at the time the chief executive issues CT line units, RTE line units or OS line units to the holder under division 3.

65D Working out average recorded catch

- (1) For section 65C, the average recorded catch for coral trout, red throat emperor or other coral reef fin fish for an eligible holder is—
 - (a) if subsection (3) does not apply—the average of the recorded catch amounts for the holder for each year of the relevant period; or
 - (b) if subsection (3) applies—the amount worked out under that subsection.
- (2) Subsection (3) applies if—
 - (a) the chief executive is reasonably satisfied that an event-based special circumstance exists for the holder; and
 - (b) the event period for the event-based special circumstance happened wholly or partly within the relevant period, whether or not the event period happened for a whole year within the relevant period.
- (3) If this subsection applies, the average recorded catch for the holder is the average of the following recorded catch amounts for the holder—

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- (a) for a year within the relevant period for which the event was not happening—the recorded catch amount for the holder for the year;
- (b) for a year within the relevant period for which the event was happening—the highest of the following—
 - (i) the recorded catch amount for the holder for the last year ending before the start of the event;
 - (ii) the recorded catch amount for the holder for the first year starting after the end of the event;
 - (iii) the recorded catch amount for the holder for the year.
- (4) Subsection (3) applies despite section 45(2).
- (5) For working out the average recorded catch amount under subsection (3), the recorded catch amount for a year may be used more than once.
- (6) Subject to section 65E, in deciding the recorded catch amount the chief executive must consider only the relevant logbook information for the years during the relevant period.

65E Interpretation of unlawful, ambiguous or incomplete relevant logbook information

- (1) If relevant logbook information for a year during the relevant period is ambiguous or incomplete the chief executive may—
 - (a) disregard the information; or
 - (b) interpret the information in a way that is, in the chief executive's opinion, reasonable.

Example of ambiguous or incomplete information—

the logbook information does not identify the species of the fish

- (2) However, if there is more than 1 interpretation of the information that the chief executive considers reasonable, the chief executive must prefer the interpretation most favourable to the holder.
- (3) Despite subsections (1)(b) and (2), the chief executive must not interpret, as an amount of coral trout, an amount of

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unidentified fish recorded in the relevant logbook information if the relevant logbook information also records any of the following as being taken on the same day as the unidentified fish—

- (a) an amount of fish identified as ‘trout’;
 - (b) an amount of fish identified as coral trout.
- (4) The chief executive must disregard relevant logbook information for a year during the relevant period if the chief executive reasonably believes coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.
- (5) For subsection (4), the chief executive may use any documents or information held or obtained by the chief executive to decide whether coral reef fin fish recorded in the relevant logbook information were not taken or were taken unlawfully.

65F Requirements for application for issue of additional line units

- (1) This section applies to an application for the issue of additional CT line units, RTE line units or OS line units under this division made by an eligible holder who was issued CT line units, RTE line units or OS line units before the commencement of this section.
- (2) The application must—
- (a) be in writing; and
 - (b) if an event-based special circumstance exists for the holder—state that an event-based special circumstance exists for the holder; and
 - (c) be made within 6 weeks after the commencement of this section.
- (3) Despite subsection (2)(c), the chief executive may consider an application received after the end of the 6 week period mentioned in the subsection if the chief executive is reasonably satisfied the holder was prevented from giving the

application to the chief executive within the period by reasons beyond the holder's control.

Division 4 Reduction in entitlements of line units

66 Application of div 4

- (1) This division applies if, on the relevant day, more than any of the following line units have been issued—
- (a) 1 350 000 CT line units;
 - (b) 700 000 RTE line units;
 - (c) 1 011 000 OS line units.
- (2) In this section—

relevant day means the earliest day on which—

- (a) the period for each eligible holder to apply for the issue of line units has ended; and
- (b) the period to appeal against all decisions about the issue of line units or amending a licence by writing the fishery symbol 'RQ' on it has ended; and
- (c) all appeals mentioned in paragraph (b) are ended or fully decided; and
- (d) if, in deciding an appeal, the tribunal gave the chief executive directions—the directions have been complied with.

67 Chief executive to amend entitlements

The chief executive must amend this plan by reducing the entitlement of all CT line units, RTE line units or OS line units so that the total entitlements of the line units is not more than—

- (a) for CT line units—1 350 000 t of coral trout; or
- (b) for RTE line units—700 000 t of red throat emperor; or

- (c) for OS line units—1 011 000 t of other coral reef fin fish.

68 Notice and taking of effect of reduction in entitlement

- (1) The chief executive must, as soon as practicable after the reduction of entitlements under section 67, give each line unit holder a replacement line unit certificate that reflects the reduction.
- (2) The reduction for the holder takes effect when the holder is given the replacement line unit certificate.

Division 5 Line unit entitlement and use

69 Meaning of *entitlement* of line unit holder

- (1) The holder of a line unit, or a person acting under the line unit, may take, in a line year, 1 kg (whole weight) of the prescribed coral reef fin fish for the line unit.
- (2) The authorisation for each line year is the holder's *entitlement* under the line unit for that line year.
- (3) However, the entitlement applies only while—
 - (a) the holder holds the RQ licence identified in the line unit certificate issued to the holder for the line year; and
 - (b) the RQ licence is in force.

70 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—
 - (a) when the holder, or a person acting under the line unit, has taken, in that line year under the holder's RQ licence, 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 71(2) applies.

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- (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 the holder's RQ licence.

71 No carrying forward of unused entitlement

- (1) This section applies if, in a line year, a line unit holder takes, under the holder's RQ licence, an amount of the prescribed coral reef fin fish for the line units that is less than the total entitlements under the holder's line units.
- (2) The holder 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.

72 Line unit certificates

- (1) The chief executive must, as soon as practicable before the start of each line year, issue to each line unit holder a certificate (a ***line unit certificate***), for the line year, in relation to each RQ licence held by the holder.
- (2) The certificate must state each of the following—
- (a) the certificate number;
 - (b) the holder's name;
 - (c) the licence number of the licence;
 - (d) the boat mark of the primary boat identified on the licence;
 - (e) the licence number of any tender licence identifying a tender boat of the primary boat;
 - (f) the line year to which the certificate applies;
 - (g) how many of the following line units the holder has in relation to the licence—
 - (i) CT line units;
 - (ii) RTE line units;
 - (iii) OS line units;

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- (h) the amount (in whole weight) of the prescribed coral reef fin fish that may be taken in the line year under each of the following—
 - (i) CT line units;
 - (ii) RTE line units;
 - (iii) OS line units;
- (i) if the chief executive has imposed conditions on the line units—the conditions;
- (j) 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.

73 Evidentiary provision for line unit certificate

A line unit certificate is evidence of—

- (a) the number of line units held, at the time the certificate was issued, by the holder in relation to the RQ licence identified in the certificate; and
- (b) the conditions, if any, imposed on the line units.

Division 6 Evidentiary aids for use of entitlement

74 Unloaded fish notice is evidence of use of entitlement

- (1) This section applies if the holder, or another person acting for the holder, of CT line units, RTE line units or OS line units gives the chief executive an unloaded fish notice for the prescribed coral reef fin fish for the line units.
- (2) The notice is evidence that the holder has taken, under the line units, the whole weight equivalent of the amount of coral reef fin fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of coral reef fin fish stated in the notice is—

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- (a) for an amount stated for whole coral reef fin fish—the amount stated; or
- (b) for an amount stated for coral reef fin fish that is not whole—the amount calculated in the way stated in schedule 7.

74A Particular notice is evidence of unused entitlement

- (1) This section applies if a holder of CT line units, RTE line units or OS line units has obtained a written notice from the chief executive stating the amount of unused entitlement under the CT line units, RTE line units or OS line units for a stated line year on a stated date.
- (2) The notice is evidence of the amount of unused entitlement under the CT line units, RTE line units or OS line units for the stated line year on the stated date.¹²

Division 7 Transfer of line units

75 Purpose and application of div 7

This division—

- (a) prescribes, for section 65(4)(a)¹³ of the Act, conditions for the granting, by the chief executive, of an application to transfer line units; and
- (b) provides for the entitlement of the transferee under transferred line units.

76 Only whole line units may be transferred

A part of a line unit can not be transferred.

12 For information obtained using the AIVR system, see section 110F (Record kept by AIVR system is evidence of particular information) of the regulation.

13 Section 65 (Transfer of authority (other than permit)) of the Act

77 Eligibility of transferee

A line unit may be transferred only by the holder of an RQ licence to another person who holds an RQ licence.

78 Application for line unit certificate changes required

- (1) The proposed transferor and proposed transferee must apply to the chief executive for line unit certificate changes that reflect the proposed transfer of the line units, and their entitlement.
- (2) The application must state, for the line year in which the transfer is proposed to take effect, whether the entitlements of the line units to be transferred are used or unused.
- (3) Subsection (1) does not apply to a temporary transfer of line units.

79 Requirement if application for transfer of all line units

- (1) This section applies if the application is for the transfer of all the line units held by the transferor in relation to an RQ licence.
- (2) The chief executive can approve the application only if the transferor has also applied to the chief executive to amend the transferor's RQ licence to remove the fishery symbol 'RQ' from the licence.

80 When transfer of line units takes effect

- (1) If the chief executive approves the application, the transfer takes effect for the rest of the line year in which the approval is given.
- (2) As soon as practicable after the chief executive approves the application, the chief executive must ensure the AIVR system is updated to reflect the transfer.

80A Issue of fisher PIN for particular transferees

- (1) This section applies if—

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- (a) the chief executive has approved an application for a 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 approval is given, issue the transferee a 4-digit identity number (a *fisher PIN*) for the line units transferred to the transferee.

81 Entitlement of transferee

- (1) The entitlement of the transferee under transferred line units is—
- (a) for the line year in which the transfer takes effect—the entitlement of the transferor under the units immediately before the chief executive approved the transfer; and
 - (b) for a later line year—the entitlement the transferor would have had under the units, had the transfer not taken place, at the beginning of the line year.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred line unit is used, the whole entitlement of the transferee under the transferred line unit is taken to be used.

Division 8 Substituting RQ licence to which line units relate

82 Application to substitute RQ licence to which line units relate

- (1) A line unit holder may apply to the chief executive for line unit certificate changes to substitute the RQ licence held by the holder to which the line units relate.
- (2) The application must state whether the entitlements of the line units to which the substitution is to apply are used or unused.

83 How chief executive must deal with application

- (1) If the application states that the entitlements of the line units to which the substitution applies are unused, and the chief executive is not reasonably satisfied the entitlements of the line units are unused when the application is approved, the chief executive may approve the application on the condition that the entitlements of the line units are used.
- (2) If the chief executive approves the application, the chief executive must replace the relevant line unit certificates issued to the holder for the line year in which the application is made to reflect the substitution of the RQ licence to which the line units relate.

Division 9 Change of PINs

84 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 number decided by the chief executive; and
 - (b) give the holder a written notice stating that the unit PIN has been changed.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2) is given to the holder.

85 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 for the change.¹⁴

Part 3 Conditions for particular authorities

Division 1 Fishing under fishery symbol 'A1' or 'A2'

87 Application of div 1

- (1) This division applies to the taking and possessing of coral reef fin fish under the fishery symbol 'A1' or 'A2'.
- (2) However, this division is subject to chapter 2.¹⁵

88 Area for fishery symbol 'A1' or 'A2'

The area for fishery symbol 'A1' or 'A2' comprises all tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east.

89 Where coral reef fin fish may be taken

Coral reef fin fish may be taken from the area mentioned in section 88.

90 What coral reef fin fish may be taken

Any coral reef fin fish may be taken.

14 See sections 110E (Requirements for AIVR system) and 110I (Procedure if AIVR system not working properly) of the regulation.

15 Chapter 2 (Closed waters and regulated fish declarations)

91 Permitted ways of taking fish

- (1) Fish may be taken only by hand or by using fishing lines or cast, scoop or seine nets.
- (2) Underwater breathing apparatus may also be used when taking fish.
- (3) A herding device, including, for example, a rod, may be used when taking fish.

92 General conditions of taking fish

- (1) The authority holder must be present when the fish are taken.
- (2) Fish may be taken only in the waters mentioned in section 88 or stated in the authority.
- (3) Only the boat identified on the authority and 1 other boat may be used to take fish at the same location.
- (4) Fish must not be taken for human consumption.
- (5) Not more than the number of persons stated in the authority may take fish at the same time.

93 Selling fish

The authority holder may sell fish taken under the authority only for—

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

94 Using fishing lines

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

95 Using cast nets

A cast net may be used only if it is not more than 6 m in diameter and has a mesh size of not more than 28 mm.

96 Using scoop nets

A scoop net may be used only if it is not more than 2 m in any dimension and has a mesh size of not more than 25 mm and a handle or shaft not longer than 2.5 m.

97 Using seine nets

- (1) A seine net may be used only if it is not longer than 16 m and has a mesh size of not more than 28 mm and a drop of not more than 3 m.
- (2) A person using the net under an authority must be within 100 m of it.

Division 2 Fishing under fishery symbol 'RQ'**Subdivision 1 Preliminary****98 Application of subdiv 1–3**

- (1) Subdivisions 1 to 3 apply to the taking and possessing of coral reef fin fish under the fishery symbol 'RQ'.
- (2) This division is subject to chapter 2.

99 Area for 'RQ' fishery symbol

The area for the fishery symbol 'RQ' consists of—

- (a) if the fishery symbol is written on a licence that also has the fishery symbol 'L1' written on it—the L1 fishery area; and
- (b) if the fishery symbol is written on a licence that also has the fishery symbol 'L2' or 'L3' written on it—the L2 or L3 fishery area; and
- (c) if the fishery symbol is written on a licence that also has the fishery symbol 'L6' or 'L7' written on it—the L6 or L7 fishery area; and

- (d) if the fishery symbol is written on an RQ(L8) licence—the L8 fishery area.

Subdivision 2 General requirements about taking coral reef fin fish

100 Where coral reef fin fish may be taken

Coral reef fin fish may be taken from the areas mentioned in section 99.

101 What coral reef fin fish may be taken

- (1) The following coral reef fin fish may be taken—
- (a) under an RQ(L8) licence—any coral reef fin fish other than coral trout and red emperor;
 - (b) under another licence on which the fishery symbol ‘RQ’ is written—any coral reef fin fish.
- (2) This section is subject to subdivision 4.

102 Permitted ways of taking fish (other than under RQ(L8) licence)

- (1) This section applies to the taking of coral reef fin fish under a licence on which the fishery symbol ‘RQ’ is written, other than an RQ(L8) licence.
- (2) Coral reef fin fish may be taken only by using hand or mechanically operated fishing lines or fishing rods with hand or mechanically operated reels.
- (3) A person must not use more than 3 fishing lines at a time.
- (4) 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

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

103 Permitted ways of taking fish—RQ(L8) licence

- (1) This section, and sections 104 and 105, apply to the taking of coral reef fin fish under an RQ(L8) licence.
- (2) Coral reef fin fish may be taken only by using drop lines or bottom set lines as required under section 104 or 105.
- (3) A person must be within 100 m of a line or group of lines while they are in use.
- (4) A drop line and a bottom set line must not be used at the same time.

104 Using drop lines—RQ(L8) licence

- (1) A drop line must not have more than 50 hooks attached to it.
- (2) Not 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—
 - (a) marked with the boat mark of the primary boat identified on the holder's RQ licence; and
 - (b) at least 30 cm in each of its dimensions.

105 Using bottom set lines—RQ(L8) licence

- (1) A bottom set line must not have more than 300 hooks attached to it.
- (2) Not 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—
 - (a) marked with the boat mark of the primary boat identified on the holder's RQ licence; and
 - (b) at least 30 cm in each of its dimensions.

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106 Prohibitions to allow identification or counting of coral reef fin fish

- (1) A person may possess coral reef fin fish on board a commercial fishing boat only in any of the following forms—
 - (a) whole;
 - (b) gilled and gutted;
 - (c) if the fish is filleted under a filleting permit—filleted.
- (2) Subsection (1) does not apply to a person possessing 1 coral reef fin fish that is to be used as bait.

106A Identification requirement to allow identification or counting of coral reef fin fish

- (1) This section applies if—
 - (a) 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 coral trout—the words ‘coral trout’ and the number of coral trout inside the container; or
 - (b) if the container contains red throat emperor—the words ‘red throat emperor’ and the number of red throat emperor inside the container; or
 - (c) if the container contains other coral reef fin fish—the words ‘other coral reef fin fish’ and the number of other coral reef fin fish inside the container; or
 - (d) if the container contains fish other than coral reef fin fish—the words ‘other species of fish’ and the number of fish inside the container.

Subdivision 3 Use of commercial fishing boats

107 Using primary boats

Subject to section 43(2) and (3)¹⁶ of the regulation, a primary boat longer than 20 m must not be used.

108 Using tender boats

- (1) A tender boat must not be used—
 - (a) in the L1 fishery area, the L2 or L3 fishery area or the L6 or L7 fishery area—more than 5 n miles from its primary boat; or
 - (b) in the L8 fishery area—more than 800 m from its primary boat.
- (2) Subsection (1) does not apply if—
 - (a) the tender boat and its primary boat are located—
 - (i) in L2 or L3 fishery area; and
 - (ii) on the same reef; or
 - (b) both of the following apply—
 - (i) the tender boat is used only to carry—
 - (A) fish taken by its primary boat; or
 - (B) fishing apparatus used from its primary boat;
 - (ii) the tender boat and its primary boat are both within 2 km of the mainland shore.
- (3) The tender licence must have the fishery symbol 'RQ' written on it.
- (4) For tender boats identified in a licence with the fishery symbol 'RQ' written on it, not more than the number of tender boats authorised by the chief executive for the fishery may be used at a time.

¹⁶ Section 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) of the regulation

109 Permitted distance for 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 is—
 - (a) in the L8 fishery area—800 m; or
 - (b) in other waters—5 n miles.
- (2) However, any distance is permitted if the boats are located—
 - (a) in the L2 or L3 fishery area; and
 - (b) on the same reef.

Subdivision 4 Line units

110 Purpose of subdiv 4

This subdivision prescribes conditions to which the following are subject—

- (a) line units;
- (b) for a commercial fisher or assistant fisher acting under line units held by another person—the fisher's commercial fisher or assistant fisher licence.

111 Definitions for subdiv 4

In this subdivision—

amending notice deadline, for an amending notice for a prior notice, means—

- (a) for an amending notice amending the landing period or landing place mentioned in the prior notice—the earlier of the following—
 - (i) when the first authorised boat, for the line unit holder by or for whom the prior notice was given, enters the area that is within 0.5 n miles of the landing place mentioned in the prior notice;

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- (ii) if the landing place mentioned in the prior notice is at or north of latitude 15°50.30' south¹⁷—3 hours before the landing period mentioned in the prior notice ends;
- (iii) if the landing place mentioned in the prior notice is south of latitude 15°50.30' south—1 hour before the landing period mentioned in the prior notice ends; or
- (b) for another amending notice—the earlier of the following—
 - (i) when the first authorised boat, for the line unit holder by or for whom the prior notice was given, enters the area that is within 0.5 n miles of the landing place mentioned in the prior notice;
 - (ii) 1 hour before the landing period mentioned in the prior notice ends.

authorised boat, for a line unit holder, means—

- (a) the primary boat identified in the holder's line unit certificate for a line year; and
- (b) a tender boat, the licence number for which is stated in the line unit certificate, of the primary boat.

authorised unloading time, for unloading 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 on which the fish are on board landed at or north of latitude 15°50.30' south¹⁸ and an unnotifiable landing notice for the landing was given before 9 a.m. on

17 Latitude 15°50.30' south approximately runs through Rattlesnake Point.

18 Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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- the day the boat or vessel landed—3 p.m. on the day the boat or vessel landed; or
- (ii) if the authorised boat or transport vessel on which the fish are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given between 9 a.m. and 4 p.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 on which the fish are on board landed at or north of latitude 15°50.30' south and an unnotifiable landing notice for the landing was given after 4 p.m. on the day the boat or vessel landed—3 p.m. on the day after the boat or vessel landed; or
 - (iv) if the authorised boat or transport vessel on which the fish are on board landed south of latitude 15°50.30' south—3 hours after the boat or vessel landed.

complying number means—

- (a) for the total number of coral reef fin fish, or total number of coral reef fin fish that are not filleted, on board all the authorised boats for a line unit holder—
 - (i) if the total number of the fish on board the boats is more than 100—a number that is—
 - (A) more than the number worked out by taking the corresponding total number of fish mentioned in the prior notice given for the fish and subtracting the number that is 1% of the corresponding total number, rounded down to the nearest whole number; but
 - (B) not more than the number worked out by taking the corresponding total number of fish mentioned in the prior notice given for the fish and adding the number that is 1% of the corresponding total number, rounded down to the nearest whole number; or

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- (ii) otherwise—the corresponding total number of fish mentioned in the prior notice given for the fish; or
- (b) for the total number of containers containing filleted coral reef fin fish on board all the authorised boats for a line unit holder—the corresponding total number of containers mentioned in the prior notice given for the fish.

identification code, for a transport vessel, means the sequence of numbers that is to be used to identify the vessel and is—

- (a) nominated by the chief executive; and
- (b) published on the department's website.¹⁹

landing period, for a prior notice, see definition *prior notice particulars*, paragraph (e).

landing place—

- (a) for a prior notice—see definition *prior notice particulars*, paragraph (c); or
- (b) for a transshipment notice—see definition *transshipment notice particulars*, paragraph (d)(i); or
- (c) for an unnotifiable landing notice—see definition *unnotifiable landing notice particulars*, paragraph (c)(i).

notifying period, in relation to a prior notice or transshipment notice, means the period—

- (a) starting when the first authorised boat, for the line unit holder who is required to give the prior notice or transshipment notice, leaves for a fishing trip; and
- (b) ending—
 - (i) for a prior notice—when the prior notice deadline for the notice has passed; or
 - (ii) for a transshipment notice—immediately before the transport vessel, to which the coral reef fin fish on

¹⁹ At 1 July 2004, the department's website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

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board the authorised boats for the holder were transferred, lands.

prescribed numerical code, for a place, means the sequence of numbers that may be used to identify the latitude and longitude coordinates for the place and is—

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

prescribed person means each of the following—

- (a) the holder of line units;
- (b) a commercial fisher or assistant fisher acting under line units held by another person.

prescribed reason, for not giving a prior notice or transshipment notice, means either of the following—

- (a) the notice could not be given because all the relevant equipment on board the authorised boats for the line holder who was required to give the notice—
 - (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) for not giving a prior notice—
 - (i) the authorised boats for the line unit holder who was required to give the notice landed because of an unforeseeable and uncontrollable event, including, for example, a medical emergency, fire and extreme weather conditions; and
 - (ii) the notice could not be given because of the event.

prior notice area means any of the following—

- (a) a defined port area;
- (b) another area that is within 0.5 n miles of a part of the State where landing of a boat is practicable.

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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' south²⁰ and the landing period mentioned in the notice ends during the period starting at 3 p.m. and ending at 10 p.m. on a day—6 hours before the first of the authorised boats, for the line unit holder by or for whom the notice is given, that will be landed at the place will land at the place;
- (c) if the landing place mentioned in the notice is at or north of latitude 15°50.30' south and the landing period mentioned in the notice ends during the period starting at 10 p.m. on a day (the **first day**) and ending at 3 p.m. on the following day—4 p.m. on the first day;
- (d) if the landing place mentioned in the notice is south of latitude 15°50.30' south—3 hours before the first of the authorised boats, for the line unit holder by or for whom the notice is given, that will be landed at the place will land at the place.

prior notice particulars, for a prior notice, means 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 RQ licence to which the line units 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 line holder by or for whom the notice is given, will be landed;
- (d) whether or not it is proposed to unload coral reef fin fish from or by using 1 or more of the authorised boats

²⁰ Latitude 15°50.30' south approximately runs through Rattlesnake Point.

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- before the boats leave the unloading area for the landing place;
- (e) 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;
 - (f) the total number of each of the following on board all the authorised boats when the notice is given—
 - (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish;
 - (g) if the person giving the prior 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 all the authorised boats when the notice is given—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (ii) the total number of each of the following that are not filleted and are on board all the authorised boats when the notice is given—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish.

relevant equipment means equipment that can be used—

- (a) to use the AIVR system; or
- (b) to contact a person on land or on board a boat.

transshipment notice particulars, for a transshipment notice, means each of the following—

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- (a) the current fisher PIN for the line units to which the notice relates;
- (b) the numerical part of the licence number for the RQ licence to which the line units 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 the places—
 - (i) at which the vessel will be landed (the *landing place*); and
 - (ii) at which the coral reef fin fish that were transferred from the authorised boats, for the line unit holder by or for whom the notice is given, to the vessel will be unloaded;
- (e) the date on which the fish that were transferred from the authorised boats to the vessel will be unloaded;
- (f) the total number of each of the following that were transferred from the authorised boats to the vessel—
 - (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish;
- (g) if the person giving the transshipment 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 were transferred from the authorised boats to the vessel—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (ii) the total number of each of the following that are not filleted and were transferred from the authorised boats to the vessel—

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- (A) coral trout;
- (B) red throat emperor;
- (C) other coral reef fin fish.

unloaded fish notice particulars, for an unloaded fish notice, means 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 RQ licence to which the line units 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 coral reef fin fish mentioned in the unloaded fish notice—the transaction number;
- (d) the weight of the following that were unloaded by or for the holder—
 - (i) each of the following in whole form—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (ii) each of the following in gilled and gutted form—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (iii) each of the following in filleted form—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) fish of a species of cod or groper and crimson jobfish (rosy jobfish) or lavender jobfish;
 - (D) goldband snapper;

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- (E) fish of a species of tropical snapper or seaperch not mentioned in subsubparagraph (C) or (D);
- (F) fish of a species of emperor, other than red throat emperor;
- (G) fish of any other species of coral reef fin fish or an unidentified species.

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 0.5 n miles of the landing place.

unloading particular, for a prior notice, means the information mentioned in the notice about whether or not it is proposed to unload coral reef fin fish from or by using 1 or more authorised boats, for the line unit holder by or for whom the notice is given, before the boats leave the unloading area for the landing place mentioned in the notice.

unnotifiable landing notice see section 119(2)(b).

unnotifiable landing notice particulars, for an unnotifiable landing notice, means 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 RQ licence to which the line units relate;
- (c) the prescribed numerical code or the latitude and longitude coordinates for the places—
 - (i) at which the authorised boats or transport vessel to which the notice relates have been landed (the ***landing place***); and
 - (ii) at which the coral reef fin fish on board the boats or vessel will be unloaded;
- (d) the total number of each of the following that are on board the boats or vessel when the notice is given—

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- (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish;
- (e) if the person giving the unnotifiable landing 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 boats or vessel when the notice is given—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (ii) the total number of each of the following that are not filleted and are on board the boats or vessel when the notice is given—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish.

112 Requirements for taking or possessing fish on authorised boat

- (1) A prescribed person may take coral reef fin fish from, or possess coral reef fin fish on board, an authorised boat for a line unit holder in a line year only if the holder holds the following line units with unused entitlements for the line year—
- (a) for coral trout—CT line units;
 - (b) for red throat emperor—RTE line units;
 - (c) for other coral reef fin fish—OS line units.
- (2) Also, a prescribed person must not take coral reef fin fish for a recreational purpose from, or possess coral reef fin fish taken for a recreational purpose on board, an authorised boat for a

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line unit holder if coral reef fin fish taken under an RQ licence are also on board the boat.

- (3) Subsection (2) does not apply if—
- (a) the coral reef fin fish taken for a recreational purpose—
 - (i) are taken or possessed for consumption by persons on board the boat; and
 - (ii) are not unloaded from the boat; and
 - (b) if a prior notice under section 113 or 114 has been given for the coral reef fin fish taken under the RQ licence—the coral reef fin fish taken for a recreational purpose are not possessed by the prescribed person less than 1 hour before the landing period mentioned in the notice ends; and
 - (c) not more than the prescribed number of coral reef fin fish taken for a recreational purpose are on board the boat at the same time.
- (4) In this section—
- prescribed number***, for coral reef fin fish taken for a recreational purpose from, or possessed for a recreational purpose on board, an authorised boat, means the lower of the following—
- (a) the number in excess of which coral reef fin fish become regulated by number for recreational fishers under a regulated fish declaration;
 - (b) the number of persons who are on board the boat when the coral reef fin fish are taken or possessed.

113 Requirement to give prior notice

- (1) This section applies if—
- (a) coral reef fin fish are on board an authorised boat for a line unit holder; and
 - (b) an authorised boat for the holder enters a prior notice area; and

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- (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 must give notice (*prior notice*) of the prior notice particulars to the chief executive before the prior notice deadline for the notice has passed.
- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) 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;²¹ 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 coral reef fin fish at the place.

114 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 113; and
 - (b) the notice stated that coral reef fin fish were not to be unloaded from or by 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 coral reef fin fish before the boats leave the unloading area.

²¹ Latitude 15°16.57' south runs through South Cape Bedford.

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- (2) The holder must give another notice (also a **prior notice**) to the chief executive stating that coral reef fin fish will be unloaded before the boats leave the unloading area.
- (3) The notice must—
 - (a) state all the prior notice particulars; and
 - (b) be given before the prior notice deadline for the notice has passed.
- (4) A prior notice given under this section replaces the prior notice given under section 113.
- (5) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection and subsection (3), for the holder.

115 Amendment or withdrawal of prior notice

- (1) This section—
 - (a) applies if a prior notice has been given by or for a line unit holder; and
 - (b) states the only circumstances in which the notice may be amended or withdrawn.
- (2) If a prior notice particular, other than an unloading particular, for the notice changes, the holder, or a person acting for the holder, may by notice (**amending notice**) to the chief executive amend the prior notice to reflect the change.
- (3) An amending notice must be given before the amending notice deadline for the notice has passed.
- (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 coral reef fin fish are taken from any authorised boat for the holder.

116 General requirements after prior notice given

- (1) This section applies if a prior notice has been given by or for a line unit holder.

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- (2) The person in control of a relevant authorised boat must ensure that—
- (a) the boat lands—
 - (i) at the landing place mentioned in the notice; and
 - (ii) not more than 1 hour before or after the landing period mentioned in the notice ends; and
 - (b) the total number of each of the following on board all the authorised boats for the holder when the relevant authorised boat lands is a complying number—
 - (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish; and
 - (c) if the person giving the prior notice was prompted by the AIVR system to enter the total number of the following on board the authorised boats for the holder—the total number of the following on board the authorised boats when the relevant authorised boat lands is a complying number—
 - (i) containers containing each of the following in filleted form—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish;
 - (ii) each of the following other than in filleted form—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish.
- (3) Also, if a relevant authorised boat lands at the landing place mentioned in the 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 the landing period has ended.

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- (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) Subsection (3) does not require the person in control of the relevant authorised boat to be on board the boat after the boat has landed.
- (6) In this section—
relevant authorised boat, in relation to a prior notice, means an authorised boat, for the line unit holder by or for whom the notice was given, that is proposed to be landed at the landing place mentioned in the notice.

**117 Additional requirements if prior notice
stated fish will be unloaded**

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder; and
 - (b) the notice stated that coral reef fin fish were to be unloaded from or by 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 coral reef fin fish from an authorised boat for the holder after the prescribed time unless—
 - (a) all the 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 122, for the fish.
- (3) Also, 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

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- (b) the estimated time (the ***unloading time***) at which the fish are to be unloaded.
- (4) If subsection (3) applies, a prescribed person must not unload, or allow to be unloaded, the fish on board the authorised boats other than at the unloading place and at the unloading time.
- (5) In this section—
 - prescribed time***, in relation to a prior notice, means the earlier of the following—
 - (a) the time the first authorised boat, for the line unit holder by or for whom the notice is given, enters the area within 0.5 n miles of the landing place mentioned in the notice;
 - (b) 1 hour before the landing period mentioned in the prior notice ends.

118 Requirement to give transshipment notice

- (1) This section applies if coral reef fin fish are—
 - (a) taken from an authorised boat for a line unit holder; and
 - (b) transferred, before the fish are unloaded, to a following vessel (a ***transport vessel***)—
 - (i) a boat identified in a carrier boat licence;
 - (ii) a commercial ship registered under the *Transport Operations (Marine Safety) Act 1994*; and
 - (c) proposed to be unloaded from or by using the vessel.
- (2) As soon as practicable after the fish are transferred to the vessel, the holder must give notice (***transshipment notice***) of the transshipment notice particulars to the chief executive.
- (3) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.
- (4) In this section—
 - commercial ship*** see the *Transport Operations (Marine Safety) Regulation 1995*, schedule 11.

119 General requirement for unloading fish

- (1) A prescribed person must not unload, or allow to be unloaded, coral reef fin fish taken from an authorised boat for a line unit holder unless—
 - (a) a prior notice as required under section 113 or 114 has been given by or for the holder and the notice stated the fish were to be unloaded from or by 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 as required under section 118 has been given by or for the holder for the fish.
- (2) It is a defence to an offence relating to non-compliance with subsection (1) if the prescribed person proves—
 - (a) the prior notice or transshipment notice was not given by or for the holder because of a prescribed reason; and
 - (b) the holder or another person acting for the holder gave the chief executive a notice (an ***unnotifiable landing notice***) for the landing of the authorised boats for the holder, or the transport vessel to which the coral reef fin fish taken from the boats were transferred—
 - (i) immediately after the first of the boats, or the vessel, lands; and
 - (ii) stating the unnotifiable landing notice particulars; and
 - (c) the prescribed person did not, before the authorised unloading time—
 - (i) move, or allow to be moved, the boats or vessel to a place more than 200 m 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 fish from the boats or vessel.

120 Additional requirements for unloading fish if prior notice given

- (1) This section applies if—
 - (a) a prior notice has been given by or for a line unit holder; and
 - (b) the notice stated that coral reef fin fish were to be unloaded from or by 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 coral reef fin fish unless section 116 has been complied with in relation to the notice.
- (3) Also, a prescribed person may unload, or allow to be unloaded, the fish—
 - (a) only after the landing period mentioned in the notice has ended; and
 - (b) if the fish are to be unloaded from or by using a tender boat of a primary boat for the holder—only if the tender boat is attached to, or is within 200 m of, the primary boat; and
 - (c) only at a place that is open for entry, under the Act, by an inspector and is any of the following—
 - (i) the landing place mentioned in the notice;
 - (ii) if the landing place is within a defined port area—another place that is within the defined port area;
 - (iii) if the landing place is not within a defined port area—another place that is within 0.5 n miles of the landing place.
- (4) Subsection (3)(a) does not apply if—
 - (a) the fish are unloaded by moving the boat carrying the fish to a place on land and, until the landing period has ended—
 - (i) the fish are kept on board the boat; and

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- (ii) the boat is kept at a place that is within 200 m of, and visible to a person at, the landing place; or
- (b) an inspector supervises the person unloading the fish.

121 Requirements for weighing unloaded fish

- (1) This section applies if coral reef fin fish taken by or for a line unit holder have been unloaded from or by using an authorised boat for the holder or a transport vessel.
- (2) The holder—
 - (a) must weigh, or cause to be weighed, the fish as soon as practicable after the fish have been unloaded; and
 - (b) may weigh, or allow to be weighed, the fish only 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 *Trade Measurement Act 1990*.

122 Requirement to give unloaded fish notice

- (1) This section applies if coral reef fin fish—
 - (a) were taken from an authorised boat for a line unit holder; and
 - (b) are unloaded from or by using the boat or a transport vessel.
- (2) The holder must give notice (*unloaded fish notice*) of the unloaded fish notice particulars to the chief executive—
 - (a) as soon as practicable after the first time the coral reef fin fish on board the boat or vessel are unloaded from or by using the boat or vessel; and
 - (b) if the coral reef fin 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 holder, or a commercial fisher acting for the holder, must—

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- (a) retain possession of the coral reef fin fish until the unloaded fish notice is given; or
 - (b) for a live fish that is sold or given to another person—remain within 200 m of the fish until the unloaded fish notice is given.
- (4) The holder complies with subsection (2) if another person gives the notice, in compliance with the subsection, for the holder.

123 Notices to chief executive under this subdivision

- (1) This section applies to a notice required to be given to the chief executive under section 113, 114, 115, 118, 119(2)(b) or 122.
- (2) The notice must be given to the chief executive by using the AIVR system.²²

Part 4 Conditions for boat licences

126 Conditions of RQ licences about transhipping

- (1) An RQ licence is subject to the conditions mentioned in subsections (2) and (3).²³
- (2) Coral reef fin fish taken from the primary boat must not be transhipped to any of the following boats (the *prescribed boats*)—
 - (a) another primary boat;
 - (b) the tender boat of another primary boat.

22 See the regulation, part 12 (Miscellaneous), division 3 (Automated interactive voice response system).

23 See also, for example, sections 43 (Restrictions on writing fishery symbols on authorities allowing the use of boats of certain lengths in commercial fisheries) and 54 (Primary commercial fishing boat licence) of the regulation.

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- (3) Coral reef fin fish taken from a prescribed boat must not be transhipped to the primary boat.

127 Conditions of particular tender licences

A tender licence with the fishery symbol 'RQ' written on it is subject to the conditions²⁴ that—

- (a) coral reef fin fish taken from the tender boat must not be transhipped to a boat other than—
 - (i) the tender boat's primary boat; or
 - (ii) another tender boat of its primary boat; and
- (b) coral reef fin fish taken from any of the following boats must not be transhipped to the tender boat—
 - (i) a primary boat, other than the tender boat's primary boat;
 - (ii) the tender boat of a primary boat mentioned in subparagraph (i).

128 No new carrier boat licences

- (1) The chief executive must not issue a carrier boat licence allowing the carriage of coral reef fin fish.
- (2) The chief executive may replace or renew a carrier boat licence allowing the carriage of coral reef fin fish only if—
 - (a) the licence was issued before the notification day; and
 - (b) the holder applying for the replacement or renewal has held the licence continuously from the notification day; and
 - (c) the application is for the replacement or renewal of the licence on the same, or substantially the same, conditions.

²⁴ See also, for example, section 56 (Tender commercial fishing boat licence) of the regulation.

- (3) A carrier boat licence issued before the notification day is subject to the condition that the boat must not be used to carry live 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 boat.

Part 5 Filleting permits

129 Chief executive may issue filleting permits

- (1) The chief executive may issue filleting permits.
- (2) The chief executive may issue a filleting permit only to the holder of an RQ licence.

130 What filleting permit authorises

The holder of a filleting permit, or a commercial fisher acting under the holder’s RQ licence, may fillet coral reef fin fish stated in the permit on board the primary boat identified on the holder’s RQ licence.

Chapter 4 Other fishing

Part 1 Commercial fishing tours

131 Application of pt 1

- (1) This part applies to all tidal waters.
- (2) However, this part is subject to chapter 2.²⁵

132 What fish may be taken

- (1) Any coral reef fin fish may be taken.
- (2) However, the fish must be taken under a general fisheries permit allowing a commercial fishing tour to be conducted.

133 Permitted ways of taking fish

- (1) Coral reef fin fish may be taken only by using—
 - (a) hand or mechanically operated fishing lines; or
 - (b) fishing rods with hand or mechanically operated reels;
or
 - (c) hand-held spears or spear guns.
- (2) Each of the following persons must use a total of not more than 3 fishing lines at a time—
 - (a) the person in control of a boat used for a commercial fishing tour;
 - (b) a crew member for the tour.
- (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

25 Chapter 2 (Closed waters and regulated fish declarations)

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

134 General conditions of taking coral reef fin fish

If the authority under which coral reef fin fish are taken has an area stated on it, the fish may be taken only in the stated area.

135 Prohibitions to allow identification or counting of coral reef fin fish

- (1) A person conducting a commercial fishing tour, or a crew member for the tour, may possess coral reef fin fish on board the boat used to conduct the tour only in any of the following forms—

- (a) whole;
- (b) gilled and gutted;
- (c) if subsection (2) or (3) applies—filleted.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a person possessing 1 coral reef fin fish that is to be used as bait.
- (3) If the tour is conducted for an uninterrupted period of not more than 48 hours, the person may possess, on board the boat, a fillet from a coral reef fin fish only if—
- (a) the fish is a species other than chinese footballer (blue spot trout) and—
 - (i) the length of the fillet is at least 40 cm; and
 - (ii) all the skin of the fillet is attached to the fillet; or
 - (b) an inspector reasonably believes the fillet is intended for immediate consumption by persons on board the boat.
- (4) If the tour is an extended commercial fishing tour, the person may possess, on board the boat, a fillet from a coral reef fin fish only if—
- (a) all the skin of the fillet is attached to the fillet; and
 - (b) the fillets from the fish are packaged together; and

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- (c) the package is labelled with the common name of the species of the fish.
- (5) If a coral reef fin fish taken from a boat is filleted ashore, the person must not return a fillet from the fish to a boat unless—
 - (a) the length of the fillet is at least 40 cm; and
 - (b) all the skin of the fillet is attached to the fillet.Maximum penalty—100 penalty units.
- (6) The person must not possess, on board the boat, a dead coral reef fin fish unless a pectoral fin has been removed from the fish.
Maximum penalty—100 penalty units.

136 Prohibition on possessing live coral reef fin fish on boat during tour

- (1) A person conducting a commercial fishing tour on a boat, or a crew member for the tour, must not possess a live coral reef fin fish on the boat unless the fish was taken by a recreational fisher and the person or fisher intends to immediately return the fish to the sea.
Maximum penalty—100 penalty units.
- (2) Subsection (1) does not apply if the person—
 - (a) possesses a live coral reef fin fish other than coral trout or red throat emperor; and
 - (b) intends to use the fish for display in an aquarium.

Part 2 Recreational fishing

137 Application of pt 2

- (1) This part applies to—
 - (a) all tidal waters; and

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- (b) all recreational fishers, including, for example, recreational fishers on a commercial fishing tour.
- (2) This part is subject to chapter 2.

138 What fish may be taken

Any coral reef fin fish may be taken.

139 Permitted ways of taking coral reef fin fish

- (1) Coral reef fin fish may be taken only by using—
 - (a) hand or mechanically operated fishing lines; or
 - (b) fishing rods with hand or mechanically operated reels; or
 - (c) hand-held spears or spear guns.
- (2) A recreational fisher 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 recreational fisher 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.

140 Prohibitions to allow identification or counting of coral reef fin fish

- (1) A recreational fisher must not possess, on board any boat, coral reef fin fish taken from a boat in a form other than the following—
 - (a) whole;
 - (b) gilled and gutted;
 - (c) if subsection (2) or (3) applies—filleted.

Maximum penalty—100 penalty units.

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- (2) Subsection (1) does not apply to a person possessing 1 coral reef fin fish that is to be used as bait.
- (3) If the fisher is not on a commercial fishing tour, or is on a commercial fishing tour conducted for an uninterrupted period of not more than 48 hours, the fisher may possess, on board a boat, a fillet from a coral reef fin fish only if—
- (a) the fish is a species other than chinese footballer (blue spot trout); and—
 - (i) the length of the fillet is at least 40 cm; and
 - (ii) all the skin of the fillet is attached to the fillet; or
 - (b) an inspector reasonably believes the fillet is intended for immediate consumption by persons on board the boat; or
 - (c) the boat is used only for transporting people or vehicles and the fisher is a paying passenger on board the boat.
- (4) If the fisher is on an extended commercial fishing tour, the fisher may possess, on board a boat, a fillet from a coral reef fin fish only if—
- (a) all the skin of the fillet is attached to the fillet; and
 - (b) the fillets from the fish are packaged together; and
 - (c) the package is labelled with the common name of the species of the fish.
- (5) If a coral reef fin fish taken from a boat is filleted ashore, the fisher must not return a fillet from the fish to a boat unless—
- (a) the length of the fillet is at least 40 cm; and
 - (b) all the skin of the fillet is attached to the fillet.

Maximum penalty—100 penalty units.

- (6) The fisher must not possess, on board the boat, a dead coral reef fin fish unless a pectoral fin has been removed from the fish.

Maximum penalty—100 penalty units.

141 Prohibition on possessing live coral reef fin fish on boat

- (1) A recreational fisher must not possess a live coral reef fin fish on board a boat unless—
- (a) the fisher, or another recreational fisher, took the fish; and
 - (b) the fisher, or the other recreational fisher, intends to immediately return the fish to the sea.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply if the recreational fisher—
- (a) possesses a live coral reef fin fish other than coral trout or red throat emperor; and
 - (b) intends to use the fish for display in an aquarium.

**Part 3 Aboriginal and Torres Strait
Islander fishing**

**142 Aboriginal and Torres Strait Islander rights
not affected**

This plan does not limit the right of an Aborigine or Torres Strait Islander to take, use or keep coral reef fin fish under Aboriginal tradition or Island custom.

Chapter 5 Miscellaneous provisions

Part 1 Review of plan

Division 1 Reviews required

143 General review

- (1) The chief executive must review this plan to decide whether its provisions remain appropriate.
- (2) The review must start at least 5 years, but not more than 9 years, after the notification day.
- (3) Despite subsection (2), the chief executive must review the provisions of the plan about regulated fish²⁶ every 5 years after the notification day or at an earlier time the chief executive considers appropriate.

144 Review of average annual catch of coral reef fin fish

- (1) The chief executive must, no later than 4 years after the notification day, review this plan to decide—
 - (a) whether there has been a consistent decrease in the average annual catch of coral reef fin fish in an area during the preceding 4 year period; and
 - (b) if so, whether—
 - (i) the decrease is due to the taking of the fish in an area located near a populated area; and
 - (ii) the average annual catch in the area is consistent with ecologically sustainable development.
- (2) If the chief executive reasonably believes paragraphs (a) and (b)(i) are satisfied and that the average annual catch in the area is not consistent with ecologically sustainable

²⁶ See chapter 2 (Closed waters and regulated fish declarations), part 2 (Regulated fish).

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development, the chief executive must amend this plan to take measures to achieve an average annual catch for coral reef fin fish in the area that is consistent with ecologically sustainable development.

(3) In this section—

average annual catch of coral reef fin fish in an area means the amount of coral reef fin fish taken in the area in a year by recreational and commercial fishers, divided by the number of days in the year on which boats were used to take coral reef fin fish in the area.

145 Ongoing review of entitlements under line units

- (1) The chief executive must, every 2 years after the last day of the first line year, review this plan to decide—
 - (a) whether the total entitlements of line units, in the immediately preceding line year, for each of the following species or groups of species are consistent with ecologically sustainable development—
 - (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish; and
 - (b) if so, whether the chief executive reasonably believes the total entitlements are appropriate having regard to the main purpose of this plan.
- (2) If the chief executive decides, for a species or group of species mentioned in subsection (1)(a)(i) to (iii), that the total entitlements are not consistent with ecologically sustainable development, the chief executive must amend this plan to take measures to achieve entitlements for the species the chief executive reasonably believes are consistent with ecologically sustainable development.
- (3) If the chief executive decides, for a species or group of species mentioned in subsection (1)(a)(i) to (iii), that the total entitlements are not appropriate having regard to the main purpose of this plan, the chief executive may amend this plan to take measures to achieve entitlements the chief executive

reasonably believes are appropriate having regard to the main purpose of this plan.

146 Review of total line unit entitlements

- (1) The chief executive must, if the event mentioned in subsection (2) happens, review the total entitlements of line units to decide whether the chief executive reasonably believes the level of entitlements is appropriate having regard to the main purpose of this plan.
- (2) For subsection (1), the event is that immediately after all line units have been issued under chapter 3, part 2, division 3,²⁷ the total entitlements of the line units is less than—
 - (a) for CT line units—1 350 t of coral trout; or
 - (b) for RTE line units—700 t of red throat emperor; or
 - (c) for OS line units—1 011 t of other coral reef fin fish.
- (3) If the chief executive reasonably believes the level of line unit entitlements is not appropriate having regard to the main purpose of this plan, the chief executive may amend this plan to increase the entitlement of a line unit.
- (4) If the entitlement of a line unit is increased under subsection (3), the total entitlements under the line units must not exceed the amounts stated in subsection (2).

147 Review of catch under OS line units

- (1) The chief executive must, if the event mentioned in subsection (2) happens, review this plan to decide whether the catch of the relevant species or the relevant group of species is consistent with ecologically sustainable development.
- (2) For subsection (1), the event is that—
 - (a) the catch of a species of other coral reef fin fish (the *relevant species*) under OS line units in a line year is at least 10% higher than the catch of the relevant species under OS line units in the first line year; or

²⁷ Chapter 3 (Commercial fishery), part 2 (Line units), division 3 (Issue of line units)

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- (b) the catch of a relevant group of species of coral reef fin fish under OS line units in a line year is at least 20% higher than the catch of the relevant group of species under the line units in the first line year.
- (3) If the chief executive reasonably believes the catch of the relevant species or the relevant group of species is not consistent with ecologically sustainable development, the chief executive must take steps, including, for example, amending this plan, to achieve a catch of the relevant species or relevant group of species under OS line units that is consistent with ecologically sustainable development.
- (4) In this section—
relevant group of species means coral reef fin fish of the same family, other than coral trout or red throat emperor.

Division 2 Consultation requirements for reviews

148 Consultation for review

- (1) In conducting a review, the chief executive must take reasonable steps to engage in consultation about the plan.
- (2) When the review starts, the chief executive must give written notice of each of the following—
 - (a) that the plan is being reviewed;
 - (b) that a plan review paper is available for comment;
 - (c) where the paper can be obtained;
 - (d) that a person may make written comments to the chief executive on the paper;
 - (e) the address to which the comments may be made;
 - (f) the period, of at least 28 days after the notice is given, during which any comments must be made to the chief executive.

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- (f) taking coral reef fin fish in a prohibited way using fishing apparatus other than a fishing line;
- (g) taking coral reef fin fish using a fishing line or lines with a combined total of more than 9 hooks or lures attached to the line or lines;
- (h) using a carrier boat to carry coral reef fin fish in contravention of a carrier boat licence;²⁹
- (i) obstructing, hindering or resisting an inspector exercising a power in relation to the fishery;³⁰
- (j) contravening section 79³¹ of the Act;
- (k) contravening section 89 or 90³² of the Act;
- (l) entering or using a zone, within the meaning of the *Great Barrier Reef Marine Park Act 1975* (Cwlth), in contravention of section 38A³³ of that Act;
- (m) using a tender boat in way that contravenes the *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), regulation 41;³⁴
- (n) entering or using a zone or designated area, within the meaning of the *Marine Parks Regulation 1990*, in contravention of section 8A³⁵ of that regulation;
- (o) the holder of a licence failing to ensure another person acting under the licence complies with the Act if the

29 See section 128 (No new carrier boat licences).

30 See section 182 (Obstruction etc. of inspector) of the Act.

31 Section 79 (Quota offences) of the Act

32 Section 89 (Noxious fisheries resources not to be possessed, released etc.) or 90 (Nonindigenous fisheries resources not to be possessed, released etc.) of the Act

33 *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38A (Zones to be used only for permitted purposes)

34 *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), regulation 41 (Tender commercial fishing vessels)

35 *Marine Parks Regulation 1990*, section 8A (Entry and use of zones and designated areas)

non-compliance constitutes a serious fisheries offence mentioned in paragraphs (a) to (n).³⁶

Division 2 Prescribed suspension and cancellation criteria

150 Criteria for suspending authorities

- (1) This section prescribes criteria under section 68B(4)(b)(i)³⁷ of the Act for a court suspending any of the following authorities under section 68B(2) of the Act—
 - (a) a commercial fisher licence;
 - (b) an assistant fisher licence;
 - (c) a commercial fishing boat licence;
 - (d) an authority with the fishery symbol ‘A1’ or ‘A2’ written on it;
 - (e) a buyer licence.
- (2) The prescribed criteria stated in subsection (3) apply only if—
 - (a) the authority holder has been convicted of a serious fisheries offence mentioned in section 149(a) to (i) or (k) to (o); and
 - (b) the conviction is not a spent conviction.
- (3) For subsection (2), the prescribed criteria are as follows—
 - (a) for the first conviction—2 to 3 months suspension;
 - (b) for the second conviction—6 months to 1 year’s suspension;
 - (c) for the third or subsequent conviction—1 to 5 years suspension.
- (4) The prescribed criteria stated in subsection (5) apply only if—

³⁶ See section 219(2) (Holder of authority responsible for ensuring Act complied with) of the Act.

³⁷ Section 68B (Suspension or cancellation of authority by court) of the Act

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- (a) the authority holder has been convicted of a serious fisheries offence mentioned in section 149(j); and
 - (b) the conviction is not a spent conviction.
- (5) For subsection (4), the prescribed criteria are as follows—
- (a) for the first conviction—1 year's suspension;
 - (b) for the second or subsequent conviction—1 to 5 years suspension.
- (6) 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 under section 11 of that Act.

151 Criteria for suspending line units

- (1) This section prescribes criteria under section 68B(4)(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, under the holder's RQ licence, an amount of the prescribed coral reef fin fish for the line units that exceeds the holder's total entitlements under the line units; or
 - (b) the holder's RQ licence is suspended.
- (3) The prescribed criteria are—
- (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.

152 Criteria for cancelling line units

- (1) This section prescribes criteria under section 68B(4)(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 coral reef fin fish that exceeds the holder's unused line unit entitlements for the line year by 500 kg (whole weight) or more.
- (3) The prescribed criteria are cancellation of the number of the holder's line units with an entitlement equivalent to the amount of coral reef fin fish unlawfully taken or possessed by the holder.

Part 3 General provisions

Division 1 Provisions about statistical returns and other information

153 Definitions for div 1

In this division—

buying and selling particulars, for a person who has bought (the *buyer*) or sold (the *seller*) coral reef fin fish, means each of the following—

- (a) the date on which the buyer started possessing the fish sold by the seller to the buyer;
- (b) the name of the buyer and the number of the authority under which the buyer is acting or, if the buyer is not acting under an authority, the address of the buyer;
- (c) the name of the seller and the number of the authority under which the seller is acting or, if the seller is not acting under an authority, the address of the seller;

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- (d) the weight of any of the following sold by the seller to the buyer—
 - (i) whole coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (ii) gilled and gutted coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (iii) filleted coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way);
 - (iv) coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way) in a form not mentioned in subparagraphs (i) to (iii);
- (e) if the seller sold live coral trout, red throat emperor or other coral reef fin fish to the buyer—the number of live coral trout, red throat emperor, or other coral reef fin fish (recorded in the prescribed way) sold.

group of species, of coral reef fin fish, means all of the species of coral reef fin fish identified under a heading in schedule 2.

prescribed way, for recording the weight or number of coral reef fin fish other than coral trout and red throat emperor, means recording the weight or number of the fish—

- (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) each group of species of the fish; or
 - (iii) a combination of individual species and groups of species of the fish.

relevant fishery area means the ‘L1’, ‘L2’, ‘L3’, ‘L6’, ‘L7’ or ‘L8’ fishery area.

taking particulars, for a person who has taken coral trout, red throat emperor or other coral reef fin fish, means—

- (a) the date the person took the coral trout, red throat emperor or other coral reef fin fish; and

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- (b) the number of coral trout, red throat emperor or other coral reef fin fish (recorded in the prescribed way) taken by the person.

154 Records to be kept about wholesale sales of coral reef fin fish

- (1) This section applies if a person (the *seller*) sells coral reef fin fish by wholesale to a person (the *buyer*) in the State.
- (2) The seller and buyer must keep a written record of the buying and selling particulars for the fish sold by the seller to the buyer.
- (3) The seller must keep the record for 5 years after the day the seller stopped possessing the fish.
- (4) The buyer must keep the record for 5 years after the day the buyer stopped possessing the fish.

155 Records to be kept about imports of coral reef fin fish

- (1) This section applies if a person—
 - (a) has taken coral reef fin fish from waters outside the State and brings the fish into the State for trade or commerce; or
 - (b) has bought coral reef fin fish from a person outside the State and brings the fish into the State for trade or commerce; or
 - (c) has taken, for trade or commerce, coral reef fin fish from Queensland waters other than waters within a relevant fishery area and unloads the fish in the State.
- (2) The person must keep a written record of—
 - (a) if the person took the coral reef fin fish—the taking particulars for the fish taken by the person; or
 - (b) if the person bought the coral reef fin fish from another person—the buying and selling particulars for the fish bought by the person.
- (3) The person must keep the record for the following period—

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- (a) starting—
 - (i) for a person mentioned in subsection (1)(a) or (b)—when the person brings the fish into the State; or
 - (ii) for a person mentioned in subsection (1)(c)—immediately before the person unloads the fish in the State;
- (b) ending 5 years after the day the person stops possessing the fish.
- (4) For subsection (1)(c), a person conducting a commercial fishing tour who takes coral reef fin fish during the tour does not take the fish for trade or commerce.
- (5) In this section—

the State includes Queensland waters.

156 Records to be kept about commercial carriage of coral reef fin fish

- (1) This section applies if a person in control of a boat or vehicle is transporting, on the boat or in the vehicle, coral reef fin fish for another person and for trade or commerce.
- (2) The person must ensure, at all times while the coral reef fin fish are on board the boat or in the vehicle—
 - (a) a written record of the carriage information is kept on board the boat or in the vehicle; and
 - (b) the record is available for immediate inspection.
- (3) In this section—

carriage information, for a person transporting coral reef fin fish for another person, means the following—

 - (a) the name of the other person for whom the person is transporting the coral reef fin fish;
 - (b) the address of the place where the fish were collected by the person;
 - (c) the address of the place where the fish are to be delivered by the person.

156A Records to be kept about commercial storage of coral reef fin fish

- (1) This section applies if a person stores, at a place, coral reef fin fish for another person and for trade or commerce.
- (2) The person must ensure, at all times while the coral reef fin fish are stored at the place—
 - (a) a written record of the name of the person for whom the person is storing the fish is kept at the place; and
 - (b) the record is available for immediate inspection.

156B Notice requirement for bringing coral reef fin fish into particular fishery area

- (1) This section applies if a commercial fishing boat on which coral reef fin fish, taken from waters other than waters within a relevant fishery area, are on board enters a relevant fishery area.
- (2) The person in control of the boat must notify the nominated person of the following information—
 - (a) the name of the person giving the notice;
 - (b) the name and boat mark of the boat;
 - (c) the total number of each of the following on board the boat when the boat enters the area—
 - (i) coral trout;
 - (ii) red throat emperor;
 - (iii) other coral reef fin fish, recorded in the prescribed way;
 - (d) if there are filleted coral reef fin fish on board the boat when the boat enters the area—
 - (i) the number of containers containing each of the following in filleted form that are on board the boat when the boat enters the area—
 - (A) coral trout;
 - (B) red throat emperor;

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- (C) other coral reef fin fish; and
- (ii) the number of each of the following that are not filleted and are on board the boat when the boat enters the area—
 - (A) coral trout;
 - (B) red throat emperor;
 - (C) other coral reef fin fish.
- (3) A notice under subsection (2) must be given—
 - (a) by telephone or facsimile; and
 - (b) before or immediately after the person enters the relevant fishery area.
- (4) A person complies with subsection (2) if the person telephones the nominated person and leaves a message on an answering machine provided by the nominated person.
- (5) In this section—

commercial fishing boat includes a boat that a person is entitled to use to take fish for trade or commerce under a law of the Commonwealth or another State.

nominated person means the person who holds the office nominated for this section by the chief executive, by publishing the following on the department’s website—

 - (a) the title of the office;
 - (b) the contact details for persons holding the office.³⁸

38 At 1 July 2004, the department’s website was at <www.dpi.qld.gov.au> and the part of the website relating to fisheries resources and fish habitats was at <www.dpi.qld.gov.au/fishweb>.

Division 2 Other provision

157 Counting fillets as whole fish

For this plan,³⁹ 2 whole or partial fillets of a coral reef fin fish are equivalent to 1 whole coral reef fin fish.

Chapter 6 Transitional provisions

Division 1 General transitional provisions

158 Existing approval to replace boat

Section 125⁴⁰ does not apply to an amendment of an RQ licence to replace the boat identified on the licence if—

- (a) before this section commences, the chief executive or a former Authority gave the holder written approval to replace the boat; and
- (b) the amendment complies with any conditions of the approval; and
- (c) the amendment is made before 1 July 2004.

159 Existing approval of temporary boat

Section 125 does not apply to an amendment of an RQ licence to replace the boat identified on the licence if—

- (a) before this section commences, the chief executive or a former Authority gave the holder written approval stating that the boat (the *temporary boat*) is identified on the licence temporarily; and

³⁹ See, for example, chapter 2 (Closed waters and regulated fish declarations), part 2 (Regulated fish), division 1 (Fish regulated by number).

⁴⁰ Section 125 (Restriction on amending RQ licence to modify or replace boat)

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- (b) the modification or replacement does not result in the boat being longer than the boat identified on the licence immediately before the temporary boat; and
- (c) the amendment complies with any conditions of the approval; and
- (d) the amendment is made before 1 July 2004.

160 Primary licence QFV 121 78I

- (1) For chapter 3, part 1, division 2 and chapter 3, part 2, division 3, prescribed fin fish taken under the primary licence numbered QFV 121 78I are taken to be coral reef fin fish.
- (2) For section 56, the chief executive must, in deciding the standardised catch amount for the licence—
 - (a) treat prescribed fin fish as if they were coral trout if the prescribed fin fish are recorded in logbook information for the licence as coral trout; and
 - (b) treat prescribed fin fish as if they were red throat emperor if the prescribed fin fish are recorded in logbook information for the licence as any of the following—
 - (i) red throat emperor;
 - (ii) ‘sweetlips’;
 - (iii) ‘emperor’; and
 - (c) treat any other prescribed fin fish recorded in logbook information for the licence as if it were other coral reef fin fish.
- (3) In this section—

prescribed fin fish means fin fish other than—

 - (a) fish of any of the following families—
 - (i) Carangidae;
 - (ii) Sphyraenidae;
 - (iii) Scombridae;
 - (iv) Xiphiidae;

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- (v) Istiophoridae; and
- (b) fish of the class Chondrichthyes.

161 Expiry of div 1

This division expires 3 years after it commences.

**Division 2 Transitional provision for the
Fisheries Management Plans
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162 Existing notice identity numbers

From the commencement of this section, a notice identity number for line units stated on a notice or certificate given under this plan is taken to be the unit PIN for the line units.

Schedule 1 How main purpose is to be achieved

section 4(2) and (3)

1 Definitions for sch 1

In this schedule—

average commercial catch of coral reef fin fish in a region in a year, means the amount of coral trout, red throat emperor or other coral reef fin fish taken under RQ licences in the region in the year, divided by the number of days in the year on which a primary boat identified on an RQ licence was used in the region to take coral reef fin fish.

catch and effort data, for commercial fishing boats or boats used to conduct commercial fishing tours, includes information about the following—

- (a) the number of commercial fishing boats, or boats used for commercial fishing tours, operating in the fishery in a particular period;
- (b) the number of days the boats operated in the fishery in the period;
- (c) the number of tonnes of coral reef fin fish taken from the boats in the period.

region means an area described as a region in the document titled 'A description of commercial reef line fishery logbook data', figure 2, prepared by Mapstone B. D., McKinlay J. P. and Davies C. R., May 1996 and held by the chief executive.⁴¹

reliable information means information the chief executive reasonably believes is accurate.

⁴¹ The document is available for inspection during office hours on business days at the department's office at 80 Ann Street, Brisbane.

Schedule 1 (continued)

2 How main purpose is to be achieved

The main purpose of this plan is to be achieved by—

- (a) regulating the taking and possessing of coral reef fin fish under this plan; and
- (b) ensuring commercial and recreational fishers, including fishers on commercial fishing tours, and Aborigine and Torres Strait Islander fishers, have adequate access to the fishery under this plan; and
- (c) requiring, under the Act, statistical returns for—
 - (i) commercial fishers and commercial fishing tours for the fishery; and
 - (ii) holders of RQ licences; and
 - (iii) commercial buyers of coral reef fin fish.

3 How achievement is to be measured

Achievement of the main purpose must be measured by the following—

- (a) reliable information about the abundance, or the fish size or age distribution, of coral reef fin fish in the fishery;
- (b) catch and effort data, that the chief executive reasonably believes is accurate, for commercial fishing and commercial fishing tours for the fishery;
- (c) reliable information about recreational fishing in the fishery;
- (d) reliable information about the level of by-catch of coral reef fin fish regulated by species;
- (e) reliable information from economic studies about the fishery;
- (f) reliable information measuring the level of community—
 - (i) compliance with this plan; and

Schedule 1 (continued)

- (ii) satisfaction with management of the fishery and opportunity for fishing in the fishery;
- (g) the level of compliance with the requirements under the Act about statistical returns for—
 - (i) commercial fishers and commercial fishing tours for the fishery; and
 - (ii) holders of RQ licences; and
 - (iii) commercial buyers of coral reef fin fish.

4 Review events

Each of the following is a review event for achievement of the main purpose—

- (a) reliable information shows—
 - (i) the estimated abundance of coral trout or red throat emperor has, in each of the last 3 years, decreased from the preceding year; or
 - (ii) the fish size and age distribution of coral trout or red throat emperor in a region have, in each of the last 3 years, changed from the preceding year; or
 - (iii) the fishery is having a significant impact on stocks of other coral reef fin fish;
- (b) reliable information shows any of the following—
 - (i) the estimated abundance of coral reef fin fish has, in each of the last 3 years, decreased from the preceding year;
 - (ii) the fish size and age distribution for other coral reef fin fish have, in each of the last 3 years, changed from the preceding year;
 - (iii) the level of by-catch of coral reef fin fish regulated by species has increased by more than 10% in a 4 year period;

Schedule 1 (continued)

- (c) information in statistical returns required under the Act shows any of the following for the fishery—
 - (i) recreational catch, including recreational catch from commercial fishing tours, in the fishery increased more than 10% in a 4 year period;
 - (ii) commercial fishing, or recreational fishing on commercial fishing tours, in a region in a year increased more than 20% from the preceding year;
 - (iii) the average commercial catch of coral trout, red throat emperor or other coral reef fin fish in a region in each of the last 3 years decreased from the preceding year;
 - (iv) a significant decrease in participation in commercial fishing tours in a period of at least 3 years;
- (d) reliable information shows—
 - (i) a significant decrease in community compliance with this plan; or
 - (ii) increased, significant community dissatisfaction with management of the fishery and opportunity for fishing in the fishery;
- (e) reliable information from an economic study about the fishery shows a significant decrease in the fishery's economic efficiency;
- (f) compliance with the requirements under the Act about statistical returns for any of the following decreases progressively or significantly—
 - (i) commercial fishers and commercial fishing tours for the fishery;
 - (ii) holders of RQ licences;
 - (iii) commercial buyers of coral reef fin fish;

Schedule 1 (continued)

- (g) the chief executive does not receive information about levels of recreational catch and participation for the fishery;
- (h) the chief executive reasonably believes information given to the chief executive by commercial or recreational fishers, or commercial fishing tour operators, under the Act is not accurate.

Schedule 2 Coral reef fin fish

sections 6(1) and 153, definition *group of species* and schedule 8,
definitions *coral reef fin fish, species of cod or grouper, species of
emperor, species of parrotfish, surgeonfish or sweetlips, species of
tropical snapper or seaperch and species of wrasse*

Common name	Scientific name
cods and groupers	
areolate rockcod	<i>Epinephelus areolatus</i>
barramundi cod	<i>Cromileptes altivelis</i>
bar rockcod	<i>Epinephelus ergastularius</i>
blacksaddle rockcod	<i>Epinephelus howlandi</i>
black-tipped rockcod	<i>Epinephelus fasciatus</i>
blue-lined rockcod	<i>Cephalopholis formosa</i>
blue Maori	<i>Epinephelus cyanopodus</i>
blue-spotted rockcod	<i>Cephalopholis cyanostigma</i>
brown-barred rockcod	<i>Cephalopholis boenak</i>
camouflage rockcod	<i>Epinephelus polyphekadion</i>
chinaman rockcod	<i>Epinephelus rivulatus</i>
comet grouper	<i>Epinephelus morrhua</i>
coral cod	<i>Cephalopholis miniata</i>
coral rockcod	<i>Epinephelus corallicola</i>
dothead rockcod	<i>Cephalopholis microprion</i>
dwarf spotted rockcod (wire netting rockcod)	<i>Epinephelus merra</i>

Schedule 2 (continued)

Common name	Scientific name
eight bar grouper	<i>Epinephelus octofasciatus</i>
flagtail rockcod	<i>Cephalopholis urodeta</i>
flowery cod	<i>Epinephelus fuscoguttatus</i>
four-saddle rockcod	<i>Epinephelus spilotoceps</i>
greasy rockcod	<i>Epinephelus tauvina</i>
hapuku	<i>Polyprion americanus</i> and <i>Polyprion oxygeneios</i>
hexagon rockcod	<i>Epinephelus hexagonatus</i>
leopard rockcod	<i>Cephalopholis leopardus</i>
longfin rockcod (honeycomb rockcod)	<i>Epinephelus quoyanus</i>
Maori cod	<i>Epinephelus undulatostriatum</i>
oblique-banded grouper	<i>Epinephelus radiatus</i>
peacock rockcod	<i>Cephalopholis argus</i>
potato cod	<i>Epinephelus tukula</i>
Queensland grouper	<i>Epinephelus lanceolatus</i>
redmouth rockcod	<i>Aethaloperca rogae</i>
six bar rockcod	<i>Epinephelus sexfasciatus</i>
six spot rockcod	<i>Cephalopholis sexmaculata</i>
snubnose rockcod	<i>Epinephelus macrospilos</i>
speckled-fin rockcod	<i>Epinephelus ongus</i>
speckled grouper	<i>Epinephelus magniscuttis</i>
strawberry rockcod	<i>Cephalopholis spiloparaea</i>

Schedule 2 (continued)

Common name	Scientific name
thinspine rockcod	<i>Gracila albomarginata</i>
tomato rockcod	<i>Cephalopholis sonnerati</i>
trout cod	<i>Epinephelus maculatus</i>
white-lined rockcod	<i>Anyperodon leucogrammicus</i>
white-spotted rockcod	<i>Epinephelus caeruleopunctatus</i>
coral trout	
barred-cheek coral trout	<i>Plectropomus maculatus</i>
chinese footballer (blue spot trout)	<i>Plectropomus laevis</i>
coral trout (leopard trout)	<i>Plectropomus leopardus</i>
coronation trout	<i>Variola louti</i>
highfin coral trout	<i>Plectropomus oligacanthus</i>
lyretail trout	<i>Variola albimarginata</i>
squaretail coral trout (passionfruit trout)	<i>Plectropomus areolatus</i>
emperors	
big-eye bream	<i>Monotaxis grandoculis</i>
collared sea bream	<i>Gymnocranius audleyi</i>
gold-lined sea bream	<i>Gnathodentex aureolineatus</i>
Japanese sea bream	<i>Gymnocranius euanus</i>
lancer	<i>Lethrinus genivittatus</i>
long-nosed emperor	<i>Lethrinus olivaceus</i>

Schedule 2 (continued)

Common name	Scientific name
miscellaneous emperor, other than grass emperor (grass sweetlip)	<i>Lethrinus</i> spp., other than <i>Lethrinus laticaudis</i>
Mozambique large-eye bream	<i>Wattsia mosambica</i>
orange-striped emperor	<i>Lethrinus obsoletus</i>
pink-eared emperor	<i>Lethrinus lentjan</i>
red-eared emperor	<i>Lethrinus rubrioperculatus</i>
Robinson's sea bream	<i>Gymnocranius grandoculis</i>
spangled emperor	<i>Lethrinus nebulosus</i>
spotted sea bream	<i>Gymnocranius</i> sp.
sweetlip emperor (red-throat emperor)	<i>Lethrinus miniatus</i>
thumbprint emperor	<i>Lethrinus harak</i>
variegated emperor	<i>Lethrinus variegatus</i>
yellowlip emperor	<i>Lethrinus xanthochilus</i>
yellow-spotted emperor	<i>Lethrinus erythracanthus</i>
yellow-striped emperor	<i>Lethrinus ornatus</i>
yellow-tailed emperor	<i>Lethrinus atkinsoni</i>
fusiliers	
fusiliers	<i>Caesio</i> spp. or <i>Pterocaesio</i> spp.
parrotfishes	
bumphead parrotfish	<i>Bolbometopon muricatum</i>

Schedule 2 (continued)

Common name	Scientific name
miscellaneous parrotfish	<i>Calotomus</i> spp., <i>Chlorurus</i> spp., <i>Hipposcarus</i> spp., <i>Leptoscarus</i> spp. and <i>Scarus</i> spp.
surgeonfishes	
surgeonfishes	<i>Acanthurus</i> spp. and <i>Ctenochaetus</i> spp.
unicornfish	<i>Naso</i> spp. and <i>Prionurus</i> spp.
sweetlips	
miscellaneous sweetlips	<i>Plectorhinchus</i> spp.
painted sweetlips (slaty bream)	<i>Diagramma</i> spp.
tropical snappers and sea perches	
bigeye seaperch	<i>Lutjanus lutjanus</i>
black and white seaperch	<i>Macolor niger</i>
black-spot snapper	<i>Lutjanus fulviflamma</i>
bluestripe seaperch	<i>Lutjanus kasmira</i>
brownstripe seaperch (brown hussar)	<i>Lutjanus vitta</i>
chinamanfish	<i>Symphorus nematophorus</i>
crimson jobfish (rosy jobfish)	<i>Pristipomoides filamentosus</i>
crimson seaperch (small mouth nannygai)	<i>Lutjanus erythropterus</i>
dark-tailed seaperch	<i>Lutjanus lemniscatus</i>
five-lined seaperch	<i>Lutjanus quinquelineatus</i>

Schedule 2 (continued)

Common name	Scientific name
flame snapper	<i>Etelis coruscans</i>
goldband snapper	<i>Pristipomoides multidens</i> and <i>Pristipomoides typus</i>
green jobfish	<i>Aprion virescens</i>
hussar (pink hussar)	<i>Lutjanus adetii</i>
lavender jobfish	<i>Pristipomoides sieboldii</i>
Maori seaperch	<i>Lutjanus rivulatus</i>
midnight seaperch	<i>Macolor macularis</i>
miscellaneous jobfishes	<i>Aphareus</i> spp., <i>Etelis</i> spp., <i>Parapristipomoides</i> spp., and <i>Pristipomoides</i> spp.
miscellaneous seaperches, other than mangrove jack and large scale seaperch (fingermark)	<i>Lutjanus</i> spp., other than <i>Lutjanus argentimaculatis</i> and <i>Lutjanus johni</i> , and <i>Paracaesio</i> spp.
moses perch	<i>Lutjanus russelli</i>
onespot seaperch	<i>Lutjanus monostigma</i>
paddletail	<i>Lutjanus gibbus</i>
red bass	<i>Lutjanus bohar</i>
red emperor	<i>Lutjanus sebae</i>
ruby snapper	<i>Etelis carbunculus</i>
saddletail seaperch (large mouth nannygai)	<i>Lutjanus malabaricus</i>
sailfin snapper	<i>Symphoricthys spilurus</i>
small-toothed jobfish	<i>Aphareus furca</i>
spanish flag (stripey)	<i>Lutjanus carponotatus</i>

Schedule 2 (continued)

Common name	Scientific name
yellow-margined seaperch	<i>Lutjanus fulvus</i>
wrasses	
anchor tuskfish	<i>Choerodon anchorago</i>
blackspot tuskfish	<i>Choerodon schoenleinii</i>
blue tuskfish	<i>Choerodon cyanodus</i>
grass tuskfish (purple tuskfish)	<i>Choerodon cephalotes</i>
hogfish	<i>Bodianus</i> spp.
humphead Maori wrasse	<i>Cheilinus undulatus</i>
redbreasted Maori wrasse	<i>Cheilinus fasciatus</i>
tripletail Maori wrasse	<i>Cheilinus trilobatus</i>
venus tuskfish	<i>Choerodon venustus</i>

Schedule 3 Periods for annual water closures

section 7(2)

For 2004—

- (a) from 8 October to 16 October; and
- (b) from 6 November to 14 November; and
- (c) from 6 December to 14 December.

For 2005—

- (a) from 27 September to 5 October; and
- (b) from 27 October to 4 November; and
- (c) from 25 November to 3 December.

For 2006—

- (a) from 16 October to 24 October; and
- (b) from 14 November to 22 November; and
- (c) from 14 December to 22 December.

For 2007—

- (a) from 5 October to 13 October; and
- (b) from 3 November to 11 November; and
- (c) from 3 December to 11 December.

For 2008—

- (a) from 22 October to 30 October; and
- (b) from 21 November to 29 November; and
- (c) from 21 December to 29 December.

Schedule 3A Grey nurse shark protection area closures

sections 6A(1), 8A(1) and 8C(1)

Part 1 Wolf rock grey nurse shark protection area closure

1 Wolf Rock

Waters within a 1.2 km radius of latitude 25°54.60' south,
longitude 153°11.85' east.

Part 2 Other grey nurse shark protection area closures

2 Flat Rock

Waters within a 1.2 km radius of latitude 27°23.41' south,
longitude 153°33.07' east.

3 Henderson Rock

Waters within a 1.2 km radius of latitude 27°07.92' south,
longitude 153°28.71' east.

4 Cherub's Cave

Waters within a 1.2 km radius of latitude 27°07.67' south,
longitude 153°28.67' east.

Schedule 4 Regulated fish

sections 9(2), 10(a)(i), 11(2), 12 and schedule 8, definition *species of jobfish*

Part 1 Fish regulated by number

cods and groper

a combination of any species of cod or groper, other than barramundi cod, potato cod or Queensland grouper 5

coral trout

a combination of any species of coral trout 7

emperors

a species of emperor, other than sweetlip emperor (red-throat emperor). 5

sweetlip emperor (red-throat emperor) 8

parrotfishes, surgeonfishes and sweetlips

a species of parrotfish, surgeonfish or sweetlips 5

tropical snappers and sea perches

a species of tropical snapper or sea perch, other than chinamanfish, crimson jobfish (rosy jobfish), crimson seaperch (small mouth nannygai), hussar (pink hussar), lavender jobfish, paddletail, red bass or saddletail seaperch (large mouth nannygai) 5

a combination of crimson seaperch (small mouth nannygai) and saddletail seaperch (large mouth nannygai). 9

a combination of crimson jobfish (rosy jobfish) and lavender jobfish hussar (pink hussar). 10

Schedule 4 (continued)

wrasses

a species of wrasse, other than anchor tuskfish, blackspot tuskfish, blue tuskfish, grass tuskfish (purple tuskfish), humphead Maori wrasse or venus tuskfish	5
a combination of anchor tuskfish, blackspot tuskfish, blue tuskfish, grass tuskfish (purple tuskfish) or venus tuskfish	6

Part 2 Fish regulated by size

cods and groper

a species of cod or groper, other than barramundi cod, camouflage rockcod, flowery cod, greasy rockcod, Maori cod, potato cod or Queensland grouper—less than 38 cm

camouflage rockcod—less than 50 cm or more than 100 cm

flowery cod—less than 50 cm or more than 100 cm

greasy rockcod—less than 38 cm or more than 100 cm

Maori cod—less than 45 cm

coral trout

a species of coral trout, other than chinese footballer (blue spot trout)—less than 38 cm

chinese footballer (blue spot trout)—less than 50 cm or more than 80 cm

emperors

a species of emperor, other than long-nosed emperor, spangled emperor or sweetlip emperor (red-throat emperor)—less than 25 cm

long-nosed emperor—less than 38 cm

Schedule 4 (continued)

spangled emperor—less than 45 cm

sweetlip emperor (red-throat emperor)—less than 38 cm

parrotfishes, surgeonfishes and sweetlips

a species of parrotfish, surgeonfish or sweetlips—less than 25 cm

tropical snappers and sea perches

a species of tropical snapper or seaperch, other than a species of jobfish, chinamanfish, crimson seaperch (small mouth nannygai), paddletail, red bass, red emperor or saddletail seaperch (large mouth nannygai)—less than 25 cm

a species of jobfish—less than 38 cm

crimson seaperch (small mouth nannygai)—less than 40 cm

red emperor—less than 55 cm

saddletail seaperch (large mouth nannygai)—less than 40 cm

wrasses

a species of wrasse, other than hogfish, humphead Maori wrasse, redbreasted Maori wrasse or tripletail Maori wrasse—less than 30 cm

hogfish—less than 25 cm

redbreasted Maori wrasse—less than 25 cm

tripletail Maori wrasse—less than 25 cm

Schedule 5 Adjusted criteria for event-based special circumstances

section 34(2) and schedule 8, definitions *eligible coral reef fin fish*,
event and *unaffected year*

1 Definitions for sch 5

In this schedule—

eligible coral reef fin fish, for a period, means—

- (a) for a special south-east Queensland licence—coral reef fin fish—
 - (i) taken lawfully—
 - (A) during the period under a prescribed fishery symbol written on the licence and a former licence for the licence; and
 - (B) from waters between latitude 24°30.00' south and the New South Wales–Queensland border; and
 - (ii) recorded in relevant logbook information; or
- (b) for another RQ licence—coral reef fin fish—
 - (i) taken lawfully during the period under a prescribed fishery symbol written on the licence and a former licence for the licence; and
 - (ii) recorded in relevant logbook information.

2 Prescribed period of 1 year's duration

- (1) This section applies for a prescribed period for the first or second criteria, other than a prescribed period mentioned in section 3 or 4 of this schedule.
- (2) If the chief executive is reasonably satisfied an event happened for at least 9 months during the prescribed period,

Schedule 5 (continued)

the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—

- (a) the amount of eligible coral reef fin fish for the year ending immediately before the start of the event;
 - (b) the amount of eligible coral reef fin fish for the year starting immediately after the end of the event;
 - (c) the amount of eligible coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the amount of eligible coral reef fin fish for the number of days in the period when an event did not happen increased by a rateable amount for 365 days.

3 Prescribed period 1/1/97–19/5/97

- (1) This section applies for the prescribed period 1 January 1997 to 19 May 1997.
- (2) If the chief executive is reasonably satisfied an event happened for at least 109 days during the prescribed period, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of eligible coral reef fin fish for the period 1 January to 19 May in the first unaffected year after 1997;
 - (b) the amount of eligible coral reef fin fish for the period 1 January to 19 May in the last unaffected year before 1997;
 - (c) the amount of eligible coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—

Schedule 5 (continued)

- (a) the amount of eligible coral reef fin fish for the number of days in the prescribed period when the event was not happening, increased by a rateable amount for a period of 139 days;
- (b) the amount of eligible coral reef fin fish for the prescribed period.

4 Prescribed period 20/5/97–31/12/97

- (1) This section applies for the prescribed period 20 May 1997 to 31 December 1997.
- (2) If the chief executive is reasonably satisfied an event happened for at least 166 days during the prescribed period, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of the prescribed coral reef fin fish for the period 20 May to 31 December in the last unaffected year before 1997;
 - (b) the amount of the prescribed coral reef fin fish for the period 20 May to 31 December in the first unaffected year after 1997;
 - (c) the amount of the prescribed coral reef fin fish for the prescribed period.
- (3) If subsection (2) does not apply, the amount of coral reef fin fish taken under the relevant licence, and a former licence for the relevant licence, is the highest of the following amounts—
 - (a) the amount of eligible coral reef fin fish for the number of days in the prescribed period when the event was not happening, increased by a rateable amount for a period of 226 days;
 - (b) the amount of eligible coral reef fin fish for the prescribed period.

Schedule 5 (continued)

5 Coral reef fin fish taken before 1/1/90 or after 31/12/01 not to be included

For sections 2(2)(a) and (b), 3(2)(a) and (b) and 4(2)(a) and (b) of this schedule, coral reef fin fish taken before 1 January 1990 or after 31 December 2001 must not be included in the amount of eligible coral reef fin fish.

6 Amounts of eligible coral reef fin fish to be rounded up to nearest 10 kg

For sections 2 to 5 of this schedule, the chief executive must round up to the nearest multiple of 10 kg the total amount of eligible coral reef fin fish for a period.

Schedule 6 Total catch of coral reef fin fish for allocation of line units

section 56(2), definition *TC*

Year	Coral trout (kg)	Red throat emperor (kg)	Other coral reef fin fish (kg)
1994	1 304 000	711 000	585 000
1995	1 540 000	652 000	709 000
1996	1 738 000	768 000	894 000
1997	1 448 000	1 024 000	1 312 000
1998	1 531 000	925 000	1 637 000
1999	1 517 000	839 000	1 471 000
2000	1 697 000	866 000	1 428 000
2001	2 094 000	941 000	1 796 000

Schedule 7 Whole weight

section 74(3)(b) and schedule 8, definition *whole weight*,
paragraph (b)

1 Fillets

For fillets from a fish, the whole weight of the fillets is the amount calculated using the formula—

$$\mathbf{WW = W \times CF}$$

where—

WW means the whole weight in kilograms.

W means the weight of the fillets in kilograms.

CF means the following conversion factor—

- (a) for coral trout—2;
- (b) for a species of cod or groper—2.1;
- (c) for goldband snapper—2.3;
- (d) for crimson jobfish (rosy jobfish) or lavender jobfish—2.1;
- (e) for a species of tropical snapper or seaperch not mentioned in paragraph (c) or (d)—2.6;
- (f) for a species of emperor—2.5;
- (g) for any other species of coral reef fin fish or fish not identified as a particular species—2.

2 Gilled and gutted fish

For gilled and gutted fish, the whole weight of the fish is the amount calculated using the formula—

Schedule 7 (continued)

$$WW = W \times 1.1$$

where—

WW means the whole weight in kilograms.

W means the weight of the gilled and gutted fish in kilograms.

3 Trunked fish

For a trunked fish, the whole weight of the fish is the amount calculated using the formula—

$$WW = W \times 1.4$$

where—

WW means the whole weight in kilograms.

W means the weight of the trunked fish in kilograms.

4 Number of fish

For a number of fish, the whole weight (in kilograms) of the fish is the number of fish.

5 Any other form

For fish in a form not mentioned in sections 1 to 4 of this schedule, the whole weight is the weight of the fish in kilograms.

Schedule 8 Dictionary

section 5(3)

adjusted allocation provisions, for chapter 3, part 2, see section 62.

adjusted criteria, for chapter 3, part 1, division 2, see section 17.

amending notice deadline, for chapter 3, part 3, division 2, subdivision 4, see section 111.

amendment notice, for chapter 3, part 1, division 2, see section 17.

authorised boat, for chapter 3, part 3, division 2, subdivision 4, see section 111.

authorised unloading time, for chapter 3, part 3, division 2, subdivision 4, see section 111.

average commercial catch, for schedule 1, see schedule 1, section 1.

boat mark means a mark under section 103 of the regulation.

buying and selling particulars, for chapter 5, part 3, division 1, see section 153.

catch and effort data, for schedule 1, see schedule 1, section 1.

catch history notice means a catch history notice given to a licence holder under chapter 3, part 2, division 3, subdivision 2.

close relative, of an individual, means—

- (a) a spouse, parent or child, including a step-parent or step-child, of the individual; or
- (b) a parent or child, including a step-parent or step-child, of the individual's spouse.

complying number, for chapter 3, part 3, division 2, subdivision 4, see section 111.

Schedule 8 (continued)

coral reef fin fish means a fish mentioned schedule 2.

coral trout means a fish of the genus *Plectropomus* or *Variola*.

crew member, for a commercial fishing tour, means a person acting under the direction of the person conducting the tour.

criteria, for chapter 3, part 1, division 2, see section 17.

CT line units means coral trout line units.

current fisher PIN, for line units, means—

- (a) if the fisher PIN for the line units has been changed under section 85—the fisher PIN after the change under section 85; or
- (b) otherwise—the fisher PIN originally issued to the holder of the line units under section 61A or 80A.

decision notice, about a decision mentioned in section 31(2), 33(6)(b), 36C(2), 36E(8)(b) or 61(6)(b), means a notice stating each of the following—

- (a) the decision and the reasons for it;
- (b) that the person may appeal against the decision to the tribunal within 28 days after the person receives the notice;
- (c) how to appeal.

director has the meaning given under the Corporations Act, section 9.⁴²

disregarded fish—

- (a) for chapter 3, part 1, division 2, see section 17; and
- (b) for chapter 3, part 2, see section 44.

ecologically sustainable development has the meaning given under section 3⁴³ of the Act.

42 Corporations Act, section 9 (Dictionary)

43 Section 3 (Main purpose of Act) of the Act

Schedule 8 (continued)

eligible authority, for chapter 3, part 1, division 3, see section 41.

eligible coral reef fin fish, for schedule 5, see schedule 5, section 1.

eligible holder, for chapter 3, part 2, see section 43(3).

entitlement see section 69(2).

event—

- (a) for chapter 3, part 1, division 2 and schedule 5, see section 17; and
- (b) for chapter 3, part 2, see section 44.

event-based special circumstance—

- (a) for chapter 3, part 1, division 2, see section 18; and
- (b) for chapter 3, part 2, see section 45.

event period—

- (a) for chapter 3, part 1, division 2, see section 18(1)(a); and
- (b) for chapter 3, part 2, see section 45(1)(a).

first criteria, for chapter 3, part 1, division 2, see section 17.

first line year means the period from midnight on 1 July 2004 to midnight on 30 June 2005.

fisher PIN, for line units, see sections 61A and 80A.

fishery see section 3.

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*.

former licence, for a commercial fishing boat licence (the ***current licence***), means a licence that—

- (a) was replaced or renewed by the current licence; or

Schedule 8 (continued)

- (b) expired before the current licence was issued and—
 - (i) authorised the same, or substantially the same, things that are authorised under the current licence; and
 - (ii) was issued to the same person as the holder of the current licence when it was issued or transferred to the person; or
- (c) was replaced or renewed by a licence mentioned in paragraph (a) or (b); or
- (d) expired before the issue of a licence (the *later licence*) mentioned in paragraph (a), (b) or (c) that—
 - (i) authorised the same, or substantially the same, things that are authorised under the current licence; and
 - (ii) was issued to the same person as the holder of the later licence when it was issued or transferred to the person; or
- (e) was surrendered in exchange for the issue or amendment of the current licence or a later licence under paragraphs (b), (c) or (d) to allow the boat identified on the licence to be modified or replaced.

group of species, for chapter 5, part 3, division 1, see section 153.

identification code, for chapter 3, part 3, division 2, subdivision 4, see section 111.

issued, for chapter 3, part 2, see section 50.

L1 fishery area means the area mentioned in the regulation, schedule 12, section 20.

L2 or L3 fishery area means the area mentioned in the regulation, schedule 12, section 41.

L6 or L7 fishery area means the area mentioned in the regulation, schedule 12, section 48.

Schedule 8 (continued)

L8 fishery area means the area mentioned in the regulation, schedule 12, section 2.

landing period, for chapter 3, part 3, division 2, subdivision 4, see section 111.

landing place, for chapter 3, part 3, division 2, subdivision 4, see section 111.

length, of a fillet from a fish, means the length of the fillet's longest plane.

line unit certificate see section 72(1).

line unit certificate changes means amending, cancelling or issuing line unit certificates.

line unit factor, for chapter 3, part 2, see section 44.

line year—

1. A ***line year*** means the period from midnight on 1 July in a year to midnight on 30 June in the next year.
2. However, the first line year does not start until midnight on 1 July 2004.

logbook information means—

- (a) information in a statistical logbook return kept in the way and form and as directed by the chief executive or a former Authority at the time the return was made; and
- (b) information about the return held by the chief executive in electronic form.

member of a corporation includes a member within the meaning of the Corporations Act, section 231.⁴⁴

notification day means the day this plan is notified in the gazette.

notifying period, for chapter 3, part 3, division 2, subdivision 4, see section 111.

44 Corporations Act, section 231 (Membership of a company)

Schedule 8 (continued)

OS line units means other species line units.

other coral reef fin fish means coral reef fin fish other than coral trout and red throat emperor.

plan means management plan.

preliminary notice, for chapter 3, part 1, division 2, see section 17.

prescribed coral reef fin fish, for a line unit, means—

- (a) for a CT line unit—coral trout; or
- (b) for an RTE line unit—red throat emperor; or
- (c) for an OS line unit—other coral reef fin fish.

prescribed numerical code, for chapter 3, part 3, division 2, subdivision 4, see section 111.

prescribed period, for chapter 3, part 1, division 2, see section 17.

prescribed person, for chapter 3, part 3, division 2, subdivision 4, see section 111.

prescribed reason, for chapter 3, part 3, division 2, subdivision 4, see section 111.

prescribed recorded catch, for chapter 3, part 2, see section 44.

prescribed way, for chapter 5, part 3, division 1, see section 153.

primary boat means the commercial fishing boat identified on a primary commercial fishing boat licence.

primary licence means a primary commercial fishing boat licence.

prior notice see sections 113(2) and 114(2).

prior notice area, for chapter 3, part 3, division 2, subdivision 4, see section 111.

prior notice deadline, for chapter 3, part 3, division 2, subdivision 4, see section 111.

Schedule 8 (continued)

prior notice particulars, for chapter 3, part 3, division 2, subdivision 4, see section 111.

reasonably believes means believes on grounds that are reasonable in the circumstances.

reason for adjusted allocation, for chapter 3, part 2, see section 59(e).

reason for reconsideration, for chapter 3, part 1, division 2, see section 29(d).

recent entrant special circumstance—

- (a) for chapter 3, part 1, division 2, see section 19; and
- (b) for chapter 3, part 2, see section 46.

reconsideration notice, for chapter 3, part 1, division 2, see section 30(2).

recorded catch amount—

- (a) for chapter 3, part 2, division 3A—see section 65B; or
- (b) generally for chapter 3, part 2—see section 56(2).

red throat emperor means a fish of the species *Lethrinus miniatus*.

region, for schedule 1, see schedule 1, section 1.

regulation means the *Fisheries Regulation 1995*.

relevant day, for chapter 3, part 2, division 3A, see section 65B.

relevant equipment, for chapter 3, part 3, division 2, subdivision 4, see section 111.

relevant fishery area, for chapter 5, part 3, division 1, see section 153.

relevant licence, for chapter 3, part 1, division 2, see section 22.

relevant logbook information, for a prescribed period or relevant year, means logbook information received by the

Schedule 8 (continued)

chief executive or a former Authority no later than the following day—

- (a) for a prescribed period or relevant year ending not later than 31 December 1997—31 December 1998;
- (b) for a prescribed period or relevant year ending on 31 December 2001—30 June 2002;
- (c) for a prescribed period or relevant year not mentioned in paragraph (a) or (b)—the day that is 1 year from the last day of the period or year.

relevant period, for chapter 3, part 2, division 3A, see section 65B.

relevant years, for chapter 3, part 2, see section 56(1).

reliable information, for schedule 1, see schedule 1, section 1.

RQ licence means a commercial fishing boat licence, issued under section 30 of the regulation, with the ‘RQ’ fishery symbol written on it.

RQ(L8) licence means an RQ licence that also has the fishery symbol ‘L8’ written on it.

RTE line units means red throat emperor line units.

seasonal effect special circumstance, for chapter 3, part 1, division 2, see section 20.

second criteria, for chapter 3, part 1, division 2, see section 17.

special circumstance—

- (a) for chapter 3, part 1, division 2, see section 17; and
- (b) for chapter 3, part 2, see section 44.

special reconsideration notice, for chapter 3, part 1, division 2, see section 36B(3).

special south-east Queensland licence, for chapter 3, part 1, division 2, see section 20A.

Schedule 8 (continued)

species of cod or groper means a species listed under the heading cods and gropers in schedule 2.

species of emperor means a species listed under the heading emperors in schedule 2.

species of jobfish, for schedule 4, means any of the following species—

- (a) crimson jobfish (rosy jobfish);
- (b) flame snapper;
- (c) goldband snapper;
- (d) green jobfish;
- (e) lavender jobfish;
- (f) miscellaneous jobfish;
- (g) ruby snapper;
- (h) small-toothed jobfish.

species of parrotfish, surgeonfish or sweetlips, for schedule 4, means a species listed under the heading parrotfishes, surgeonfishes or sweetlips in schedule 2.

species of tropical snapper or seaperch means a species listed under the heading tropical snappers and sea perches in schedule 2.

species of wrasse, for schedule 4, means a species listed under the heading wrasses in schedule 2.

standardised catch amount, for chapter 3, part 2, see section 44.

taking particulars, for chapter 5, part 3, division 1, see section 153.

tender boat means a boat identified on a tender licence.

tender licence means a tender commercial fishing boat licence.

transshipment notice see section 118(2).

Schedule 8 (continued)

transshipment notice particulars, for chapter 3, part 3, division 2, subdivision 4, see section 111.

transport vessel see section 118(1)(b).

unaffected year, for schedule 5, see schedule 5, section 1.

unidentified fish, for an authority, means fish—

- (a) taken under the authority for a relevant year; and
- (b) recorded in relevant logbook information; and
- (c) not identified, in the logbook information, as—
 - (i) coral reef fin fish; or
 - (ii) a particular species of fish; or
 - (iii) a particular species, or group of species, of coral reef fin fish.

unit PIN see section 61(8)(a)(ii).

unloaded fish notice see section 122(2).

unloaded fish notice particulars, for chapter 3, part 3, division 2, subdivision 4, see section 111.

unloading area, for chapter 3, part 3, division 2, subdivision 4, see section 111.

unloading particular, for chapter 3, part 3, division 2, subdivision 4, see section 111.

unnotifiable landing notice, for chapter 3, part 3, division 2, subdivision 4, see section 119(2)(b).

unnotifiable landing notice particulars, for chapter 3, part 3, division 2, subdivision 4, see section 111.

unused entitlement see section 70(2).

used see section 70(1).

whole weight, for an amount of coral reef fin fish recorded in logbook information, means—

- (a) for an amount recorded on the basis of the weight of whole fish—the amount recorded (in kilograms); or

Schedule 8 (continued)

- (b) for an amount recorded on another basis—the amount calculated in the way stated in schedule 7.

Example of another basis for paragraph (b)—

the weight of filleted fish or a number of fish

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 July 2004. Future amendments of the Fisheries (Coral Reef Fin Fish) Management Plan 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	12 September 2003	
1A	none	13 December 2003	
1B rv	to 2003 SL No. 379	19 December 2003	
1C rv	to 2003 SL No. 379	20 December 2003	
1D rv	to 2004 SL No. 111	1 July 2004	
1E rv	to 2004 SL No. 111	2 July 2004	provs exp 1 July 2004

5 List of legislation

Fisheries (Coral Reef Fin Fish) Management Plan 2003 SL No. 212

made by the chief executive on 2 September 2003

notfd gaz 12 September 2003 pp 128–31

ss 1–2 commenced on date of notification

ch 2 pt 2, ch 3 pt 3 div 1, ch 3 pt 3 div 2 sdivs 1–3, ch 4 commenced 13 December 2003 (see s 2(1))

ch 3 pt 3 div 2 sdiv 4, ss 153–156 commenced 1 July 2004 (see s 2(2))

remaining provisions commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

amending legislation—

Fisheries Management Plans Amendment Management Plan (No. 4) 2003 SL No. 368 pts 1–2

notfd gaz 19 December 2003 pp 1307–13

ss 1–2 commenced on date of notification

s 4 commenced 20 December 2003 (see s 2)

remaining provisions commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 5) 2003 SL No. 379 pts 1–2

notfd gaz 19 December 2003 pp 1307–13

commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

**Fisheries Management Plans Amendment Management Plan (No. 1) 2004 SL No. 111
pts 1–2**

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared

6 List of annotations

CHAPTER 1—PRELIMINARY

Commencement

s 2 amd 2004 SL No. 111 s 4

Scientific names of coral reef fin fish

s 6 amd 2004 SL No. 111 s 5

References to latitudes and longitudes—sch 3A

s 6A ins 2003 SL No. 379 s 3

CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS

PART 1—CLOSED WATERS

Division 1—Annual closures

div hdg ins 2003 SL No. 379 s 4

Closures—sch 3

prov hdg sub 2003 SL No. 379 s 5

s 7 amd 2004 SL No. 111 s 6

Prohibited activities

s 8 amd 2003 SL No. 368 s 4; 2003 SL No. 379 s 6

Division 2—Grey nurse shark protection area closures

div 2 (ss 8A–8E) ins 2003 SL No. 379 s 7

PART 2—REGULATED FISH

Division 2—Fish regulated by size

Exemption for particular commercial fishers

s 12 amd 2003 SL No. 368 s 5

CHAPTER 3—COMMERCIAL FISHERY

PART 1—FISHERY SYMBOLS

Division 2—Obtaining fishery symbol ‘RQ’

Subdivision 1—Preliminary

Definitions for div 2

s 17 def “adjusted criteria” sub 2004 SL No. 111 s 7

def “special reconsideration notice” ins 2004 SL No. 111 s 7(2)

def “special south-east Queensland licence” ins 2004 SL No. 111 s 7(2)

Meaning of “seasonal effect special circumstance”

s 20 amd 2003 SL No. 368 s 6

Meaning of “special south-east Queensland licence”

s 20A ins 2004 SL No. 111 s 8

Subdivision 2—Relevant licences and criteria**Criteria to be met for relevant licence**

s 23 amd 2003 SL No. 111 s 9

Second criteria

s 25 amd 2004 SL No. 111 s 10

Subdivision 4—Preliminary notice and application for reconsideration**Requirements for preliminary notice**

s 29 amd 2004 SL No. 111 s 11

Applying for reconsideration

s 30 amd 2004 SL No. 111 s 12

Subdivision 5A—Special reconsideration for special south-east Queensland licences

sdv 5A (ss 36A–36F) ins 2004 SL No. 111 s 13

Subdivision 6—Amendment notice and amendment of licences**Chief executive to amend licences and give amendment notice**

s 37 amd 2004 SL No. 111 s 14

PART 2—LINE UNITS**Division 1—General****Simplified outline of pt 2**

s 43 amd 2004 SL No. 111 s 15

Definitions for pt 2

s 44 def “adjusted allocation provisions” amd 2003 SL No. 368 s 7
def “prescribed recorded catch” ins 2004 SL No. 111 s 16

Effect of transfer of licence to corporation for ss 45, 46 and 65A

prov hdg amd 2004 SL No. 111 s 17

s 47 amd 2004 SL No. 111 s 17

Division 3—Issue of line units**Subdivision 1—Number of line units to be issued to eligible holders****Number of line units to be issued to eligible holders**

s 52 amd 2004 SL No. 111 s 18

Subdivision 2—Catch history notice**Requirements for catch history notice**

s 59 amd 2004 SL No. 111 s 19

Subdivision 3—Application for issue of line units**Deciding application for issue of line units**

s 61 amd 2004 SL No. 111 s 20

Issue of fisher PIN

s 61A ins 2004 SL No. 111 s 21

Division 3A—Additional units

div 3A (ss 65A–65F) ins 2004 SL No. 111 s 22

Division 5—Line unit entitlement and use**Line unit certificates**

s 72 amd 2004 SL No. 111 s 23

Division 6—Evidentiary aids for use of entitlement**Unloaded fish notice is evidence of use of entitlement**

s 74 sub 2004 SL No. 111 s 24

Particular notice is evidence of unused entitlement

s 74A ins 2004 SL No. 111 s 25

Division 7—Transfer of line units**Application for line unit certificate changes required**

s 78 amd 2004 SL No. 111 s 26

Requirement if application for transfer of all line units

s 79 sub 2004 SL No. 111 s 27

When transfer of line units takes effect

s 80 amd 2004 SL No. 111 s 28

Issue of fisher PIN for particular transferees

s 80A ins 2004 SL No. 111 s 29

Division 8—Substituting RQ licence to which line units relate**How chief executive must deal with application**

s 83 amd 2004 SL No. 111 s 30

Division 9—Change of PINs

div hdg sub 2004 SL No. 111 s 31

Change of unit PIN

prov hdg amd 2004 SL No. 111 s 32(1)

s 84 prev s 84 om 2004 SL No. 111 s 31
 pres s 84 (prev s 86) amd 2003 SL No. 111 s 32(1)
 renum 2003 SL No. 111 s 32(2)

Change of fisher PIN

s 85 prev s 85 om 2004 SL No. 111 s 31
 pres s 85 ins 2004 SL No. 111 s 33

Division 10—Change of notice identity number

div hdg om 2004 SL No. 111 s 31

PART 3—CONDITIONS FOR PARTICULAR AUTHORITIES**Division 2—Fishing under fishery symbol ‘RQ’****Subdivision 1—Preliminary****Application of subdiv 1–3**

s 98 sub 2004 SL No. 111 s 34

Subdivision 2—General requirements about taking coral reef fin fish**Prohibitions to allow identification or counting of coral reef fin fish**

s 106 sub 2004 SL No. 111 s 35

Identification requirement to allow identification or counting of coral reef fin fish
s 106A ins 2004 SL No. 111 s 35

Subdivision 4—Line units

sdiv hdg sub 2004 SL No. 111 s 36

Purpose of subdiv 4

s 110 sub 2004 SL No. 111 s 36

Definitions for subdiv 4

s 111 sub 2004 SL No. 111 s 36

Requirements for taking or possessing fish on authorised boat

s 112 sub 2004 SL No. 111 s 36

Requirement to give prior notice

s 113 sub 2004 SL No. 111 s 36

Requirement to give replacement prior notice if unloading particular changes

s 114 sub 2004 SL No. 111 s 36

Amendment or withdrawal of prior notice

s 115 sub 2004 SL No. 111 s 36

General requirements after prior notice given

s 116 sub 2004 SL No. 111 s 36

Additional requirements if prior notice stated fish will be unloaded

s 117 sub 2004 SL No. 111 s 36

Requirement to give transshipment notice

s 118 sub 2004 SL No. 111 s 36

General requirement for unloading fish

s 119 sub 2004 SL No. 111 s 36

Additional requirements for unloading fish if prior notice given

s 120 sub 2004 SL No. 111 s 36

Division 4—General provisions about guidelines

div hdg om 2004 SL No. 111 s 36

Requirements for weighing unloaded fish

s 121 sub 2004 SL No. 111 s 36

Requirement to give unloaded fish notice

s 122 sub 2004 SL No. 111 s 36

Notices to chief executive under this subdivision

s 123 sub 2004 SL No. 111 s 36

Admissibility of guidelines in proceedings

s 124 om 2004 SL No. 111 s 36

PART 4—CONDITIONS FOR BOAT LICENCES

Restriction on amending RQ licence to modify or replace boat

s 125 exp 1 July 2004 (see s 125(3))

No new carrier boat licences

s 128 amd 2003 SL No. 368 s 8

CHAPTER 4—OTHER FISHING**PART 1—COMMERCIAL FISHING TOURS****Prohibitions to allow identification or counting of coral reef fin fish**

s 135 amd 2004 SL No. 111 s 37

Prohibition on possessing live coral reef fin fish on boat during tour

s 136 sub 2004 SL No. 111 s 38

PART 2—RECREATIONAL FISHING**Prohibitions to allow identification or counting of coral reef fin fish**

s 140 amd 2004 SL No. 111 s 39

Prohibition on possessing live coral reef fin fish on boat

s 141 sub 2004 SL No. 111 s 40

CHAPTER 5—MISCELLANEOUS PROVISIONS**PART 2—OFFENCES AND CRITERIA FOR SUSPENSION AND CANCELLATION****Division 1—Prescribed serious fisheries offences****Serious fisheries offences**

s 149 amd 2004 SL No. 111 s 41

Division 2—Prescribed suspension and cancellation criteria**Criteria for suspending authorities**

s 150 amd 2004 SL No. 111 s 42

Criteria for suspending line units

s 151 amd 2004 SL No. 111 s 43

Criteria for cancelling line units

s 152 amd 2004 SL No. 111 s 44

PART 3—GENERAL PROVISIONS**Division 1—Provisions about statistical returns and other information**

div hdg ins 2004 SL No. 111 s 45

Definitions for div 1

s 153 sub 2004 SL No. 111 s 45

Records to be kept about wholesale sales of coral reef fin fish

s 154 sub 2004 SL No. 111 s 45

Records to be kept about imports of coral reef fin fish

s 155 sub 2004 SL No. 111 s 45

Records to be kept about commercial carriage of coral reef fin fish

s 156 sub 2004 SL No. 111 s 45

Records to be kept about commercial storage of coral reef fin fish

s 156A ins 2004 SL No. 111 s 45

Notice requirement for bringing coral reef fin fish into particular fishery area

s 156B ins 2004 SL No. 111 s 45

Division 2—Other provision

div hdg ins 2004 SL No. 111 s 45

CHAPTER 6—TRANSITIONAL PROVISIONS**Division 1—General transitional provisions**

div hdg ins 2004 SL No. 111 s 46
exp 12 September 2006 (see s 161)

Existing approval to replace boat

s 158 exp 12 September 2006 (see s 161)

Existing approval of temporary boat

s 159 exp 12 September 2006 (see s 161)

Primary licence QFV 121 781

s 160 exp 12 September 2006 (see s 161)

Expiry of div 1

prov hdg amd 2004 SL No. 111 s 47(1)
s 161 amd 2004 SL No. 111 s 47(2)
exp 12 September 2006 (see s 161)

Division 2—Transitional provision for the Fisheries Management Plans Amendment Management Plan (No. 1) 2004

div hdg ins 2004 SL No. 111 s 48

Existing notice identity numbers

s 162 prev s 162 om R1 (see RA s 40)
pres s 162 ins 2004 SL No. 111 s 48

CHAPTER 7—AMENDMENT OF FISHERIES (GULF OF CARPENTARIA INSHORE FIN FISH) MANAGEMENT PLAN 1999

ch hdg om R1 (see RA s 40)

Amendment of sch 4 (Aids to interpretation and definitions)

s 163 om R1 (see RA s 40)

SCHEDULE 2—CORAL REEF FIN FISH

sch 2 amd 2004 SL No. 111 s 49

SCHEDULE 3—PERIODS FOR ANNUAL WATER CLOSURES

sch hdg amd 2003 SL No. 379 s 8

sch 3 amd 2003 SL No. 368 s 9

SCHEDULE 3A—GREY NURSE SHARK PROTECTION AREA CLOSURES

ins 2003 SL No. 379 s 9

SCHEDULE 5—ADJUSTED CRITERIA FOR EVENT-BASED SPECIAL CIRCUMSTANCES**Definitions for sch 5**

s 1 def “eligible coral reef fin fish” sub 2004 SL No. 111 s 50

Prescribed period 1/1/97–19/5/97

s 3 amd 2003 SL No. 368 s 10(1)

Prescribed period 20/5/97–30/12/97

s 3 amd 2003 SL No. 368 s 10(2)

SCHEDULE 7—WHOLE WEIGHT

amd 2004 SL No. 111 s 51

SCHEDULE 8—DICTIONARY

- def “**adjusted allocation provisions**” amd 2003 SL No. 368 s 11
- def “**adjusted criteria**” sub 2004 SL No. 111 s 52(1)–(2)
- def “**amending notice deadline**” ins 2004 SL No. 111 s 52(2)
- def “**authorised unloading time**” ins 2004 SL No. 111 s 52(2)
- def “**buying and selling particulars**” ins 2004 SL No. 111 s 52(2)
- def “**complying number**” ins 2004 SL No. 111 s 52(2)
- def “**current fisher PIN**” ins 2004 SL No. 111 s 52(2)
- def “**decision notice**” amd 2004 SL No. 111 s 52(3)
- def “**first line year**” amd 2004 SL No. 111 s 52(4)
- def “**fisher PIN**” ins 2004 SL No. 111 s 52(2)
- def “**group of species**” ins 2004 SL No. 111 s 52(2)
- def “**identification code**” ins 2004 SL No. 111 s 52(2)
- def “**landed fish notice**” om 2004 SL No. 111 s 52(1)
- def “**landing period**” ins 2004 SL No. 111 s 52(2)
- def “**landing place**” ins 2004 SL No. 111 s 52(2)
- def “**line year**” amd 2004 SL No. 111 s 52(4)
- def “**notice identity number**” om 2004 SL No. 111 s 52(1)
- def “**notifying period**” ins 2004 SL No. 111 s 52(2)
- def “**prescribed numerical code**” ins 2004 SL No. 111 s 52(2)
- def “**prescribed person**” ins 2004 SL No. 111 s 52(2)
- def “**prescribed persons**” om 2004 SL No. 111 s 52(1)
- def “**prescribed reason**” ins 2004 SL No. 111 s 52(2)
- def “**prescribed recorded catch**” ins 2004 SL No. 111 s 52(2)
- def “**prescribed way**” ins 2004 SL No. 111 s 52(2)
- def “**prior notice**” sub 2004 SL No. 111 s 52(1)–(2)
- def “**prior notice area**” ins 2004 SL No. 111 s 52(2)
- def “**prior notice deadline**” ins 2004 SL No. 111 s 52(2)
- def “**prior notice particulars**” ins 2004 SL No. 111 s 52(2)
- def “**recorded catch amount**” sub 2004 SL No. 111 s 52(1)–(2)
- def “**relevant day**” ins 2004 SL No. 111 s 52(2)
- def “**relevant equipment**” ins 2004 SL No. 111 s 52(2)
- def “**relevant fishery area**” ins 2004 SL No. 111 s 52(2)
- def “**relevant period**” ins 2004 SL No. 111 s 52(2)
- def “**special reconsideration notice**” ins 2004 SL No. 111 s 52(2)
- def “**special south-east Queensland licence**” ins 2004 SL No. 111 s 52(2)
- def “**species of jobfish**” amd 2004 SL No. 111 s 52(5)–(6)
- def “**tag**” om 2004 SL No. 111 s 52(1)
- def “**taking particulars**” ins 2004 SL No. 111 s 52(2)
- def “**transhipment notice**” sub 2004 SL No. 111 s 52(1)–(2)
- def “**transhipment notice particulars**” ins 2004 SL No. 111 s 52(2)
- def “**transport vessel**” sub 2004 SL No. 111 s 52(1)–(2)
- def “**unit PIN**” ins 2004 SL No. 111 s 52(2)
- def “**unloaded fish notice**” ins 2004 SL No. 111 s 52(2)

def **“unloaded fish notice particulars”** ins 2004 SL No. 111 s 52(2)
def **“unloading area”** ins 2004 SL No. 111 s 52(2)
def **“unloading particular”** ins 2004 SL No. 111 s 52(2)
def **“unnotifiable landing notice”** ins 2004 SL No. 111 s 52(2)
def **“unnotifiable landing notice particulars”** ins 2004 SL No. 111 s 52(2)