

Queensland



Subordinate Legislation 1999 No. 289

*Fisheries Act 1994*

**FISHERIES (EAST COAST TRAWL)  
MANAGEMENT PLAN 1999**

**TABLE OF PROVISIONS**

Section		Page
<b>CHAPTER 1—PRELIMINARY</b>		
<b>PART 1—INTRODUCTION</b>		
1	Short title .....	19
2	Commencement .....	19
3	The fishery—sch 1 .....	19
<b>PART 2—OBJECTIVES OF PLAN AND THEIR ACHIEVEMENT</b>		
4	Objectives .....	20
5	How objectives are to be achieved—sch 2 .....	21
<b>PART 3—INTERPRETATION</b>		
<i>Division 1—Interpretation aids and dictionary</i>		
6	Aids to interpretation and definitions—sch 6 .....	21
<i>Division 2—Key definitions</i>		
7	What is a “principal fish” .....	21
8	What is a “permitted fish” .....	22
<b>CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS</b>		
<b>PART 1—CLOSED WATERS</b>		
<i>Division 1—Closures for all the fishery’s waters</i>		
9	Closure to using or possessing nets without relevant authority .....	23
10	Closure for VMS equipment and manual reporting conditions .....	23

**Division 2—Specific closures****Subdivision 1—Annual southern and northern closures**

11	Annual southern closures—sch 3, pt 1, div 1 . . . . .	24
12	Annual northern closures—sch 3, pt 1, div 2 . . . . .	24
13	Prohibited activities . . . . .	25

**Subdivision 2—Closure for scallop replenishment areas**

14	Closure until 1 February 2001—sch 3, pt 2 . . . . .	25
15	Prohibited activities . . . . .	25
16	Expiry of sdiv 2 and sch 3, pt 2 . . . . .	26

**Subdivision 3—Other specific closures**

17	Other specific closures—sch 3, pt 3 . . . . .	26
----	---	----

**Division 3—Exemptions from prohibited activities**

18	Operation of div 3 . . . . .	26
19	Possession of fish taken outside closed waters . . . . .	26
20	Beam trawl net stowed and secured . . . . .	26
21	Otter trawl net stowed and secured . . . . .	27
22	Fishing apparatus testing . . . . .	27

**PART 2—REGULATED FISH****Division 1—Fish other than permitted fish**

23	Non-permitted fish regulated . . . . .	28
----	--	----

**Division 2—Permitted fish****Subdivision 1—Permitted fish other than saucer scallops**

24	Regulated fish—sch 4 . . . . .	29
25	Fish regulated by number—sch 4, pt 1 . . . . .	29
26	Fish regulated by gender—sch 4, pt 2 . . . . .	29
27	Fish regulated by size—sch 4, pt 3 . . . . .	29
28	Fish regulated by size and time—sch 4, pt 4 . . . . .	29

**Subdivision 2—Saucer scallops**

29	Saucer scallops—regulated by time . . . . .	30
30	Saucer scallops—regulated by size, time and amount . . . . .	30

**Division 3—Fish taken from closed waters**

31	Fish taken from closed waters . . . . .	31
----	---	----

**CHAPTER 3—GENERAL PROVISIONS FOR LICENCES AND  
FISHERY SYMBOLS**

**PART 1—LICENCES AND FISHERY SYMBOLS**

32	Licences and fishery symbols for the fishery . . . . .	31
33	Who may fish . . . . .	32
34	Assistant fishers and persons acting under a crew licence . . . . .	32
35	Restrictions on writing fishery symbols on licences . . . . .	32

**PART 2—FISH THAT MAY BE TAKEN**

36	Condition that only permitted fish may be taken . . . . .	33
37	Condition applies to everyone acting under licence . . . . .	33

**PART 3—USE OF BRDs**

*Division 1—Preliminary*

38	Application and purpose of pt 3 . . . . .	33
39	Purpose of BRD . . . . .	34

*Division 2—BRD use condition*

40	Requirement to achieve purpose . . . . .	34
----	--	----

*Division 3—Compliance with BRD use condition*

*Subdivision 1—General*

41	How to comply . . . . .	34
----	-------------------------	----

*Subdivision 2—Recognised BRDs*

42	Square mesh cod end . . . . .	35
43	Square mesh panel . . . . .	35
44	Fisheye . . . . .	35
45	Bigeye . . . . .	36
46	Radial escape section . . . . .	36

*Subdivision 3—BRD guidelines*

47	Authority may make guidelines . . . . .	37
48	Compliance with BRD use condition from BRD guidelines . . . . .	37

**PART 4—USE OF TEDs**

*Division 1—Preliminary*

49	Application and purpose of pt 4 . . . . .	38
50	Purpose of TED . . . . .	38

<b><i>Division 2—TED use condition</i></b>	
51	Requirement to achieve purpose . . . . . 38
<b><i>Division 3—Compliance with TED use condition</i></b>	
<b><i>Subdivision 1—General</i></b>	
52	How to comply . . . . . 38
53	Requirements for recognised TED . . . . . 39
<b><i>Subdivision 2—TED guidelines</i></b>	
54	Authority may make guidelines . . . . . 39
55	Compliance with TED use condition from TED guidelines . . . . . 39
<b>PART 5—VMS EQUIPMENT AND MANUAL REPORTING CONDITIONS</b>	
<b><i>Division 1—Preliminary</i></b>	
56	Purpose and application of pt 5 . . . . . 40
<b><i>Division 2—VMS equipment obligations</i></b>	
57	Obligation to install and register VMS equipment . . . . . 40
58	Obligation to maintain and use VMS equipment . . . . . 41
<b><i>Division 3—Obligations if VMS equipment malfunctions</i></b>	
<b><i>Subdivision 1—Preliminary</i></b>	
59	Application and purpose of div 3 . . . . . 41
60	Meaning of “malfunction” for div 3 . . . . . 41
61	When person is taken to be aware of malfunction . . . . . 42
<b><i>Subdivision 2—Obligations</i></b>	
62	Obligation to give notice of malfunction . . . . . 42
63	Manual reporting obligation . . . . . 42
<b><i>Subdivision 3—Manual reporting guidelines</i></b>	
64	Authority may make guidelines . . . . . 43
65	Compliance with manual reporting obligation . . . . . 43
<b>PART 6—GENERAL PROVISIONS ABOUT GUIDELINES</b>	
<b><i>Division 1—Publication and inspection</i></b>	
66	Operation of div 1 . . . . . 43
67	Notification . . . . . 43
68	Publication . . . . . 44
69	Inspection . . . . . 44

---

<b><i>Division 2—Use of guidelines in proceedings</i></b>	
70	Operation of div 2 . . . . . 44
71	BRD guidelines . . . . . 44
72	TED guidelines . . . . . 45
73	Manual reporting guidelines . . . . . 45
<b>PART 7—BOAT REPLACEMENT RESTRICTIONS</b>	
<b><i>Division 1—Restrictions for ‘M1’, ‘T1’ and ‘T2’ licences</i></b>	
74	Application of div 1 . . . . . 45
75	Replacement boat must not have more than 70 hull units . . . . . 45
76	Replacement boat must not have main engine more than 300 kW . . . . . 45
<b><i>Division 2—Restriction for other licences for fishery</i></b>	
77	Replacement boat must not be longer than 14 m . . . . . 46
<b>CHAPTER 4—SPECIFIC LICENCE CONDITIONS</b>	
<b>PART 1—‘M1’ LICENCES</b>	
<b><i>Division 1—Preliminary</i></b>	
78	Purpose and application of pt 1 . . . . . 46
79	Area for ‘M1’ fishery symbol . . . . . 46
<b><i>Division 2—Requirements for fishing</i></b>	
<b><i>Subdivision 1—General</i></b>	
80	How permitted fish may be taken . . . . . 47
81	Maximum net length . . . . . 47
82	Minimum and maximum net mesh size . . . . . 47
83	Maximum length of sweeps of net . . . . . 47
84	Covering net . . . . . 47
85	Use of ground chains for net . . . . . 48
86	Use of more than 1 net . . . . . 48
<b><i>Subdivision 2—Use of primary boats</i></b>	
87	Maximum boat length . . . . . 48
<b><i>Subdivision 3—BRDs and TEDs</i></b>	
88	Requirement to use BRD . . . . . 48
89	Requirement to use TED . . . . . 48

**PART 2—‘T1’ AND ‘T3’ LICENCES***Division 1—Preliminary*

90	Purpose and application of pt 2 . . . . .	49
91	Area for ‘T1’ and ‘T3’ fishery symbols . . . . .	49

*Division 2—Requirements for fishing**Subdivision 1—General*

92	How permitted fish may be taken . . . . .	49
93	Maximum net length . . . . .	50
94	Minimum and maximum net mesh size . . . . .	50
95	Maximum length of sweeps of net . . . . .	51
96	Covering net . . . . .	51
97	Use of ground chains for net . . . . .	51
98	Use of more than 1 net . . . . .	52
99	Requirement to secure nets north of Cape Gloucester . . . . .	52

*Subdivision 2—Use of primary boats*

100	Maximum boat length . . . . .	52
-----	-------------------------------	----

*Subdivision 3—BRDs and TEDs*

101	Requirement to use BRD . . . . .	53
102	Requirement to use TED . . . . .	53

**PART 3—‘T2’ LICENCES***Division 1—Preliminary*

103	Purpose and application of pt 3 . . . . .	55
104	Area for ‘T2’ fishery symbol . . . . .	55

*Division 2—Requirements for fishing**Subdivision 1—General*

105	How permitted fish may be taken . . . . .	56
106	Maximum net length . . . . .	56
107	Minimum and maximum net mesh size . . . . .	56
108	Maximum length of sweeps of net . . . . .	56
109	Covering net . . . . .	56
110	Use of ground chains for net . . . . .	57
111	Use of more than 1 net . . . . .	57

<b><i>Subdivision 2—Use of primary boats</i></b>	
112	Maximum boat length . . . . . 58
<b><i>Subdivision 3—BRDs and TEDs</i></b>	
113	Requirement to use BRD . . . . . 58
114	Requirement to use TED . . . . . 58
<b>PART 4—‘T5’ LICENCES</b>	
<b><i>Division 1—Preliminary</i></b>	
115	Purpose and application of pt 4 . . . . . 59
116	Area for ‘T5’ fishery symbol . . . . . 59
<b><i>Division 2—Requirements for fishing</i></b>	
<b><i>Subdivision 1—General</i></b>	
117	How permitted fish may be taken . . . . . 60
118	Maximum net length . . . . . 60
119	Minimum and maximum net mesh size . . . . . 60
120	Covering net . . . . . 61
121	Use of more than 1 net . . . . . 61
<b><i>Subdivision 2—Use of primary boats</i></b>	
122	Maximum boat length . . . . . 61
<b><i>Subdivision 3—BRDs</i></b>	
123	Requirement to use BRD . . . . . 61
<b>PART 5—‘T6’ LICENCES</b>	
<b><i>Division 1—Preliminary</i></b>	
124	Purpose and application of pt 5 . . . . . 62
125	Area for ‘T6’ fishery symbol . . . . . 62
<b><i>Division 2—Requirements for fishing</i></b>	
<b><i>Subdivision 1—General</i></b>	
126	How permitted fish may be taken . . . . . 62
127	Maximum net length . . . . . 63
128	Minimum and maximum net mesh size . . . . . 63
129	Covering net . . . . . 63
130	Use of more than 1 net . . . . . 63

*Subdivision 2—Use of primary boats*

131	Maximum boat length . . . . .	64
-----	-------------------------------	----

*Subdivision 3—BRDs*

132	Requirement to use BRD . . . . .	64
-----	----------------------------------	----

**PART 6—‘T7’ LICENCES***Division 1—Preliminary*

133	Purpose and application of pt 6 . . . . .	64
-----	---	----

134	Area for ‘T7’ fishery symbol . . . . .	64
-----	--	----

*Division 2—Requirements for fishing**Subdivision 1—General*

135	How permitted fish may be taken . . . . .	65
-----	---	----

136	Maximum net length . . . . .	65
-----	------------------------------	----

137	Minimum and maximum net mesh size . . . . .	65
-----	---	----

138	Covering net . . . . .	65
-----	------------------------	----

139	Use of more than 1 net . . . . .	65
-----	----------------------------------	----

*Subdivision 2—Use of primary boats*

140	Maximum boat length . . . . .	66
-----	-------------------------------	----

*Subdivision 3—BRDs*

141	Requirement to use BRD . . . . .	66
-----	----------------------------------	----

*Division 3—Miscellaneous*

142	Only named commercial fisher may use boat . . . . .	66
-----	---	----

143	Prohibition on transfer of ‘T7’ licences . . . . .	66
-----	--	----

**PART 7—‘T8’ LICENCES***Division 1—Preliminary*

144	Purpose and application of pt 7 . . . . .	67
-----	---	----

145	Area for ‘T8’ fishery symbol . . . . .	67
-----	--	----

*Division 2—Requirements for fishing**Subdivision 1—General*

146	How permitted fish may be taken . . . . .	68
-----	---	----

147	Maximum net length . . . . .	68
-----	------------------------------	----

148	Minimum and maximum net mesh size . . . . .	68
-----	---	----

149	Covering net . . . . .	68
-----	------------------------	----

150	Use of more than 1 net .....	69
	<i>Subdivision 2—Use of primary boats</i>	
151	Maximum boat length .....	69
	<i>Subdivision 3—BRDs</i>	
152	Requirement to use BRD .....	69
	<b>PART 8—‘T9’ LICENCES</b>	
	<i>Division 1—Preliminary</i>	
153	Purpose and application of pt 8 .....	70
154	Area for ‘T9’ fishery symbol .....	70
	<i>Division 2—Requirements for fishing</i>	
	<i>Subdivision 1—General</i>	
155	How permitted fish may be taken .....	70
156	Maximum net length .....	71
157	Minimum and maximum net mesh size .....	71
158	Covering net .....	71
159	Use of more than 1 net .....	71
	<i>Subdivision 2—Use of primary boats</i>	
160	Maximum boat length .....	72
	<i>Subdivision 3—BRDs</i>	
161	Requirement to use BRD .....	72
	<b>CHAPTER 5—MISCELLANEOUS PROVISIONS</b>	
	<b>PART 1—THRESHOLD PERCENTAGE FOR DECLARED FISHERIES RESOURCES</b>	
162	Purpose of pt 1 .....	72
163	Saucer scallops .....	72
164	Other declared fisheries resources .....	73
	<b>PART 2—REVIEW, AMENDMENT OR REPEAL OF PLAN</b>	
	<i>Division 1—Reviews</i>	
165	Review of permitted fish, other than principal fish .....	73
166	General review .....	73
	<i>Division 2—Consultation requirements for reviews</i>	
167	Consultation requirements .....	74

	<i>Division 3—Amendment or repeal</i>	
168	How plan may be amended . . . . .	74
	<b>PART 3—OFFENCES AND SUSPENSION CRITERIA</b>	
	<i>Division 1—Additional offences under plan</i>	
169	Restrictions on possessing bugs . . . . .	75
170	Restrictions on processing scallops on commercial fishing boat . . . . .	76
171	Interfering with approved VMS seals . . . . .	76
	<i>Division 2—Prescribed serious fisheries offences</i>	
172	Serious fisheries offences . . . . .	77
	<i>Division 3—Prescribed suspension criteria</i>	
173	Purpose and application of div 3 . . . . .	77
174	Criteria for suspending commercial fisher licence . . . . .	78
175	Criteria for suspending commercial fishing boat licence . . . . .	78
	<b>PART 4—SAVINGS AND TRANSITIONAL PROVISIONS</b>	
176	Existing licences and approvals . . . . .	78
177	‘M1’ fishery symbol applies to ‘T1’ licences until 31 December 2000 . . . .	79
178	Expiry of pt 4 . . . . .	79
	<b>SCHEDULE 1</b>	80
	<b>THE FISHERY</b>	
	<b>PART 1—DESCRIPTION</b>	
1	Area . . . . .	80
2	Major species taken . . . . .	80
3	Nature of fishery and required fishery symbols . . . . .	81
4	Restrictions on apparatus and other controls . . . . .	82
5	Aborigines and Torres Strait Islanders . . . . .	82
	<b>PART 2—KNOWN STATUS</b>	
6	General . . . . .	83
7	Logbook program . . . . .	83
8	Markets . . . . .	84
9	Aborigines’ and Torres Strait Islanders’ fishery . . . . .	84
10	Catch levels—tables 1–3 . . . . .	84

	<b>SCHEDULE 2</b> .....	88
	<b>HOW THE OBJECTIVES ARE TO BE ACHIEVED</b>	
	<b>PART 1—MANAGING THE FISHERY IN A WAY THAT GIVES OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT</b>	
1	Definition for pt 1 .....	88
2	How objective is to be achieved .....	88
3	How achievement is to be measured .....	88
4	Review events .....	89
	<b>PART 2—ENSURING FISHERIES RESOURCES TAKEN IN THE FISHERY ARE TAKEN IN AN ECOLOGICALLY SUSTAINABLE WAY</b>	
5	Definition for pt 2 .....	89
6	How objective is to be achieved .....	89
7	How achievement is to be measured .....	89
8	Review events .....	90
	<b>PART 3—ENSURING THE SUSTAINABILITY OF THE FISHERY’S ECOLOGICAL SYSTEMS</b>	
9	Definition for pt 3 .....	91
10	How objective is to be achieved .....	91
11	How achievement is to be measured .....	91
12	Review events .....	91
	<b>PART 4—PROVIDING AN ECONOMICALLY VIABLE, BUT ECOLOGICALLY SUSTAINABLE, TRAWL FISHERY</b>	
13	Definition for pt 4 .....	93
14	How objective is to be achieved .....	93
15	How achievement is to be measured .....	93
16	Review events .....	93
	<b>PART 5—ENSURING FAIR ACCESS TO FISHERIES RESOURCES ON A SUSTAINABLE BASIS</b>	
17	Definition for pt 5 .....	94
18	How objective is to be achieved .....	94
19	How achievement is to be measured .....	94
20	Review events .....	95

	<b>SCHEDULE 3</b>	96
	<b>SPECIFIC CLOSED WATERS</b>	
	<b>PART 1—ANNUAL SOUTHERN AND NORTHERN CLOSURES</b>	
	<i>Division 1—Southern closure area</i>	
1	Southern closure area	96
	<i>Division 2—Northern closure areas</i>	
2	Swain Reefs and Hydrographers Passage	97
3	Major northern closure area	97
	<b>PART 2—SCALLOP REPLENISHMENT AREAS</b>	
4	Hervey Bay region	98
5	Bustard Head region	99
6	Yeppoon region	99
	<b>PART 3—OTHER SPECIFIC CLOSURES</b>	
7	Lakes and lagoons south of Endeavour River and east of longitude 142°31.82' east	99
8	Near the New South Wales border to Point Lookout on North Stradbroke Island	100
9	Currumbin Beach	101
10	Currumbin Creek	101
11	Tallebudgera Creek	101
12	Tallebudgera Creek to Burleigh	101
13	Southern part of the Broadwater and the Nerang River	101
14	Gold Coast Seaway	102
15	Broadwater—central part	102
16	Broadwater—western part	103
17	Coombabah Lake and Coombabah Creek	103
18	Coombabah Creek, Oyster Lake and Saltwater Creek	104
19	Coomera River	104
20	Swan Bay, North Stradbroke Island	104
21	Moreton Bay	104
22	Moreton Bay, including The Broadwater	106
23	Dunwich	107
24	Southern Moreton Bay area	107

---

25	Amity Bight and the South Passage . . . . .	108
26	Manly Boat Harbour . . . . .	108
27	Wynnum and Manly . . . . .	109
28	Boggy Creek, Pinkenba . . . . .	109
29	Brisbane River mouth area . . . . .	109
30	Brisbane Airport floodway channel to the Pine River . . . . .	109
31	Sandgate Pier . . . . .	110
32	South Pine River and North Pine River . . . . .	110
33	Northern section of Moreton Bay . . . . .	110
34	Pumicestone Strait . . . . .	111
35	Bribie Island's eastern shore and the sand spit at Kings Beach . . . . .	112
36	Caloundra Head . . . . .	112
37	Caloundra—Kings Beach to Shelly Beach . . . . .	112
38	Currimundi Lake and Currimundi Creek near Caloundra . . . . .	113
39	Warana Beach at Kawana Waters . . . . .	113
40	Mooloolah River . . . . .	113
41	South Maroochy River and the North Maroochy River . . . . .	113
42	Maroochy River and ocean foreshores . . . . .	113
43	Lakes Doonella and Weyba . . . . .	114
44	Noosa River and Lakes Cooroibah and Cootharaba . . . . .	114
45	Noosa River and Noosa's main beach . . . . .	114
46	Weyba Creek . . . . .	115
47	Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba . . . . .	115
48	Noosa River—ocean foreshore north of its northern bank . . . . .	115
49	Waterways south of Double Island Point . . . . .	115
50	Rainbow Beach . . . . .	115
51	Wide Bay Bar . . . . .	116
52	Hook Point to Taleerba Creek, Fraser Island . . . . .	116
53	Taleerba Creek to Indian Head, Fraser Island . . . . .	116
54	Fraser Island—Indian Head to Waddy Point . . . . .	117
55	Fraser Island—Hook point to northern tip . . . . .	117
56	Snapper Creek near Tin Can Bay . . . . .	117

---

57	Great Sandy Strait . . . . .	117
58	Mary River . . . . .	118
59	Hervey Bay seasonal night-time closure . . . . .	118
60	Hervey Bay—other closures . . . . .	119
61	Skyringville Creek . . . . .	119
62	Hervey Bay . . . . .	120
63	Southern Hervey Bay . . . . .	120
64	Theodolite Creek . . . . .	120
65	Coonar Creek . . . . .	121
66	Burnett River . . . . .	121
67	Sandy Cape . . . . .	121
68	Northern Fraser Island and north of Fraser Island . . . . .	121
69	Round Hill Creek . . . . .	122
70	Eurimbula Creek . . . . .	122
71	Rodds Harbour . . . . .	122
72	Wild Cattle Creek . . . . .	123
73	Boyne River and part of South Trees Inlet . . . . .	123
74	Tannum Sands . . . . .	123
75	Calliope River . . . . .	124
76	The Narrows near Curtis Island . . . . .	124
77	Fitzroy River and waters near its mouth . . . . .	124
78	Keppel Bay near Middle Island Observatory . . . . .	124
79	Point Vernon to Cape Manifold . . . . .	125
80	Cawarral Creek . . . . .	125
81	Causeway Lake, Shoal Bay . . . . .	125
82	Water Park Creek . . . . .	125
83	Broadsound to Dunk Island . . . . .	125
84	St. Lawrence Creek to Endeavour River . . . . .	126
85	Rocky Dam Creek . . . . .	126
86	Louisa Creek . . . . .	127
87	Pioneer River . . . . .	127
88	Pioneer River . . . . .	127

---

89	Reliance Creek, west of Eimeo .....	127
90	Constant Creek .....	127
91	Seaforth Creek .....	127
92	Victor Creek .....	127
93	O'Connell River .....	128
94	Proserpine River .....	128
95	Pioneer Bay .....	128
96	Merinda Creek .....	128
97	Hayman Island to Cape Abbot .....	128
98	Bowen Harbour and Magazine Island .....	129
99	Hook Island .....	129
100	Groper Creek, Yellow Gin Creek and the Burdekin River .....	129
101	Burdekin River .....	129
102	Plantation Creek and Seaforth Creek .....	130
103	Haughton River and the Short Cut .....	130
104	Barramundi Creek .....	130
105	Townsville Harbour and Cleveland Bay .....	130
106	Etty Bay area .....	131
107	Rollingstone Creek .....	131
108	Herbert River .....	131
109	Yanks Jetty at Orpheus Island .....	131
110	Hinchinbrook Channel .....	132
111	Meunga Creek .....	132
112	Murray River .....	132
113	Johnstone River .....	132
114	Russell River, Mulgrave River and Mutchero Inlet .....	132
115	Fitzroy Island and High Island, near Cairns .....	132
116	Trinity Bay .....	133
117	Centenary Lakes, Cairns .....	133
118	Barron River .....	133
119	Mission Bay .....	133
120	Yorkeys Knob to Simpson Point .....	133

---

121	Cook Bay .....	134
122	Island Point to the Daintree River .....	134
123	Daintree River .....	134
124	Bloomfield River .....	134
125	Annan River .....	135
126	Endeavour River .....	135
127	North of latitude 15°30' south .....	135
128	Grave Point to Indian Head .....	135
129	Cape Bedford to Murray Reefs .....	135
130	Cape Flattery to near Barrow Point .....	136
131	Barrow Point to Bizant River .....	136
132	Bizant River, Princess Charlotte Bay .....	137
133	Marrett River to Rocky River .....	137
134	Rocky River to latitude 13°09' south .....	137
135	Latitude 13°09' south to Thorpe Point .....	138
136	Round Point to Fly Point near Cape York .....	139
137	Tip of Cape York .....	140
	<b>SCHEDULE 4</b> .....	141
	<b>REGULATED FISH</b>	
	<b>SCHEDULE 5</b> .....	143
	<b>WATERS WHERE SCALLOPS MAY BE PROCESSED ON A BOAT</b>	
1	Tin Can Bay public wharf area .....	143
2	Parts of Hervey Bay .....	143
3	Burnett River from near Bundaberg to near Millaquin Sugar Mill .....	143
4	Area near Gladstone .....	144
5	Area near Yeppoon .....	144
6	Area near Bowen .....	144
7	Area west of Cape Cleveland .....	145
8	Area west of Magnetic Island .....	145
9	Part of North East Bay (Great Palm Island) .....	145
10	Lucinda Services Jetty area .....	146

---

**SCHEDULE 6** ..... 147
**AIDS TO INTERPRETATION AND DEFINITIONS****PART 1—AIDS TO INTERPRETATION***Division 1—Working out boundaries*

1	References to boundaries, lines, shores and other points .....	147
2	References to waterways .....	147
3	References to banks of waterway .....	148

*Division 2—Time periods*

4	Start and end of time periods .....	148
---	-------------------------------------	-----

*Division 3—Names and measurement of fish*

5	Scientific names of fish .....	148
6	Scientific classification .....	149
7	Measurement of size of fish .....	151

*Division 4—Miscellaneous*

8	Fishing under certain licences for fishery includes tender licence .....	151
9	References to possession of fish .....	152

**PART 2—EXTENDED DEFINITIONS FOR AREAS**

10	Meaning of “Brisbane River mouth area–north” .....	152
11	Meaning of “Brisbane River mouth area–south” .....	152
12	Meaning of “Brisbane River–Victoria Bridge to Juno Point area” .....	153
13	Meaning of “Cleveland Bay area” .....	153
14	Meaning of “Comboyuro Point to Caloundra Head area” .....	153
15	Meaning of “deep water net area” .....	153
16	Meaning of “Facing Island area” .....	155
17	Meaning of “Fisherman Islands area” .....	155
18	Meaning of “Fitzroy River mouth area” .....	156
19	Meaning of “Great Sandy Strait area” .....	156
20	Meaning of “Hervey Bay area” .....	156
21	Meaning of “Keppel Bay area” .....	156
22	Meaning of “Laguna Bay area” .....	157
23	Meaning of “Llewellyn Bay area” .....	157
24	Meaning of “Moreton Bay” .....	157

---

25	Meaning of “Repulse Bay area” .....	158
26	Meaning of “Sinclair Bay area” .....	158
27	Meaning of “waters north of Cape Gloucester” .....	159
28	Meaning of “waters south of Cape Gloucester” .....	159

**PART 3—OTHER EXTENDED DEFINITIONS**

29	Working out “hull units” for a boat .....	159
30	Meaning of “length” of a boat .....	161
31	Meaning of “length” of a net .....	161
32	Working out an engine’s “maximum continuous brake kW” .....	161
33	Meaning of “mesh size” of a net .....	162
34	Meaning of “sweep” of a net .....	162

**PART 4—DICTIONARY**

## CHAPTER 1—PRELIMINARY

### PART 1—INTRODUCTION

#### Short title

1. This management plan may be cited as the *Fisheries (East Coast Trawl) Management Plan 1999*.

#### Commencement

2.(1) Section 11 commences on 1 January 2000.

(2) Section 29(2)(b) commences on 2 January 2000.

(3) Section 102(2)(b) and (c) commences on 1 March 2000.

(4) Sections 85, 97 and 110 commence on 1 July 2000.<sup>1</sup>

(5) The remaining provisions of this plan commence on the notification day

#### The fishery—sch 1

3.(1) This plan applies in relation to the east coast trawl fishery (the “fishery”).

(2) This plan applies only to—

(a) fishing for trade or commerce in the fishery by the use of trawl nets; or

(b) the possession of permitted fish taken under this plan from the fishery.

(3) The fishery is described in schedule 1, part 1.

(4) Unless otherwise stated in schedule 1, part 1, the description is as the fishery was immediately before the notification day.

---

<sup>1</sup> Sections 11 (Annual southern closures—sch 3, pt 1, div 1), 29 (Saucer scallops—regulated by time), 102 (Requirement to use TED) and 85, 97 and 110 (Use of ground chains for net)

(5) The fishery's known status, as at 31 December 1997, is stated in schedule 1, part 2.

## **PART 2—OBJECTIVES OF PLAN AND THEIR ACHIEVEMENT**

### **Objectives**

4. The objectives of this plan are to—

- (a) manage the fishery in a way that gives optimal, but sustainable, community benefit; and
- (b) ensure fisheries resources taken in the fishery are taken in an ecologically sustainable way; and
- (c) ensure the sustainability of the fishery's ecological systems; and
- (d) provide for an economically viable, but ecologically sustainable, trawl fishery; and
- (e) ensure fair access to fisheries resources taken in the fishery, on a sustainable basis, among the following groups and persons in the groups—
  - (i) commercial fishers;
  - (ii) recreational fishers;
  - (iii) Aboriginal and Torres Strait Islander fishers;<sup>2</sup>
  - (iv) other users of the fisheries resources.

*Example of 'other users'—*

Divers who view or photograph fish, but do not take them.

---

<sup>2</sup> For the right of Aborigines or Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

For the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth), see section 211 (Preservation of certain native title rights and interests).

**How objectives are to be achieved—sch 2**

5.(1) Schedule 2 states how the objectives are to be achieved.

(2) The achievement of each objective must be—

- (a) measured only in the way stated in schedule 2; and
- (b) reviewed by the Authority under section 167<sup>3</sup> if a review event stated in schedule 2 for the objective happens.

**PART 3—INTERPRETATION***Division 1—Interpretation aids and dictionary***Aids to interpretation and definitions—sch 6**

6.(1) Schedule 6, part 1 contains provisions that aid the interpretation of this plan.

(2) Schedule 6, parts 2 and 3 and the dictionary in schedule 6, part 4 define particular words used in this plan.

*Division 2—Key definitions***What is a “principal fish”**

7. A “principal fish” means any of the following fish—

- (a) prawns;
- (b) scallops;
- (c) bugs;
- (d) squid.

---

<sup>3</sup> Section 167 (Consultation requirements)

**What is a “permitted fish”**

**8.(1)** A “permitted fish” means a principal fish or any of the following fish—

- (a) Balmain bugs;
- (b) barking crayfish;
- (c) cuttlefish;
- (d) goatfish;
- (e) mantis shrimp;
- (f) octopus;
- (g) pinkies;
- (h) red spot crabs;
- (i) sharks;
- (j) syngnathids;
- (k) whiptails.

**(2)** Also, until 31 October 2000, “permitted fish” includes the following fish if taking the fish is not prohibited under another management plan—

- (a) blue swimmer crabs;
- (b) winter whiting.

**(3)** Subsection (2) and this subsection expire on 31 October 2000.

## **CHAPTER 2—CLOSED WATERS AND REGULATED FISH DECLARATIONS**

### **PART 1—CLOSED WATERS**

#### *Division 1—Closures for all the fishery's waters*

##### **Closure to using or possessing nets without relevant authority**

**9.(1)** For this section, all waters in the fishery are closed waters.

**(2)** The waters are closed every year, all year.

**(3)** Using or possessing any trawl net is prohibited in the closed waters unless the net is used or possessed under a fishery symbol that allows the use of the net in the waters.<sup>4</sup>

##### **Closure for VMS equipment and manual reporting conditions**

**10.(1)** For this section, all waters in the fishery are closed waters.

**(2)** The waters are closed every year, all year.

**(3)** The possession or use of a boat under a 'T1', 'T2' or 'T3' fishery symbol is prohibited in the closed waters unless the conditions of the licence for the boat under chapter 3, part 5<sup>5</sup> have been complied with.

---

<sup>4</sup> See chapter 4 (Specific licence conditions) for the relevant fishery symbols for particular waters in the fishery.

<sup>5</sup> Chapter 3, part 5 (VMS equipment and manual reporting conditions)

***Division 2—Specific closures******Subdivision 1—Annual southern and northern closures*****Annual southern closures—sch 3, pt 1, div 1**

**11.(1)** The waters mentioned in schedule 3, section 1 are closed waters.

(2) The waters are closed to the use of a boat under a fishery symbol from midday on 20 September to midday on 1 November (“**first closure period**”).

(3) Also, the waters are closed to the use of a boat under a fishery symbol from midday on 1 November to midday on 12 December (“**second closure period**”) unless—

- (a) the boat is used under a ‘T5’, ‘T6’, ‘T7’ or ‘T8’ fishery symbol; or
- (b) the Authority has received a notice stating the boat will not be used under an ‘M1’, ‘T1’, ‘T2’ or ‘T3’ fishery symbol in the first closure period and the boat is not used under any of the symbols in the first closure period.

(4) The notice may be given only—

- (a) by the holder of the licence under which the boat may be used; and
- (b) on or before the 13 September immediately before the second closure period.

**Annual northern closures—sch 3, pt 1, div 2**

**12.(1)** The waters mentioned in schedule 3, sections 2 and 3<sup>6</sup> are closed waters.

(2) The waters are closed to the use of a boat under a fishery symbol from midday on 15 December to midday on 1 March (“**first closure**”).

---

<sup>6</sup> Schedule 3, sections 2 (Swains Reef and Hydrographers Passage) and 3 (Major northern closure area)

**period”).**

(3) Also, the waters mentioned in schedule 3, section 3 are closed to the use of a boat under a fishery symbol from midday on 1 March to midday on 14 May (“**second closure period**”) unless—

- (a) the boat is used under a ‘T8’ or ‘T9’ fishery symbol; or
- (b) the Authority has received a notice stating the boat will not be used under an ‘M1’, ‘T1’, or ‘T3’ fishery symbol in the first closure period and the boat is not used under any of the symbols in the first closure period.

(4) The notice may be given only—

- (a) by the holder of the licence under which the boat may be used; and
- (b) on or before the 8 December immediately before the second closure period.

### **Prohibited activities**

13. Using or possessing a trawl net is prohibited in closed waters under this subdivision.

#### *Subdivision 2—Closure for scallop replenishment areas*

#### **Closure until 1 February 2001—sch 3, pt 2**

- 14.(1) The waters mentioned in schedule 3, part 2 are closed waters.
- (2) The waters are closed until 1 February 2001.

### **Prohibited activities**

15. Using or possessing any trawl net or a boat under a ‘T1’ fishery symbol is prohibited in closed waters under this subdivision.

**Expiry of sdiv 2 and sch 3, pt 2**

16. This subdivision and schedule 3, part 2 expire on 1 February 2001.

***Subdivision 3—Other specific closures*****Other specific closures—sch 3, pt 3**

17.(1) The waters mentioned in schedule 3, part 3 are closed waters.

(2) The waters are closed every year, all year, unless otherwise stated in schedule 3, part 3.

(3) Using or possessing any trawl net is prohibited in the waters.

***Division 3—Exemptions from prohibited activities*****Operation of div 3**

18.(1) Sections 19 to 22 each provide an exemption for an activity prohibited under this part.

(2) The *Justices Act 1886*, section 76,<sup>7</sup> applies to each exemption.

**Possession of fish taken outside closed waters**

19. If the prohibited activity is the possession of fish, it is an exemption for a person to possess fish taken from outside the closed waters to which the prohibition relates.

**Beam trawl net stowed and secured**

20. If the prohibited activity is the possession of a beam trawl net, it is an exemption for a person to possess the net if the net and any other fishing apparatus normally used with it are stored inboard a boat.

---

<sup>7</sup> *Justices Act 1886*, section 76 (Proof of negative etc.)

*Examples of 'other fishing apparatus' normally used with a beam trawl net—*

- the net's bar or beam
- any ground chains or ropes.

### **Otter trawl net stowed and secured**

**21.(1)** If the prohibited activity is the possession of an otter trawl net, it is an exemption for a person to possess the net if the net and any other fishing apparatus normally used with it are stowed and secured.

*Examples of 'other fishing apparatus' normally used with an otter trawl net—*

- the net's otter boards
- any ground chains or ropes.

**(2)** For subsection (1), the net and other fishing apparatus are stowed and secured—

- (a) during the daytime only if—
  - (i) they are drawn up to a boat and are visible from an aircraft or another boat; and
  - (ii) the net's cod ends are open; and
  - (iii) the net's lazy lines are on the blocks; and
- (b) at night only if—
  - (i) the boat carrying them is at anchor in an area marked as an anchorage or boat harbour on a navigational chart; or
  - (ii) they are inboard a boat and are stored or suspended from a mast or boom.

### **Fishing apparatus testing**

**22.(1)** If the prohibited activity is using or possessing a trawl net, it is an exemption for a person to use or possess the net if—

- (a) the use or possession is only for testing the net or other fishing apparatus normally used with the net; and
- (b) the person in control of the boat used for the testing has given the Authority notice of the testing under subsection (2); and

- (c) the net's cod ends are open; and
  - (d) no fish are taken during the test.
- (2) The notice must—
- (a) be given at least 24 hours before the testing starts; and
  - (b) state—
    - (i) an area of no more than 1 square n mile where the testing is to happen; and
    - (ii) when the testing is to start and end.
- (3) The notice may be—
- (a) oral or written; and
  - (b) given to the Authority by giving it to the Queensland Boating and Fisheries Patrol.

## **PART 2—REGULATED FISH**<sup>8</sup>

### *Division 1—Fish other than permitted fish*

#### **Non-permitted fish regulated**

- 23.(1)** Any fish that is not a permitted fish is a regulated fish.
- (2)** Taking or possessing a fish that is not a permitted fish is prohibited.

---

<sup>8</sup> See however, section 12(a) and (b) (When Act does not apply) of the Act, for when the Act does not apply to the taking or possessing of regulated fish.

***Division 2—Permitted fish******Subdivision 1—Permitted fish other than saucer scallops*****Regulated fish—sch 4**

24. Fish mentioned in schedule 4 are regulated fish.

**Fish regulated by number—sch 4, pt 1**

25.(1) Fish mentioned in schedule 4, part 1 are regulated by the number stated opposite the name of the fish in schedule 4, part 1.

(2) However, only fish taken in excess of the number stated for each of the fish are regulated.

(3) Taking or possessing more than the number stated for each of the fish is prohibited.

**Fish regulated by gender—sch 4, pt 2**

26. Taking or possessing fish of the gender of the species mentioned in schedule 4, part 2 is prohibited.

**Fish regulated by size—sch 4, pt 3**

27. Taking or possessing fish of the size stated after the name of each of the species mentioned in schedule 4, part 3 is prohibited.

**Fish regulated by size and time—sch 4, pt 4**

28. Taking or possessing fish of the size in the period stated for each of the species mentioned in schedule 4, part 4 is prohibited.

***Subdivision 2—Saucer scallops*****Saucer scallops—regulated by time**

**29.(1)** Saucer scallops are regulated fish.

**(2)** Taking or possessing saucer scallops is prohibited during the following periods—

- (a) from midday on 20 September to midday on 1 November;
- (b) from midday on 20 December to midday on 1 January.

**Saucer scallops—regulated by size, time and amount**

**30.(1)** Saucer scallops are regulated fish.

**(2)** Taking or possessing on board a commercial fishing boat more saucer scallops than the percentage stated in this section is prohibited.

**(3)** From 8 a.m. on 1 January to 8 a.m. on 1 May, the percentage is 7% of saucer scallops that are less than 9 cm.

**(4)** From 8 a.m. on 1 May to 8 a.m. on 1 January, the percentage is 10% of saucer scallops that are less than 9.5 cm.

**(5)** However, despite subsection (4), from the notification day to 8 a.m. on 1 January 2000, the percentage is 7% of saucer scallops that are less than 9 cm.

**(6)** For a period mentioned in this section, the percentage must be worked out by—

- (a) counting all of the saucer scallops of the relevant size and expressing the number of saucer scallops of the size as a percentage of the saucer scallops taken or possessed; or
- (b) statistical sampling and testing as follows—
  - (i) statistical sampling of all of the saucer scallops taken or possessed;

*Example of 'statistical sampling'—*

Random sampling.

- (ii) expressing from the sample the number of saucer scallops of

the relevant size as a percentage (the “**sample percentage**”) of the saucer scallops taken or possessed from the sample;

- (iii) using statistical tests to work out from the sample percentage the total percentage of the saucer scallops taken or possessed of the stated size.

(7) Subsection (5) and this subsection expire on 1 January 2000.

### *Division 3—Fish taken from closed waters*

#### **Fish taken from closed waters**

**31.(1)** A fish is a regulated fish if it has been taken from closed waters in contravention of part 1.

(2) Possessing the fish is prohibited.

## **CHAPTER 3—GENERAL PROVISIONS FOR LICENCES AND FISHERY SYMBOLS**

### **PART 1—LICENCES AND FISHERY SYMBOLS**

#### **Licences and fishery symbols for the fishery**

**32.(1)** The licences for the fishery are the ‘M1’, ‘T1’, ‘T2’, ‘T3’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’ licences.

(2) The fishery symbols for the fishery are the ‘M1’, ‘T1’, ‘T2’, ‘T3’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ and ‘T9’ fishery symbols.<sup>9</sup>

---

<sup>9</sup> For relevant general provisions of the regulation about fishery symbols, see part 7, division 4 (Fishery symbols on authorities) of the regulation.

**Who may fish**

**33.** A person may take fish in the fishery by the use of trawl nets or possess fish taken from the fishery only if—

- (a) either—
  - (i) the person holds a licence for the fishery; or
  - (ii) the holder of a licence for the fishery has allowed the person to take or possess fish under the licence; and
- (b) the person is a commercial or assistant fisher or is acting under a crew licence.

**Assistant fishers and persons acting under a crew licence**

**34.(1)** A crew member may, under this plan, use or possess commercial fishing apparatus and take fish for trade or commerce only if the crew member and a commercial fisher are—

- (a) on the same boat; or
- (b) on different boats but the crew member is on a tender boat that is not a trawler.

**(2)** In this section—

**“crew member”** means an assistant fisher or a person acting under a crew licence.

**Restrictions on writing fishery symbols on licences**

**35.(1)** Until 1 January 2001, the Authority may write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a primary licence only if—

- (a) the licence is a replacement licence; or
- (b) it renews the licence; or
- (c) the symbol is a ‘T1’ or ‘T2’ fishery symbol and it has given a written approval for the symbol to be written on the licence.

**(2)** From 2 January 2001, the Authority may write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a primary licence only if—

- (a) the licence is a replacement licence; or

(b) it renews the licence.

(3) The Authority may write another fishery symbol on a primary licence only—

(a) if the licence is a replacement licence; or

(b) if it renews the licence; or

(c) under a written approval by the Authority for the symbol to be written on the licence.

(4) Subsection (1) and this subsection expire on 1 January 2001.

## **PART 2—FISH THAT MAY BE TAKEN**

### **Condition that only permitted fish may be taken**

36. Each licence for the fishery is subject to a condition that only permitted fish may be taken under the licence.

### **Condition applies to everyone acting under licence**

37. The condition under section 36 also applies to anyone acting under a licence for the fishery.

## **PART 3—USE OF BRDs**

### *Division 1—Preliminary*

### **Application and purpose of pt 3**

38. This part—

(a) applies if, under chapter 4, a BRD must be used with a net used under a provision of that chapter; and

- (b) prescribes an additional condition to which the licence under which the net is used is subject.

### **Purpose of BRD**

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

### *Division 2—BRD use condition*

#### **Requirement to achieve purpose**

**40.(1)** The licence under which the net is used is subject to a condition (the “**BRD use condition**”) that the use of the net must achieve the purpose of a BRD.

**(2)** The BRD use condition also applies to anyone acting under the licence.

### *Division 3—Compliance with BRD use condition*

#### *Subdivision 1—General*

#### **How to comply**

**41.(1)** The BRD use condition is taken to have been complied with if a device that complies with subdivision 2 (a “**recognised BRD**”) is used with the net.

**(2)** The condition may also be complied with by using another device with the net if the use achieves the purpose of a BRD.

***Subdivision 2—Recognised BRDs*****Square mesh cod end**

- 42.** The net's cod end is a recognised BRD if—
- (a) at least half the cod end's circumference is square mesh of at least 45 mm; and
  - (b) the square mesh is at least 75 meshes long; and
  - (c) nothing covers any of the square meshes during trawling.

**Square mesh panel**

- 43.** A panel of the net is a recognised BRD if—
- (a) the panel—
    - (i) is square mesh of at least 10.1 cm; and
    - (ii) is at least 40 cm wide and 60 cm long; and
    - (iii) is no more than 120 meshes from the cod end drawstrings of the net; and
  - (b) nothing covers any of the square meshes during trawling.

**Fisheye**

- 44.** An opening in the net is a recognised BRD if—
- (a) the opening—
    - (i) is held open by a rigid frame; and
    - (ii) is at least 35 cm wide and 15 cm long; and
    - (iii) is no more than 120 meshes from the cod end drawstrings of the net; and
  - (b) nothing covers any part of the opening during trawling.

**Bigeye**

45. An opening in the net is a recognised BRD if—

- (a) the opening—
  - (i) is in the top of the net no further forward than the mid point between the centre of the headline and the start of the net's cod end; and
  - (ii) is at least 1 m across the width of the net; and
- (b) the opening has, during trawling, a weighted forward section and a buoyed rear section; and
- (c) the edges of the opening do not overlap by more than 28.5 cm; and
- (d) nothing covers any part of the opening during trawling.

**Radial escape section**

46.(1) A combination of a funnel, hoops and openings in the net are a recognised BRD if—

- (a) they comply with subsections (2) to (4); and
  - (b) nothing covers any part of the openings during trawling.
- (2) The funnel must—
- (a) be attached to the net for all of the funnel's front edge circumference; and
  - (b) have a number of meshes in its rear edge circumference of no more than 60% of the number of meshes in the circumference of the net at its rear edge.
- (3) The net must have—
- (a) either—
    - (i) a hoop attached to it at the funnel's front edge that keeps the funnel fully open; or
    - (ii) a TED within 90 cm of the funnel's front edge; and
  - (b) a hoop (the “**rear hoop**”) no more than 115 meshes from the drawstrings of the net's cod end with a diameter of at least 65 cm.

- (4) The openings must comply with the following—
- (a) they must be forward of the rear hoop;
  - (b) the rear edge of the rear opening must be within 5 meshes of the rear hoop;
  - (c) they must extend for at least 35 cm and cover at least half the net's circumference;
  - (d) they must be at least 10.1 cm in each of their dimensions;
  - (e) they must be no more than—
    - (i) 50 cm forward of the funnel's rear edge; and
    - (ii) 120 meshes from the drawstrings of the net's cod end.

### *Subdivision 3—BRD guidelines*

#### **Authority may make guidelines**

47. The Authority may make guidelines (“**BRD guidelines**”) for devices, other than recognised BRDs, that may be used with a trawl net to achieve the purpose of a BRD.

#### **Compliance with BRD use condition from BRD guidelines**

48. A person to whom the BRD use condition applies is taken to have complied with the condition if, to the extent they are relevant, the BRD guidelines are complied with.

## **PART 4—USE OF TEDs**

### *Division 1—Preliminary*

#### **Application and purpose of pt 4**

**49.** This part—

- (a) applies if, under chapter 4, a TED must be used with a net used under a provision of that chapter; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

#### **Purpose of TED**

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

### *Division 2—TED use condition*

#### **Requirement to achieve purpose**

**51.(1)** The licence under which the net is used is subject to a condition (the “**TED use condition**”) that the use of the net must achieve the purpose of a TED.

**(2)** The TED use condition also applies to anyone acting under the licence.

### *Division 3—Compliance with TED use condition*

#### *Subdivision 1—General*

#### **How to comply**

**52.(1)** The TED use condition is taken to have been complied with if a

device that complies with section 53 (a “**recognised TED**”) is used with the net.

(2) The condition may also be complied with by using another device with the net if the use achieves the purpose of a TED.

### **Requirements for recognised TED**

**53.(1)** A recognised TED must consist of a barrier and an opening that allows turtles to escape immediately after being taken in the net.

(2) The barrier must consist of a rigid or semirigid inclined barrier of bars attached to the net’s circumference that acts to steer turtles through the opening.

(3) The bars must be no more than 12 cm apart.

(4) The opening must—

(a) be immediately forward of the top of the barrier; and

(b) have a minimum taut measurement of—

(i) 76 cm across the widest part of the net; and

(ii) 38 cm across the perpendicular to the measurement under subparagraph (i) at its midpoint.

### ***Subdivision 2—TED guidelines***

#### **Authority may make guidelines**

**54.** The Authority may make guidelines (“**TED guidelines**”) for devices, other than recognised TEDs, that may be used with a trawl net to achieve the purpose of a TED.

#### **Compliance with TED use condition from TED guidelines**

**55.** A person to whom the TED use condition applies is taken to have complied with the condition if, to the extent they are relevant, the TED guidelines are complied with.

## **PART 5—VMS EQUIPMENT AND MANUAL REPORTING CONDITIONS**

### *Division 1—Preliminary*

#### **Purpose and application of pt 5**

**56.(1)** This part prescribes additional conditions to which a ‘T1’, ‘T2’ or ‘T3’ licence is subject.

(2) If this part imposes an obligation on the person in control, it is a condition of the licence that the obligation must be complied with.

(3) However, the conditions do not apply if—

- (a) the boat identified in the licence is used under a ‘T1’ fishery symbol in Moreton Bay; and
- (b) the boat has not, after the notification day, been used under the fishery symbol outside Moreton Bay.

### *Division 2—VMS equipment obligations*

#### **Obligation to install and register VMS equipment**

**57.(1)** The holder of the licence must have an approved person install approved VMS equipment on the boat identified in the licence.

(2) The equipment and the installer must be included in the particulars about the licence in the register of authorities the Authority keeps under section 73 of the Act.

(3) In this section—

“**approved**” means approved by the Authority.

“**install**”, approved VMS equipment, includes fit an approved seal on the equipment.

### **Obligation to maintain and use VMS equipment**

**58.(1)** The person in control of the boat identified in the licence must ensure VMS equipment installed on the boat is—

- (a) maintained in working condition (“**maintenance obligation**”); and
- (b) used at all times.

**(2)** However, the maintenance obligation does not apply during a period if—

- (a) before the period began the Authority received notice from the holder of the licence that, for a stated reason, the boat would not be used for fishing during the period; and
- (b) the boat is not used for fishing during the period.

### *Division 3—Obligations if VMS equipment malfunctions*

#### *Subdivision 1—Preliminary*

### **Application and purpose of div 3**

**59.** This division—

- (a) applies if VMS equipment installed on the boat identified in the licence malfunctions; and
- (b) imposes obligations on the person in control of the boat when the person becomes aware of the malfunction.

### **Meaning of “malfunction” for div 3**

**60.** In this division, “**malfunction**”, for VMS equipment, means a failure to work at all and a failure to work in a way so as to perform the functions of VMS equipment.<sup>10</sup>

---

<sup>10</sup> Under section 4 (Definitions) of the Act, definition “VMS equipment”, VMS equipment means ‘equipment used as part of a system that monitors the position and operation of a vessel’.

**When person is taken to be aware of malfunction**

**61.(1)** A person in control is taken to be aware of the malfunction if the person receives notice from the Authority that the equipment is malfunctioning.

(2) The notice may be given by radio, telephone or another form of instantaneous electronic communication.

***Subdivision 2—Obligations*****Obligation to give notice of malfunction**

**62.(1)** The person in control must immediately notify the Authority of the malfunction, unless the person has a reasonable excuse.

(2) The notice may be given by radio, telephone or another form of instantaneous electronic communication.

**Manual reporting obligation**

**63.(1)** The person in control may do the following only if the person complies with this section—

- (a) use fishing apparatus from the boat;
- (b) move the boat.

(2) The person must notify the boat's position and operation to the Authority by radio, telephone or another form of instantaneous electronic communication at intervals that, in all the circumstances, reasonably acts as a substitute for VMS equipment.

(3) The obligation under subsection (2) is called the “**manual reporting obligation**”.

### *Subdivision 3—Manual reporting guidelines*

#### **Authority may make guidelines**

**64.** The Authority may make guidelines (“**manual reporting guidelines**”) for compliance with the manual reporting obligation.

#### **Compliance with manual reporting obligation**

**65.** A person to whom the manual obligation applies is taken to have complied with the obligation if, to the extent they are relevant, the guidelines are complied with.

## **PART 6—GENERAL PROVISIONS ABOUT GUIDELINES**

### *Division 1—Publication and inspection*

#### **Operation of div 1**

**66.(1)** This division imposes obligations if the Authority makes a guideline under this chapter.

**(2)** The obligations must be complied with as soon as practicable after the guideline is made.

#### **Notification**

**67.(1)** The Authority must notify the guideline in the gazette.

**(2)** The Minister must, within 14 days after the gazettal, table the guideline in the Legislative Assembly as if it were subordinate legislation.

(3) The *Statutory Instruments Act 1992*, part 6,<sup>11</sup> applies to the guideline as if it were subordinate legislation.

### **Publication**

**68.(1)** If the guideline is a manual reporting guideline, the Authority must give a copy of it to each person who holds a 'T1', 'T2' or 'T3' licence.

(2) If the guideline is a BRD or TED guideline, the Authority must give a copy of it to each person who holds a licence for the fishery.

### **Inspection**

**69.** The Authority must make a copy of the guideline available for inspection at its office, free of charge, by members of the public during office hours on business days.

## *Division 2—Use of guidelines in proceedings*

### **Operation of div 2**

**70.(1)** This division provides for the admissibility of a guideline made under this chapter in certain offence proceedings.

(2) However, the guideline is not admissible in evidence against a person unless either of the following happened before the act or omission that is alleged to form the offence—

- (a) the guideline was gazetted and tabled in the Legislative Assembly;
- (b) a copy of the guideline was given to the person.

### **BRD guidelines**

**71.** The BRD guidelines are admissible in evidence in a proceeding relating to a contravention of the BRD use condition.

---

<sup>11</sup> *Statutory Instruments Act 1992*, part 6 (Procedures after making of subordinate legislation)

**TED guidelines**

72. The TED guidelines are admissible in evidence in a proceeding relating to a contravention of the TED use condition.

**Manual reporting guidelines**

73. The manual reporting guidelines are admissible in evidence in a proceeding relating to a contravention of the manual reporting obligation.

**PART 7—BOAT REPLACEMENT RESTRICTIONS***Division 1—Restrictions for ‘M1’, ‘T1’ and ‘T2’ licences***Application of div 1**

74. This division applies to an application for a replacement licence for an ‘M1’, ‘T1’ or ‘T2’ licence.

**Replacement boat must not have more than 70 hull units**

75. The Authority must not issue the replacement licence if, were the licence to be issued, the boat identified in the licence would have more than 70 hull units.<sup>12</sup>

**Replacement boat must not have main engine more than 300 kW**

76. The Authority must not issue the replacement licence if, were the licence to be issued, the boat identified in the licence would have a main engine power of more than 300 maximum continuous brake kW.<sup>13</sup>

---

<sup>12</sup> See schedule 6, section 29 (Working out “hull units” for a boat).

<sup>13</sup> See schedule 6, section 32 (Working out an engine’s “maximum continuous brake kW”).

***Division 2—Restriction for other licences for fishery*****Replacement boat must not be longer than 14 m**

77. The Authority must not issue a replacement licence for a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence if, were the licence to be issued, the boat identified in the licence would be longer than 14 m.

**CHAPTER 4—SPECIFIC LICENCE CONDITIONS****PART 1—‘M1’ LICENCES*****Division 1—Preliminary*****Purpose and application of pt 1**

78. This part—

- (a) prescribes additional conditions to which an ‘M1’ licence is subject; and
- (b) applies to a person acting under a licence that has the fishery symbol ‘M1’ written on it.

**Area for ‘M1’ fishery symbol**

79. The area for the ‘M1’ fishery symbol consists of all tidal waters of Moreton Bay.

***Division 2—Requirements for fishing******Subdivision 1—General*****How permitted fish may be taken**

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

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

**Maximum net length**

**81.** A net must be no longer than—

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

**Minimum and maximum net mesh size**

**82.** The mesh size of a net must not be less than 38 mm or more than 60 mm.

**Maximum length of sweeps of net**

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

**Covering net**

**84.(1)** The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38 mm and no more than 60 mm.

**(2)** The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

**Use of ground chains for net**

**85.(1)** More than 1 line of ground chain must not be used across the mouth of each net.

**(2)** The links of the ground chain must not have a diameter of more than 10 mm.

**(3)** The chain must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

**Use of more than 1 net**

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

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

*Subdivision 2—Use of primary boats***Maximum boat length**

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

*Subdivision 3—BRDs and TEDs***Requirement to use BRD**

**88.** A BRD must be used with a net used under this part if the net is used in waters described in schedule 3, section 24.<sup>14</sup>

**Requirement to use TED**

**89.** A TED must be used with a net, other than a try net, used under this part.

---

<sup>14</sup> Schedule 3, section 24 (Southern Moreton Bay area)

## **PART 2—‘T1’ AND ‘T3’ LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 2**

**90.** This part—

- (a) prescribes additional conditions to which a ‘T1’ or ‘T3’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T1’ or ‘T3’ fishery symbol written on it.

#### **Area for ‘T1’ and ‘T3’ fishery symbols**

**91.** The area for the ‘T1’ and ‘T3’ fishery symbols consists of all tidal waters east of longitude 142°31.82' east, other than Moreton Bay and the Fisherman Islands area.<sup>15</sup>

### *Division 2—Requirements for fishing*

#### *Subdivision 1—General*

#### **How permitted fish may be taken**

**92.(1)** Permitted fish may be taken only by using—

- (a) for a ‘T1’ licence—beam trawl nets or otter trawl nets; or
- (b) for a ‘T3’ licence—beam trawl nets.

**(2)** However, scallops may be taken only by using otter trawl nets.

**(3)** A net must not be used unless—

- (a) the net and its use complies with this division; and

---

<sup>15</sup> However, for the period until 31 December 2000, see section 177 (‘M1’ fishery symbol applies to ‘T1’ licences until 31 December 2000).

(b) its primary purpose is to take principal fish.

(4) However, a net may be used for the primary purpose of taking scallops only if it is no longer than 109 m and has a mesh size of at least 75 mm.

### **Maximum net length**

**93.(1)** In the following areas a beam trawl net used must be no longer than 10 m and an otter trawl net used must be no longer than 32.5 m—

- (a) the Comboyuro Point and Caloundra Head area;
- (b) the Hervey Bay area;
- (c) the Facing Island area;
- (d) the Keppel Bay area;
- (e) the Llewellyn Bay area;
- (f) the Repulse Bay area;
- (g) the Sinclair Bay area;
- (h) the Cleveland Bay area.

(2) A net used in the Laguna Bay area must be no longer than 18.6 m and have a head rope no longer than 8 m.

(3) A net used in the deep water net area must be no longer than 184 m.

(4) A net used in any other waters must be no longer than—

- (a) for a beam trawl net—40 m; or
- (b) for an otter trawl net—88 m.

### **Minimum and maximum net mesh size**

**94.(1)** A net used in the following areas must have a mesh size of at least 38 mm but no more than 60 mm—

- (a) the Comboyuro Point and Caloundra Head area;
- (b) the Hervey Bay area;
- (c) the Facing Island area;

- (d) the Keppel Bay area;
- (e) the Llewellyn Bay area;
- (f) the Repulse Bay area;
- (g) the Sinclair Bay area;
- (h) the Cleveland Bay area;
- (i) the deep water net area;
- (j) waters south of Cape Gloucester.

(2) A net used in the Laguna Bay area must have a mesh size of at least 28 mm.

(3) A net used in waters north of Cape Gloucester must have—

- (a) a mesh size of at least 45 mm but no more than 60 mm; and
- (b) a cod end with a mesh size of at least 38 mm and no more than 150 rows of mesh from the drawstring.

### **Maximum length of sweeps of net**

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

(2) Each sweep used on a net must be no longer than—

- (a) if the net is used in the Hervey Bay area—3 m; or
- (b) if the net is used in any other waters—10 m.

### **Covering net**

**96.(1)** The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38 mm and no more than 60 mm.

(2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

### **Use of ground chains for net**

**97.(1)** More than 1 line of ground chain must not be used across the mouth of each net.

(2) The links of the ground chain must not have a diameter of more than—

- (a) if the net is used in the deep water net area—12 mm; or
- (b) if the net is used in any other waters—10 mm.

(3) The chain must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

### **Use of more than 1 net**

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

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

### **Requirement to secure nets north of Cape Gloucester**

99.(1) This section does not apply to a net that may be used north of Cape Gloucester.

(2) A beam trawl net on board a boat north of Cape Gloucester must be removed from the gallows or booms and secured.

(3) An otter trawl net on board a boat north of Cape Gloucester must be removed from the gallows or booms, detached from the otter boards and secured.

### *Subdivision 2—Use of primary boats*

### **Maximum boat length**

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

***Subdivision 3—BRDs and TEDs*****Requirement to use BRD**

**101.(1)** This section applies to a net used under this part if—

- (a) it has a mesh size of less than 75 mm; and
- (b) it is no longer than—
  - (i) for an otter trawl net—88 m; or
  - (ii) for a beam trawl net—40 m.

**(2)** Until 31 December 1999, a BRD must be used with the net if it is used from 6 a.m. to 6 p.m..

**(3)** From 1 January 2000 to 29 February 2000, a BRD must be used with the net if it is used in—

- (a) waters within 5 n miles out to sea from the mainland shore; or
- (b) other waters from 6 a.m. to 6 p.m..

**(4)** From 1 March 2000, a BRD must be used with the net.

**(5)** Subsection (2) and this subsection expire on 31 December 1999.

**(6)** Subsection (3) and this subsection expire on 29 February 2000.

**Requirement to use TED**

**102.(1)** A TED must be used with a net used under this part in waters mentioned in subsection (2), unless the net is—

- (a) a try net; or
- (b) used in the deep water net area.

**(2)** For subsection (1) the waters are—

- (a) waters south of Point Lookout, within 6 n miles out to sea from the following line—
  - from a point on the shore at the State's border with New South Wales along the shore to the seaward tip of the southern breakwater wall of the Gold Coast Seaway

- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
  - along South Stradbroke Island's eastern shore to the island's north-eastern tip
  - to North Stradbroke Island's south-eastern tip
  - along North Stradbroke Island's eastern shore to Point Lookout; and
- (b) waters within the following area—
- from the F<sup>↑</sup>B sign at Inskip Point near the flashing white navigation lead on the shore
  - along the shore to latitude 24°30' south
  - along 24°30' south to the intersection of a line running due north from Sandy Cape
  - along the western shore of Fraser Island to the F<sup>↑</sup>B sign at Hook Point near the south-eastern tip of Fraser Island
  - to the F<sup>↑</sup>B sign at Inskip Point near the flashing white navigation lead on the shore; and
- (c) within the Great Barrier Reef Marine Park area as follows—
- from the intersection of latitude 24°30' south with the mainland shore
  - along the shore to the northern tip of Cape York at latitude 10°41' south
  - to latitude 10°41' south, longitude 145° east
  - to latitude 13° south, longitude 145° east
  - to latitude 15° south, longitude 146° east
  - to latitude 17°30' south, longitude 147° east
  - to latitude 21° south, longitude 152°55' east
  - to latitude 24°30' south, longitude 154° east
  - along latitude 24°30' south to the mainland shore.
- (3) Also, until 1 March 2000, the waters for subsection (1) include

waters—

- between latitude 25°15' south and latitude 24°20' south, within 6 n miles out to sea from the mainland shore
- between latitude 21° south and latitude 20°30' south, within 6 n miles out to sea from the mainland shore
- within a boundary from Cape Cleveland along the shore to latitude 18°52', then in a straight line to Cape Cleveland
- between latitude 17° south and latitude 15° south, within 6 n miles out to sea from the mainland shore
- between latitude 14°30' south and latitude 12°30' south, within 6 n miles out to sea from the mainland shore.

(4) Subsection (3) and this section expire on 1 March 2000.

## **PART 3—‘T2’ LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 3**

**103.** This part—

- (a) prescribes additional conditions to which a ‘T2’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T2’ fishery symbol written on it.

#### **Area for ‘T2’ fishery symbol**

**104.** The area for the ‘T2’ fishery symbol consists of all tidal waters east of the territorial sea baseline and south of latitude 24°21.40' south.

***Division 2—Requirements for fishing******Subdivision 1—General*****How permitted fish may be taken**

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

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

**Maximum net length**

**106.(1)** A net must not be used for the primary purpose of taking permitted fish, other than scallops, if it is—

(a) longer than 88 m; or

(b) used only in the deep water net area and it is longer than 184 m.

**(2)** A net must not be used for the primary purpose of taking permitted fish, other than prawns, if it is longer than 109 m.

**Minimum and maximum net mesh size**

**107.(1)** A net must not be used for the primary purpose of taking permitted fish, other than scallops, if its mesh size is less than 38 mm or more than 60 mm.

**(2)** A net must not be used for the primary purpose of taking permitted fish, other than prawns if its mesh size is less than 75 mm.

**Maximum length of sweeps of net**

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

**Covering net**

**109.(1)** The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh

size of—

- (a) if the net is used for the primary purpose of taking permitted fish, other than scallops—more than 38 mm, but no more than 60 mm; or
- (b) if the net is used for the primary purpose of taking permitted fish, other than prawns—more than 75 mm.

(2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

### **Use of ground chains for net**

**110.(1)** More than 1 line of ground chain must not be used across the mouth of each net.

(2) The links of the ground chain must not have a diameter of more than—

- (a) if the net is used in the deep water net area—12 mm; or
- (b) if the net is used in any other waters—10 mm.

(3) The chain must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

### **Use of more than 1 net**

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

- (a) if the net is used for the primary purpose of taking permitted fish, other than scallops—
  - (i) 88 m; or
  - (ii) if it is used only in the deep water net area—184 m.
- (b) if the net is used for the primary purpose of taking permitted fish, other than prawns—109 m.

***Subdivision 2—Use of primary boats*****Maximum boat length**

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

***Subdivision 3—BRDs and TEDs*****Requirement to use BRD**

**113.(1)** This section applies to a net used under this part if it has a mesh size of less than 75 mm.

**(2)** Until 31 December 1999, a BRD must be used with the net if it is—

- (a) no longer than 88 m; and
- (b) used from 6 a.m. to 6 p.m..

**(3)** From 1 January 2000 to 29 February 2000, a BRD must be used with the net if it is used in—

- (a) waters within 5 n miles out to sea from the mainland shore; or
- (b) other waters from 6 a.m. to 6 p.m..

**(4)** From 1 March 2000, a BRD must be used with the net.

**(5)** Subsection (2) and this subsection expire on 31 December 1999.

**(6)** Subsection (3) and this subsection expire on 29 February 2000.

**Requirement to use TED**

**114.** A TED must be used with a net, other than a try net, used under this part if—

- (a) it is no longer than 88 m; and
- (b) it is used in waters south of Point Lookout, within 6 n miles out to sea from the following line—
  - from a point on the shore at the State's border with New South Wales along the shore to the seaward tip of the southern breakwater wall of the Gold Coast Seaway

- to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- along South Stradbroke Island's eastern shore to the island's north-eastern tip
- to North Stradbroke Island's south-eastern tip
- along North Stradbroke Island's eastern shore to Point Lookout.

## **PART 4—'T5' LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 4**

**115.** This part—

- (a) prescribes additional conditions to which a 'T5' licence is subject; and
- (b) applies to a person acting under a licence that has a 'T5' fishery symbol written on it.

#### **Area for 'T5' fishery symbol**

**116.** The area for the 'T5' fishery symbol consists of all tidal waters of the following—

- (a) the Brisbane River–Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area–north;
- (c) the Brisbane River mouth area–south;
- (d) the Noosa River and lakes connected to the Noosa River;
- (e) the Laguna Bay area;
- (f) a river or creek south of Double Island Point.

***Division 2—Requirements for fishing******Subdivision 1—General*****How permitted fish may be taken**

**117.(1)** Permitted fish may be taken only by using—

- (a) in the Laguna Bay area—otter trawl nets; or
- (b) in any other waters—beam trawl nets.

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

**Maximum net length**

**118.(1)** In the following a beam trawl net used must be no longer than 5 m—

- (a) the Brisbane River—Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area—north;
- (c) the Brisbane River mouth area—south;
- (d) the Noosa River and lakes connected to it;
- (e) a river or creek.

**(2)** A net used in the Laguna Bay area must be no longer than 18.6 m and have a head rope no longer than 8 m.

**Minimum and maximum net mesh size**

**119.(1)** A net must have a mesh size of at least 28 mm.

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

**Covering net**

**120.(1)** The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28 mm.

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

**Use of more than 1 net**

**121.(1)** More than 1 beam trawl net must not be used from the same boat unless the combined length of the nets is no longer than 5 m.

**(2)** More than 1 otter trawl net must not be used from the same boat unless—

- (a) the combined length of the nets is no longer than 18.6 m; and
- (b) the combined head rope length is no longer than 8 m.

***Subdivision 2—Use of primary boats*****Maximum boat length**

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

***Subdivision 3—BRDs*****Requirement to use BRD**

**123.** A BRD must be used with a net used under this part.

## **PART 5—‘T6’ LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 5**

**124.** This part—

- (a) prescribes additional conditions to which a ‘T6’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T6’ fishery symbol written on it.

#### **Area for ‘T6’ fishery symbol**

**125.** The area for the ‘T6’ fishery symbol consists of all tidal waters of the following—

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

### *Division 2—Requirements for fishing*

#### *Subdivision 1—General*

#### **How permitted fish may be taken**

**126.(1)** Permitted fish may be taken only by using beam trawl nets.

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

**Maximum net length**

**127.(1)** A net used in the Great Sandy Strait area or a river or creek must be no longer than 5 m.

**(2)** A net used in the Hervey Bay area must be no longer than 10 m.

**Minimum and maximum net mesh size**

**128.(1)** A net used in the Great Sandy Strait area or a river or creek must have a mesh size of at least 28 mm.

**(2)** A net used in the Hervey Bay area must have a mesh size of at least 38 mm but no more than 60 mm.

**(3)** A net, other than a net used in the Hervey Bay area, must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

**Covering net**

**129.(1)** The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—

- (a)** if the net is used in the Great Sandy Strait area or a river or creek—at least 28 mm; or
- (b)** if the net is used in the Hervey Bay area—at least 38 mm but no more than 60 mm.

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

**Use of more than 1 net**

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

- (a)** if the nets are used in the Great Sandy Strait area or a river or creek—5 m; or
- (b)** if the nets are used in the Hervey Bay area—10 m.

***Subdivision 2—Use of primary boats*****Maximum boat length**

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

***Subdivision 3—BRDs*****Requirement to use BRD**

132. A BRD must be used with a net used under this part.

**PART 6—‘T7’ LICENCES*****Division 1—Preliminary*****Purpose and application of pt 6**

133. This part—

- (a) prescribes additional conditions to which a ‘T7’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T7’ fishery symbol written on it.

**Area for ‘T7’ fishery symbol**

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

***Division 2—Requirements for fishing******Subdivision 1—General*****How permitted fish may be taken**

**135.(1)** Permitted fish may be taken only by using beam trawl nets.

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

**Maximum net length**

**136.** A net must be no longer than 5 m.

**Minimum and maximum net mesh size**

**137.(1)** A net must have a mesh size of at least 28 mm.

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

**Covering net**

**138.(1)** The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28 mm.

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

**Use of more than 1 net**

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

***Subdivision 2—Use of primary boats*****Maximum boat length**

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

***Subdivision 3—BRDs*****Requirement to use BRD**

141. A BRD must be used with a net used under this part.

***Division 3—Miscellaneous*****Only named commercial fisher may use boat**

142.(1) It is a condition of a ‘T7’ licence that the effect of any ‘T7’ fishery symbol written on the licence ends if—

- (a) a condition of the licence states that only a named commercial fisher may use the boat identified in the licence under the ‘T7’ fishery symbol to take or possess permitted fish; and
- (b) the holder of the licence or a person acting under the licence is convicted of an offence involving a contravention of the condition.<sup>16</sup>

(2) If subsection (1) applies, it is also a condition of the licence that, if the licence is renewed, the Authority must not write the symbol on the licence.

**Prohibition on transfer of ‘T7’ licences**

143.(1) The Authority must not transfer a ‘T7’ licence that only has a ‘T7’ fishery symbol written on it.

---

<sup>16</sup> For the offences, see section 219 (Holder of authority responsible for ensuring Act complied with) of the Act and section 85 (Contravening a condition of an authority) of the regulation.

(2) It is a condition of a licence that has a ‘T7’ fishery symbol and any other fishery symbol written on it that the licence may be transferred only if the Authority removes the ‘T7’ fishery symbol from the licence.

## **PART 7—‘T8’ LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 7**

**144.** This part—

- (a) prescribes additional conditions to which a ‘T8’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T8’ fishery symbol written on it.

#### **Area for ‘T8’ fishery symbol**

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

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

***Division 2—Requirements for fishing******Subdivision 1—General*****How permitted fish may be taken**

**146.(1)** Permitted fish may be taken only by using beam trawl nets.

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

**Maximum net length**

**147.(1)** A net used in the Fitzroy River mouth area or a river or creek must be no longer than 5 m.

**(2)** A net used in the Facing Island area or the Keppel Bay area must be no longer than 10 m.

**Minimum and maximum net mesh size**

**148.(1)** A net used in a river or creek must have a mesh size of at least 28 mm.

**(2)** A net used in the Fitzroy River mouth area must have a mesh size of at least 31 mm.

**(3)** A net used in the Facing Island area or the Keppel Bay area must have a mesh size of at least 38 mm but no more than 60 mm.

**(4)** A net used in a river or creek must have a cod end with a mesh size of at least 25 mm and no more than 100 rows of mesh.

**Covering net**

**149.(1)** The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—

- (a) if the net is used in a river or creek—at least 28 mm; or
- (b) if the net is used in the Fitzroy River mouth area—at least 31 mm;

or

- (c) if the net is used in the Facing Island area or the Keppel Bay area—at least 38 mm but no more than 60 mm.

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

### **Use of more than 1 net**

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

- (a) if the nets are used in the Fitzroy River mouth area or a river or creek—5 m; or
- (b) if the nets are used in the Facing Island area or the Keppel Bay area—10 m.

### *Subdivision 2—Use of primary boats*

#### **Maximum boat length**

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

### *Subdivision 3—BRDs*

#### **Requirement to use BRD**

**152.** A BRD must be used with a net used under this part.

## **PART 8—‘T9’ LICENCES**

### *Division 1—Preliminary*

#### **Purpose and application of pt 8**

**153.** This part—

- (a) prescribes additional conditions to which a ‘T9’ licence is subject; and
- (b) applies to a person acting under a licence that has a ‘T9’ fishery symbol written on it.

#### **Area for ‘T9’ fishery symbol**

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

- (a) the Llewellyn Bay area;
- (b) the Repulse Bay area;
- (c) the Sinclair Bay area;
- (d) the Cleveland Bay area;
- (e) rivers and creeks between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.

### *Division 2—Requirements for fishing*

#### *Subdivision 1—General*

#### **How permitted fish may be taken**

**155.(1)** Permitted fish may be taken only by using beam trawl nets.

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

**Maximum net length**

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

**Minimum and maximum net mesh size**

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

**Covering net**

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

**Use of more than 1 net**

- 159.** More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than—
- (a)** if the nets are used in a river or creek—5 m; or
  - (b)** if the nets are used other than in a river or creek—10 m.

***Subdivision 2—Use of primary boats*****Maximum boat length**

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

***Subdivision 3—BRDs*****Requirement to use BRD**

**161.** A BRD must be used with a net used under this part.

**CHAPTER 5—MISCELLANEOUS PROVISIONS****PART 1—THRESHOLD PERCENTAGE FOR  
DECLARED FISHERIES RESOURCES****Purpose of pt 1**

**162.** This part prescribes for the fishery the threshold percentage for declared fisheries resources under section 154<sup>17</sup> of the Act.

**Saucer scallops**

**163.** The threshold percentage for saucer scallops is as follows—

- (a) from 8 a.m. on 1 January to 8 a.m. on 1 May—7% of saucer scallops that are less than 9 cm;
- (b) from 8 a.m. on 1 May to 8 a.m. on 20 September—10% of saucer scallops that are less than 9.5 cm;

---

<sup>17</sup> Section 154 (Seizure of fisheries resources in heap etc.) of the Act. Under section 100 (Declared fisheries resources) of the regulation, fish of a species of regulated fish are “declared fisheries resources” for section 154(1) of the Act.

- (c) from midday on 20 September to midday on 1 November—nil;
- (d) from midday on 1 November to midday on 20 December—10% of saucer scallops that are less than 9.5 cm;
- (e) from midday on 20 December to midday on 1 January—nil.

### **Other declared fisheries resources**

**164.** The threshold percentage for declared fisheries resources, other than saucer scallops, is 5%.

## **PART 2—REVIEW, AMENDMENT OR REPEAL OF PLAN**

### *Division 1—Reviews*

#### **Review of permitted fish, other than principal fish**

**165.** The Authority must, before 1 January 2002, review the fish regulated by number under section 25 to decide—

- (a) whether each species of permitted fish, other than principal fish, should also be regulated by number; and
- (b) if the Authority decides, under paragraph (a), a species should be regulated by number—the number.

#### **General review**

**166.(1)** The Authority must review this plan to decide whether its provisions remain appropriate.

**(2)** The review must start not before 5 years, but no more than 7 years, after the notification day.

### ***Division 2—Consultation requirements for reviews***

#### **Consultation requirements**

**167.(1)** In conducting a review under this part, the Authority must take reasonable steps to engage in consultation about this plan.

**(2)** When the review starts the Authority must give notice of the following—

- (a) that this 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 Authority on the paper;
- (e) the address to which the comments may be made;
- (f) the period (the “**comment period**”) during which any comments must be made to the Authority.

**(3)** The comment period must end at least 28 days after the notice is given.

**(4)** After considering any comments made in the comment period, the Authority must give notice of where the results of the review can be obtained.

**(5)** A notice under this section may be given only by publication in the gazette and a newspaper circulating generally throughout the State.

### ***Division 3—Amendment or repeal***

#### **How plan may be amended**

**168.(1)** The Authority may amend this plan only if—

- (a) it has conducted a review under this part and the result of the review included a proposal to make the amendment; or
- (b) the required process under subsection (2) for the amendment has been completed.

(2) For subsection (1)(b), the required process is—

- (a) if the amendment is to be made because the Authority is satisfied urgent action is needed to meet a significant threat to the fishery or because of another emergency—a media release by the Authority stating the effect of the proposed amendment; or
- (b) if the amendment is to make a change that is not a change of substance—gazettal and publication of a notice about the proposed amendment; or
- (c) for any other amendment—the notification and publication processes under section 13 of the regulation.

(3) A notice under subsection (2)(b) must—

- (a) be published in a newspaper likely to be read by people particularly affected by the proposed amendment; and
- (b) state the proposed amendment or where a copy of it may be obtained or inspected.

(4) In this section—

“**amend**” includes repeal.

## **PART 3—OFFENCES AND SUSPENSION CRITERIA**

### *Division 1—Additional offences under plan*

#### **Restrictions on possessing bugs**

**169.** A person must not possess a bug on a commercial fishing boat if—

- (a) the bug’s carapace has been damaged or removed; or

- (b) the bug is female and eggs have been removed from it.<sup>18</sup>

Maximum penalty—300 penalty units.

### **Restrictions on processing scallops on commercial fishing boat**

**170.** A person (the “**processor**”) must not process a scallop on a commercial fishing boat unless—

- (a) the processing takes place in waters mentioned in schedule 5; and
- (b) the licence for the boat is a ‘T1’ licence; and
- (c) the person in control of the boat is a commercial fisher; and
- (d) the processor is any of the following—
  - (i) a commercial or assistant fisher;
  - (ii) the holder of the ‘T1’ licence;
  - (iii) acting under a crew licence;
  - (iv) the holder under the regulation of a class A buyer licence that applies to the boat and the waters.

Maximum penalty—300 penalty units.

### **Interfering with approved VMS seals**

**171.(1)** A person must not interfere with an approved seal on VMS equipment installed under section 57(1) unless the person has a reasonable excuse for interfering with it.

Maximum penalty—500 penalty units.

- (2)** In this section—

“**interfere with**” includes damage, destroy, mark and remove.

---

<sup>18</sup> Possession of berried female bugs is also prohibited. See section 26 (Fish regulated by gender—sch 4, pt 2) and schedule 4, part 2 (Fish regulated by gender).

***Division 2—Prescribed serious fisheries offences*****Serious fisheries offences**

**172.** For the definition “serious fisheries offence” in section 4 of the Act, an offence constituted by any of the following is a serious fisheries offence<sup>19</sup>—

- (a) contravening a closed waters declaration under chapter 2, part 1;<sup>20</sup>
- (b) possessing a regulated fish in contravention of section 31;<sup>21</sup>
- (c) contravening the *Marine Parks Act 1982*;
- (d) trawling in a Great Barrier Reef Marine Park zone under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), other than under the zoning plan for the zone under that Act;
- (e) contravening section 182 of the Act;<sup>22</sup>
- (f) contravening a condition of a licence imposed under chapter 3, part 5;<sup>23</sup>
- (g) contravening section 171.

***Division 3—Prescribed suspension criteria*****Purpose and application of div 3**

**173.(1)** This division prescribes criteria under section 67(2)(b)(i)<sup>24</sup> of the Act for suspending a commercial fisher licence or commercial fishing boat licence.

---

<sup>19</sup> Section 108 (Serious fisheries offences) of the regulation, also prescribes offences under this plan as serious fisheries offences.

<sup>20</sup> See section 77 (Closed season and closed waters offences) of the Act.

<sup>21</sup> Section 31 (Fish taken from closed waters). See section 78 (Prohibited acts about regulated fish) of the Act.

<sup>22</sup> Section 182 (Obstruction etc. of inspector) of the Act.

<sup>23</sup> Chapter 3, part 5 (VMS equipment and manual reporting conditions)

<sup>24</sup> Section 67 (Suspension or cancellation of authorities) of the Act

- (2) The prescribed criteria apply only if—
- (a) the licence holder has been convicted (“**conviction**”) of a serious fisheries offence mentioned in section 172; and
  - (b) the rehabilitation period in relation to the conviction under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired or has not been revived.

### **Criteria for suspending commercial fisher licence**

**174.** If the licence is a commercial fisher licence, the prescribed criteria are, for the holder’s—

- (a) first conviction—3 months to 6 months suspension; or
- (b) second conviction—1 to 2 years suspension; or
- (c) third or subsequent conviction—5 years suspension.

### **Criteria for suspending commercial fishing boat licence**

**175.** If the licence is a commercial fishing boat licence, the prescribed criteria are, for the holder’s—

- (a) second conviction—1 month to 3 months suspension; or
- (b) third conviction—1 to 2 years suspension; or
- (c) fourth or subsequent conviction—5 years suspension.

## **PART 4—SAVINGS AND TRANSITIONAL PROVISIONS**

### **Existing licences and approvals**

- 176.(1)** This section applies if, immediately before the notification day—
- (a) a primary licence had a fishery symbol written on it; or
  - (b) a person holds a written approval from the Authority for a fishery

symbol to be written on a primary licence.

(2) On the notification day, the licence and the symbol or the approval continues in force under this plan.

### **‘M1’ fishery symbol applies to ‘T1’ licences until 31 December 2000**

**177.(1)** Until 31 December 2000, a person may take permitted fish under a ‘T1’ licence as if the licence had an ‘M1’ fishery symbol written on it as well as the other fishery symbols written on it.

(2) The conditions under chapter 4, part 1 apply to the licence until 31 December 2000.

### **Expiry of pt 4**

**178.** This part expires on 31 December 2000.

## **SCHEDULE 1**

### **THE FISHERY**

section 3(3) to (5)

#### **PART 1—DESCRIPTION**

##### **Area**

**1.** The fishery's area consists of tidal waters east of longitude 142°31.82' east.

##### **Major species taken**

**2.** The common names of the major trawl species taken in the fishery are as follows—

- (a) banana prawn;
- (b) barking crayfish;
- (c) bay prawn (greasy);
- (d) black tiger prawn;
- (e) blue endeavour prawn;
- (f) blue swimmer crab;
- (g) blueleg king prawn;
- (h) brown tiger prawn;
- (i) bug;
- (j) cuttlefish;
- (k) eastern king prawn;
- (l) false endeavour prawn;
- (m) grooved tiger prawn;

## SCHEDULE 1, part 1—Fishery description (continued)

- (n) karuma prawn;
- (o) mantis shrimp;
- (p) octopus;
- (q) redspot king prawn;
- (r) saucer scallop;
- (s) squid;
- (t) school prawn;
- (u) three spot crab;
- (v) winter whiting.

**Nature of fishery and required fishery symbols**

**3.(1)** The fishery is a commercial fishery.<sup>25</sup>

**(2)** To take fish for trade or commerce in the fishery, a person must operate under a primary licence with at least 1 fishery symbol written on it.

**(3)** On 23 March 1999, the fishery symbol numbers were as follows—

- (a) ‘T1’ fishery symbols—775;
- (b) ‘T2’ fishery symbols—33;
- (c) ‘T3’ fishery symbols—1;
- (d) ‘T5’ fishery symbols—62;
- (e) ‘T6’ fishery symbols—16;
- (f) ‘T7’ fishery symbols—10;
- (g) ‘T8’ fishery symbols—34;
- (h) ‘T9’ fishery symbols—41.

**(4)** A licence with a fishery symbol written on it may also have other

---

<sup>25</sup> Certain provisions of the regulation apply to commercial fisheries under a management plan. See generally parts 7 (Authorities) and 8 (Fisheries offences) and schedule 17, definition “commercial fishery” of the regulation.

## SCHEDULE 1, part 1—Fishery description (continued)

symbols written on it that, under the regulation or another management plan, allow the boat to be used in other commercial fisheries.

**Restrictions on apparatus and other controls**

**4.(1)** Only beam trawl nets and otter trawl nets may be used to take fish for trade or commerce in the fishery.

**(2)** The types of net that may be used under each fishery symbol are as follows—

- (a) for a ‘T1’ fishery symbol—beam trawl nets and otter trawl nets;
- (b) for a ‘T2’ fishery symbol—otter trawl nets;
- (c) for a ‘T3’ fishery symbol—beam trawl nets;
- (d) for a ‘T5’ fishery symbol—beam trawl nets and otter trawl nets;
- (e) for a ‘T6’ fishery symbol—beam trawl nets;
- (f) for a ‘T7’ fishery symbol—beam trawl nets;
- (g) for a ‘T8’ fishery symbol—beam trawl nets;
- (h) for a ‘T9’ fishery symbol—beam trawl nets.

**(3)** To control fishing effort, limits on the maximum amount of net that may be used have been placed on commercial fishers.

**(4)** To address the potential unwanted capture of small or large organisms the following restrictions apply—

- (a) minimum and maximum mesh sizes for nets used in the fishery;
- (b) ways in which nets must be used.

**(5)** General controls including, for example, minimum fish sizes, apply to the taking of fish for trade or commerce in the fishery.

**Aborigines and Torres Strait Islanders**

**5.(1)** Traditional fishing for fish taken in the fishery is undertaken by

## SCHEDULE 1, part 1—Fishery description (continued)

Aborigines.<sup>26</sup>

(2) Aboriginal fishers take fish using nets, lines and, in some cases, stone traps.

(3) It is not known whether customary fishing for fish in the fishery is undertaken by Torres Strait Islanders.

## PART 2—KNOWN STATUS

### General

6.(1) The fishery is Queensland's largest commercial fishery, based on the number of participants and the amount and value of fish taken.

(2) The annual catch of fish for trade or commerce in the fishery is about 12 500 t.

### Logbook program

7.(1) Information from the Authority's commercial logbook program is the primary basis for working out the fishery's current status.

(2) The program records—

- (a) actual, but not potential, fishing effort; and
- (b) the location of fishing effort.

(3) The program aids the estimation of—

- (a) fluctuations in catch over seasons and between locations; and
- (b) changes in CPUE.

---

<sup>26</sup> For the right of Aborigines and Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

## SCHEDULE 1, part 2—Known status (continued)

**Markets**

**8.(1)** Most of the fish species taken in the fishery by the use of trawl nets are for export.

**(2)** Some fish species taken in the fishery by the use of trawl nets are sold on the domestic market.

**Aborigines' and Torres Strait Islanders' fishery**

**9.** The Authority does not have reliable information about the taking or use of fish species in the fishery by Aboriginal or Torres Strait Island fishers for tradition or custom.

**Catch levels—tables 1–3**

**10.** The tables at the end of this part state the total of following data reported to the Authority under its logbook program from trawlers fishing in the fishery from 1994 to 1997, for all species and certain stated species—

- (a) in table 1—the total catch in tonnes;
- (b) in table 2—the total number of days worked from trawlers;
- (c) in table 3—the total number of holders of a licence with a fishery symbol written on it who fished in the fishery.

## SCHEDULE 1, part 2—Known status (continued)

**TABLE 1****TOTAL CATCH (t)**

schedule 1, section 10(a)

<b>Species</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>
All fish	11 694	13 658	13 247	11 848
Prawns (all species)	6 669	8 282	9 281	7 703
Banana Prawn	565	352	713	822
Endeavour Prawn	1 457	1 557	1 542	1 357
King Prawn	2 224	3 034	3 401	2 734
Tiger Prawn	1 835	2 527	2 685	1 999
Scallops	1 187	1 542	592	987
Bugs	604	728	664	752
Winter Whiting	61	62	68	70
Blue Swimmer Crab	275	327	230	273

SCHEDULE 1, part 2—Known status (continued)  
TABLES (continued)

**TABLE 2**

**TOTAL NUMBER OF DAYS WORKED FROM  
TRAWLERS**

schedule 1, section 10(b)

<b>Species</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>
All fish	96 046	102 632	109 879	115 015
Prawns (all species)	84 136	82 151	97 772	97 820
Banana Prawn	8 489	5 729	9 476	11 724
Endeavour Prawn	35 544	31 490	36 024	37 584
King Prawn	40 631	44 941	55 148	52 610
Tiger Prawn	44 386	41 061	46 240	45 143
Scallops	14 657	21 900	14 395	22 445
Bugs	36 775	41 468	43 811	48 572
Winter Whiting	3 812	3 560	4 062	4 851
Blue Swimmer Crab	15 504	18 502	17 699	20 373

SCHEDULE 1, part 2—Known status (continued)  
TABLES (continued)

**TABLE 3****LICENCE HOLDERS WHO FISHED**

schedule 1, section 10(c)

<b>Species</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>
All fish	896	868	898	909
Prawns (all species)	876	836	888	896
Banana Prawn	438	316	456	445
Endeavour Prawn	551	517	560	562
King Prawn	670	665	732	717
Tiger Prawn	616	588	637	629
Scallops	345	379	349	391
Bugs	577	591	639	653
Winter Whiting	155	151	155	145
Blue Swimmer Crab	400	466	463	478

## **SCHEDULE 2**

### **HOW THE OBJECTIVES ARE TO BE ACHIEVED**

section 5

#### **PART 1—MANAGING THE FISHERY IN A WAY THAT GIVES OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT**

##### **Definition for pt 1**

1. In this part—

“**objective**” means the objective of managing the fishery in a way that gives optimal, but sustainable, community benefit.

##### **How objective is to be achieved**

2. The objective is to be achieved by providing fair fishing opportunities for commercial and recreational fishers and Aborigines and Torres Strait Islanders.

##### **How achievement is to be measured**

3. Achievement of the objective may be measured only by—

- (a) surveys, accepted by the Authority, of fishing for fisheries resources taken in the fishery by commercial and recreational fishers and Aborigines and Torres Strait Islanders; and
- (b) commercial fishing catch and effort data for the fishery received by the Authority.

## SCHEDULE 2, part 1—Managing the fishery (continued)

**Review events**

4. The review events for the achievement of the objective are—
- (a) a survey mentioned in section 3(a) shows a significant decline in the catch of principal fish; or
  - (b) data mentioned in section 3(b) shows a significant decline in the commercial catch of principal fish.

**PART 2—ENSURING FISHERIES RESOURCES  
TAKEN IN THE FISHERY ARE TAKEN IN AN  
ECOLOGICALLY SUSTAINABLE WAY****Definition for pt 2**

5. In this part—

“**objective**” means the objective of ensuring fisheries resources taken in the fishery are taken in an ecologically sustainable way.

**How objective is to be achieved**

6. The objective is to be achieved by—
- (a) the closed waters declarations under this plan; and
  - (b) the regulated fish declarations under this plan; and
  - (c) limiting, under chapters 3 and 4, the commercial fishing apparatus that may be used under this plan.

**How achievement is to be measured**

7. Achievement of the objective may be measured only by—
- (a) the level of compliance with this plan; and
  - (b) catch and effort data received by the Authority for principal fish;

SCHEDULE 2, part 2—Ensuring fisheries resources taken in ecologically sustainable way (continued)

and

- (c) the abundance of principal fish.

**Review events**

8. Each of the following is a review event for the achievement of the objective—

- (a) CPUE for the following principal fish in the following periods is less than 70% of the average CPUE for principal fish from 1988 to 1997—
- (i) for bay prawns (greasy prawns)—1 November to the end of February;
  - (ii) for eastern king prawns—1 November to the end of February and 1 May to 31 August;
  - (iii) for bugs—1 November to the end of February or 1 May to 31 October;
  - (iv) for red spot king prawns—1 June to 30 September;
  - (v) for saucer scallops—1 November to the end of February;
  - (vi) for tiger prawns—1 March to 30 June and 1 September to 31 December;
- (b) the Authority accepts a study of catch and effort data that shows a significant decline in a principal fish species;
- (c) the Authority accepts a scientific study that shows a significant decline in the abundance of a principal fish species;
- (d) more than 5% of boats in the fishery in 2000 or a subsequent year are used to commit of an offence under this plan.

## **PART 3—ENSURING THE SUSTAINABILITY OF THE FISHERY’S ECOLOGICAL SYSTEMS**

### **Definition for pt 3**

**9.** In this part—

“**objective**” means the objective of ensuring the sustainability of the fishery’s ecological systems.

### **How objective is to be achieved**

**10.** The objective is to be achieved by—

- (a) the closed waters declarations under this plan; and
- (b) limiting, under chapters 3 and 4, the commercial fishing apparatus that may be used under this plan; and
- (c) the requirements under this plan for using a BRD or TED.

### **How achievement is to be measured**

**11.** Achievement of the objective may be measured only by surveys or studies, accepted by the Authority, of commercial fishing for principal fish by the use of trawl nets in the fishery.

### **Review events**

**12.(1)** Each of the following is a review event for the achievement of the objective—

- (a) a scientific study, showing levels accepted by the Authority, shows the amount for any of the following is not, by 1 January 2005, reduced by the following percentage compared with an amount reported in a scientific study showing the levels before the notification day—
  - (i) benthos—25%;
  - (ii) the amount of permitted fish taken other than principal fish—40%;

SCHEDULE 2, part 3—Ensuring the sustainability of ecological systems  
(continued)

- (b) more than 5% of boats in the fishery in 2000 or a subsequent year are used to commit an offence under this plan;
- (c) turtle capture or mortality for any of the following species is in any year more than 5% of the average level of turtle capture or mortality for the species in the Robins report—
  - (i) flatback turtle;
  - (ii) green turtle;
  - (iii) hawksbill turtle;
  - (iv) leatherback turtle;
  - (v) loggerhead turtle;
  - (vi) olive ridley turtle;
- (d) the Authority receives a logbook return for the fishery that shows trawling has happened in an area represented on a grid stated in the logbook where trawling has not previously been recorded in a logbook return.

(2) In this section—

**“Robins report”** means Robins, J.B. 1995, ‘Estimated catch and mortality of sea turtles from the East Coast Otter Trawl Fishery of Queensland, Australia’, *Biological Conservation*, vol 74, pp 157–67.<sup>27</sup>

---

<sup>27</sup> The Robins report can be inspected at the Authority’s library at level 6, 40 Tank Street, Brisbane.

SCHEDULE 2—How the objectives are to be achieved (continued)

**PART 4—PROVIDING AN ECONOMICALLY VIABLE, BUT ECOLOGICALLY SUSTAINABLE, TRAWL FISHERY**

**Definition for pt 4**

13. In this part—

“**objective**” means the objective of providing an economically viable, but ecologically sustainable, trawl fishery.

**How objective is to be achieved**

14. The objective is to be achieved by—

- (a) providing commercial fishers with fair access to permitted fish in the fishery; and
- (b) minimising restrictions, on a sustainable basis, on trawling.

**How achievement is to be measured**

15. Achievement of the objective may be measured only by data, accepted by the Authority, from economic studies of fishing in the fishery.

**Review events**

16. The review events for the achievement of the objective is the Authority’s acceptance of an economic study of the fishery that shows a significant decline in the fishery’s economic efficiency.

SCHEDULE 2—How the objectives are to be achieved (continued)

## **PART 5—ENSURING FAIR ACCESS TO FISHERIES RESOURCES ON A SUSTAINABLE BASIS**

### **Definition for pt 5**

17. In this part—

“**objective**” means the objective of ensuring fair access to fisheries resources taken in the fishery, on a sustainable basis, among the following groups and persons in the groups—

- (a) commercial fishers;
- (b) recreational fishers;
- (c) Aboriginal and Torres Strait Islander fishers;
- (d) other users of the fisheries resources.

### **How objective is to be achieved**

18. The objective is to be achieved by regulating commercial fishers to ensure fair access to and use of fisheries resources taken in the fishery by persons other than commercial fishers.

### **How achievement is to be measured**

19. Achievement of the objective may be measured only by—

- (a) surveys, accepted by the Authority, of fishing for fisheries resources taken in the fishery by commercial and recreational fishers and Aborigines and Torres Strait Islanders; and
- (b) commercial fishing catch and effort data for the fishery received by the Authority.

SCHEDULE 2, part 5—Ensuring fair access on a sustainable basis  
(continued)

**Review events**

**20.** It is a review event for the achievement of the objective if—

- (a) a survey mentioned in section 19(a) shows a significant decline in the catch of principal fish; or
- (b) data mentioned in section 19(b) shows a significant decline in the commercial catch of principal fish.

## **SCHEDULE 3**

### **SPECIFIC CLOSED WATERS**

sections 11, 12, 14 and 17

#### **PART 1—ANNUAL SOUTHERN AND NORTHERN CLOSURES**

##### *Division 1—Southern closure area*

##### **Southern closure area**

**1.** Waters within the following boundary, other than waters in Moreton Bay and the Fisherman Islands area—

- from a point on the shore at the State's border with New South Wales at high water mark along the shore to latitude 22° south
- to latitude 22° south, longitude 152°46.80' east
- to latitude 21° south, longitude 152°55' east
- to the western tip of Hixson Cay at the southern end of Swain Reefs
- to the western tip of Herald No. 1 in the Swain Reefs
- to the light on North Reef
- to the light on Lady Musgrave Island
- to the light on Lady Elliot Island
- to the Breaksea Spit light, off the northern tip of Fraser Island
- to latitude 24°30' south, longitude 153°20' east
- to latitude 25° south, longitude 153°35' east
- to latitude 26°10' south, longitude 153°50' east
- to latitude 26°20' south, longitude 153°40.70' east

SCHEDULE 3, part 1—Annual southern and northern closure areas  
(continued)

- to latitude 26°30' south, longitude 153°34' east
- to latitude 26°41' south, longitude 153°31' east
- to latitude 27°02' south, longitude 153°31.20' east
- to latitude 27°26' south, longitude 153°39' east
- to latitude 28°03.58' south, longitude 153°47' east
- to a point on the shore at the State's border with New South Wales at high water mark.

*Division 2—Northern closure areas*

**Swain Reefs and Hydrographers Passage**

2. Waters within the following boundary—

- from latitude 22° south, longitude 150°45' east to latitude 21°30.50' south, longitude 150°19' east
- to latitude 20°46.80' south, longitude 149°39.50' east
- to latitude 20°14.20' south, longitude 149°12' east
- to latitude 19°40' south, longitude 149°29.60' east
- to latitude 19°39.64' south, longitude 150°35' east
- to latitude 21° south, longitude 151°30' east
- to latitude 21° south, longitude 152°55' east
- to latitude 22° south, longitude 152°46.80' east
- to latitude 22° south, longitude 150°45' east.

**Major northern closure area**

3. Waters within the following boundary—

- from the intersection of latitude 22° south with the mainland shore at high water mark along the shore to the northern tip of

SCHEDULE 3, part 1—Annual southern and northern closure areas  
(continued)

Cape York

- to latitude 10°41.17' south, longitude 144° east
- to latitude 13° south, longitude 144° east
- to latitude 13° south, longitude 145° east
- to latitude 15° south, longitude 146° east
- to latitude 17°30' south, longitude 147° east
- to latitude 19°39.64' south, longitude 150°35' east
- to latitude 19°40' south, longitude 149°29.60' east
- to latitude 20°14.20' south, longitude 149°12' east
- to latitude 20°46.80' south, longitude 149°39.50' east
- to latitude 21°30.50' south, longitude 150°19' east
- to latitude 22° south, longitude 150°45' east
- along latitude 22° south to its intersection with the mainland shore at high water mark.

## **PART 2—SCALLOP REPLENISHMENT AREAS**

### **Hervey Bay region**

4. Waters within the following boundary—
- from latitude 24°30' south, longitude 152°45' east
  - to latitude 24°40' south, longitude 152°45' east
  - to latitude 24°40' south, longitude 152°55' east
  - to latitude 24°30' south, longitude 152°55' east
  - to latitude 24°30' south, longitude 152°45' east.

## SCHEDULE 3, part 2—Scallop replenishment areas (continued)

**Bustard Head region****5.** Waters within the following boundary—

- from latitude 23°45' south, longitude 151°45' east
- to latitude 23°55' south, longitude 151°45' east
- to latitude 24° south, longitude 151°55' east
- to latitude 23°45' south, longitude 151°55' east
- to latitude 23°45' south, longitude 151°45' east.

**Yeppoon region****6.** Waters within the following boundary—

- from latitude 22°35' south, longitude 150°55' east
- to latitude 22°45' south, longitude 151°03' east
- to latitude 22°45' south, longitude 151°13' east
- to latitude 22°35' south, longitude 151°05' east
- to latitude 22°35' south, longitude 150°55' east.

**PART 3—OTHER SPECIFIC CLOSURES****Lakes and lagoons south of Endeavour River and east of longitude 142°31.82' east**

**7.(1)** Waters of all lakes and lagoons south of the northern bank of the Endeavour River and east of longitude 142°31.82' east.

**(2)** The waters are closed from 1 October to 31 March.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Near the New South Wales border to Point Lookout on North Stradbroke Island****8.(1)** Waters within the following boundary—

- from latitude 28°10' south on the territorial sea baseline, along the territorial sea baseline to Point Lookout, North Stradbroke Island
- to latitude 27°26.20' south, longitude 153°34.60' east
- to latitude 27°30' south, longitude 153°32.60' east
- to latitude 27°33.80' south, longitude 153°31.20' east
- to latitude 27°36.40' south, longitude 153°30.40' east
- to latitude 27°43.60' south, longitude 153°29.20' east
- to latitude 27°48.20' south, longitude 153°28.20' east
- to latitude 27°53' south, longitude 153°27.60' east
- to latitude 27°55.20' south, longitude 153°27.40' east
- to latitude 27°56.40' south, longitude 153°27.80' east
- to latitude 28° south, longitude 153°27.80' east
- to latitude 28°04.40' south, longitude 153°29' east
- to latitude 28°06' south, longitude 153°30' east
- to latitude 28°06.60' south, longitude 153°30.40' east
- to latitude 28°06.80' south, longitude 153°30.80' east
- to latitude 28°08.20' south, longitude 153°31.80' east
- to latitude 28°08.20' south, longitude 153°33.40' east
- to latitude 28°08.60' south, longitude 153°34' east
- to latitude 28°09.20' south, longitude 153°34.80' east
- to latitude 28°10' south on the Territorial Sea Baseline.

**(2)** The waters are closed from 1 October to 31 March.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Currumbin Beach**

9. Foreshore waters and waters within 400 m out to sea from the shore at low water, between the northern tip of Elephant Rock and the shore's intersection with the shortest line from the northern tip of Currumbin Rock to the shore.

**Currumbin Creek**

10. Waters of Currumbin Creek and waterways joining it.

**Tallebudgera Creek**

11. Waters of Tallebudgera Creek and waterways joining it.

**Tallebudgera Creek to Burleigh**

12.(1) Foreshore waters and waters within 400 m out to sea from the shore at low water, between the southern bank of Tallebudgera Creek and a point on the shore in line with the northern edge of First Avenue, Burleigh Heads.

(2) The waters are closed from 1 September to 30 April.

**Southern part of the Broadwater and the Nerang River**

13. Waters of—

- (a) the Nerang River and waterways joining it; and
- (b) the part of The Broadwater upstream of a line between—
  - (i) a point on the shore of The Broadwater in line with the northern edge of Stevens Street, Southport; and
  - (ii) an F↑B sign on the shore of The Spit near the floating helipad near Seaworld.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Gold Coast Seaway****14.** Waters of the Gold Coast Seaway within the following boundary—

- from an F<sup>↑</sup>B sign west of the Seaway Tower on the northern shore of The Spit to an F<sup>↑</sup>B sign on South Stradbroke Island west of the island's southern tip
- along the island's southern shore to the seaward end of the Seaway's northern breakwater wall
- to the seaward end of the Seaway's southern breakwater wall at Nerang Head on The Spit
- along The Spit's northern shore to the F<sup>↑</sup>B sign west of the Seaway Tower on The Spit's northern shore.

**Broadwater—central part****15.(1)** Waters of The Broadwater within the following boundary—

- from an F<sup>↑</sup>B sign on the opposite side of The Broadwater's western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport, along the eastern edge of the channel to the flashing green beacon nearest to the northern tip of Carters Bank
- to the southern tip of Crab Island
- to an F<sup>↑</sup>B sign on South Stradbroke Island westerly of the island's southern tip
- to an F<sup>↑</sup>B sign westerly of the Seaway Tower on The Spit's northern shore
- along The Spit's shore by the shortest route to an F<sup>↑</sup>B sign near the floating helipad near Seaworld
- to the F<sup>↑</sup>B sign on the opposite side of The Broadwater's western navigation channel from a point on the shore in line with the northern edge of Stevens Street, Southport.

**(2)** The waters are closed from 1 August to the end of February.

**SCHEDULE 3, part 3—Other specific closures (continued)**

(3) However, from 1 September to 30 November the waters are not closed from 6 p.m. to 6 a.m. on Sunday to Friday.

**Broadwater—western part****16. Waters of The Broadwater within the following boundary—**

- from a point on the shore in line with the northern edge of Stevens Street, Southport, along the shore to an F↑B sign near the southern bank of the southern branch of the Coomera River
- towards the north-western tip of the northernmost island of the Sovereign Islands for 140 m
- along a line parallel to, and 140 m from, Sovereign Island's western shore, to a line from an F↑B sign at the corner of the Esplanade and Nankeen Avenue, Paradise Point to the northern tip of Ephraim Island
- to the northern tip of Ephraim Island
- to the southern tip of Ephraim Island
- to the northern tip of Crab Island
- to the southern tip of Crab Island
- to the flashing green beacon marking the eastern edge of the western navigation channel, nearest to Carters Bank
- along the channel's eastern edge to an F↑B sign in line with the northern edge of Stevens Street, Southport
- to the point on the shore in line with the northern edge of Stevens Street, Southport.

**Coombabah Lake and Coombabah Creek**

**17. Waters of Coombabah Lake, and tidal waters of Coombabah Creek upstream from the lake.**

## SCHEDULE 3, part 3—Other specific closures (continued)

**Coomabah Creek, Oyster Lake and Saltwater Creek**

**18.** Waters of Saltwater Creek and Coombabah Creek (including Oyster Lake), downstream from Coombabah Lake.

**Coomera River**

**19.** Waters of the southern branch of the Coomera River downstream of F<sup>↑</sup>B signs on opposite sides of the southern branch at its junction with the river's northern branch.

**Swan Bay, North Stradbroke Island**

**20.** Waters of Swan Bay, and tidal waters of the unnamed creek joining the bay's northern end.

**Moreton Bay**

**21.** Waters of Moreton Bay outside the following boundary—

- from the intersection of the shore of Bribie Island by a line from the water tower at Bongaree to the special mark flashing yellow light beacon off the mouth of the Caboolture River to the special mark flashing yellow light beacon off the mouth of the Caboolture River
- to the special mark flashing yellow light beacon No. 1 at the entrance to the Scarborough Boat harbour
- to the North Reef flashing green light beacon
- to the Garnet Rock flashing green light beacon off Margate
- to the Otter Rock flashing green light beacon off Woody Point
- to the seaward end of the Woody Point Jetty
- to the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek
- to the West Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel

## SCHEDULE 3, part 3—Other specific closures (continued)

- to the channel's No. 1 Entrance West flashing white and red light beacon
- to the channel's No. 2 Entrance East flashing yellow light beacon
- to the East Coffee Pot flashing red light beacon
- to the channel's east inner bar flashing red light beacon
- to the red beacon northerly of St. Helena Island
- to the south cardinal light beacon south-east of St. Helena Island
- to the red light beacon north-east of Green Island
- to the A S Huybers flashing red light beacon off King Island, near Wellington Point
- to the flashing green light beacon off the western tip of Peel Island
- to the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank
- to the green light beacon on the south-western side of the Pelican Banks
- to the special mark flashing yellow light beacon at the southern tip of the Pelican Banks
- to the flashing red light beacon on the eastern side of the Pelican Banks
- northerly about 0.6 n mile to the flashing green light beacon off the western shore of North Stradbroke Island
- northerly about 2 n miles to the flashing green light beacon off Wallen Wallen
- to the special mark flashing yellow light beacon at the southern tip of Goat Island
- to the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island
- along the southern side of Harold Walker Jetty to North Stradbroke Island's western shore

## SCHEDULE 3, part 3—Other specific closures (continued)

- along North Stradbroke Island's western shore to the jetty at One Mile Anchorage
- along the southern side of the jetty at One Mile Anchorage to the western end of the jetty
- to the south cardinal light beacon known as Douglas Light
- to the flashing green light beacon (every 6 seconds) off Maroom Bank
- to the isolated danger beacon on Hope Banks
- to the flashing green light beacon north of Chain Banks
- to the northernmost red lateral beacon at the entrance to Rous Channel
- to the northernmost green lateral beacon at the entrance to Fraser's Gutter
- to latitude 27°16' south, longitude 153°23' east
- east along latitude 27°16' to the intersection with Moreton Island's western shore
- along Moreton Island's western shore to Comboyuro Point
- to Skirmish Point, Bribie Island
- along Bribie Island's eastern, southern and western shores to the intersection of Bribie Island's western shore with a line from the water tower at Bongaree to the special mark flashing yellow light beacon off the mouth of the Caboolture River.

**Moreton Bay, including The Broadwater**

22.(1) Waters of the following and waterways joining them—

- (a) Moreton Bay;
- (b) the Fisherman Islands area.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Dunwich**

**23.(1)** North Stradbroke Island foreshore waters between F↑B signs about 800 m either side of the Harold Walker Jetty at Dunwich.

**(2)** The waters are closed from 1 August to 30 April.

**Southern Moreton Bay area**

**24.(1)** Waters within the following boundary—

- from the A S Huybers flashing red light beacon off King Island, near Wellington Point, to the flashing green light beacon off the western tip of Peel Island
- to the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank
- to the green light beacon on the south-western side of the Pelican Banks
- to the special mark flashing yellow light beacon at the southern tip of the Pelican Banks
- to the flashing red light beacon on the eastern side of the Pelican Banks
- northerly about 0.6 n mile to the flashing green light beacon off the western shore of North Stradbroke Island
- northerly about 2 n miles to the flashing green light beacon off Wallen Wallen
- to the special mark flashing yellow light beacon at the southern tip of Goat Island
- to the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island
- along the southern side of Harold Walker Jetty to North Stradbroke Island's western shore
- along North Stradbroke Island's western shore to the jetty at One Mile Anchorage

**SCHEDULE 3, part 3—Other specific closures (continued)**

- along the southern side of the jetty at One Mile Anchorage to the western end of the jetty
- to the south cardinal light beacon known as Douglas Light
- to the flashing green light beacon (every six seconds) off Maroom Bank
- to the isolated danger beacon on Hope Banks
- to the A S Huybers flashing red light beacon off King Island, near Wellington Point.

(2) The waters are closed from midnight on 30 June to midnight on 30 September each year.

**Amity Bight and the South Passage**

**25.(1)** Waters within the following boundary—

- from an F<sup>↑</sup>B sign at Rocky Point on North Stradbroke Island's northern shore, along the shore to Amity Point
- to Reeders Point, Moreton Island
- along Moreton Island's eastern shore to latitude 27°17.50'
- to latitude 27°17.50' south, longitude 153°27.42' east, about 2 n miles east of Sovereign Beach
- to the northern tip of Shag Rock off North Stradbroke Island
- to the F<sup>↑</sup>B sign at Rocky Point, North Stradbroke Island.

(2) The waters are closed from 6 p.m. to 6 a.m from 1 October to 31 December.

**Manly Boat Harbour**

**26.** Waters of the Manly Boat Harbour and its foreshores, up to a line between the seaward ends of the harbour's breakwaters.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Wynnum and Manly**

**27.** Foreshore waters between the northern breakwater of Manly Boat Harbour and the southern bank of Wynnum Creek.

**Boggy Creek, Pinkenba**

**28.(1)** Waters of Boggy Creek upstream of a line—

- from Luggage Point to the oil tanker berth
- along the oil pipeline viaduct to the start of the viaduct on Bulwer Island.

**(2)** The waters are closed from midday on 1 November to midday on 30 April.

**Brisbane River mouth area**

**29.(1)** Waters within the following boundary—

- from latitude 27°19.8' south, longitude 153°08.85' east to latitude 27°18.5' south, longitude 153°08.85' east
- to latitude 27°18.50' south, longitude 153°11.10' east
- to latitude 27°20.05' south, longitude 153°11.10' east
- to latitude 27°19.80' south, longitude 153°08.85' east.

**(2)** The waters are closed from midnight on 30 June to midnight on 30 September each year.

**Brisbane Airport floodway channel to the Pine River**

**30.** The following waters—

- (a) waterways flowing into Moreton Bay between the southern bank of the Brisbane Airport floodway channel and the southern tip of the Houghton Highway;
- (b) waterways joining the waterways described in paragraph (a);
- (c) Moreton Bay foreshore waters between the southern bank of the

SCHEDULE 3, part 3—Other specific closures (continued)

Brisbane Airport floodway channel and the southern tip of the Houghton Highway;

- (d) Jacksons Creek, which joins the floodway channel near the channel's banks.

**Sandgate Pier**

**31.** Waters of Bramble Bay under, and within 200 m of, the Sandgate Pier.

**South Pine River and North Pine River**

**32.** The following waters—

- (a) the South Pine River upstream of F<sup>↑</sup>B signs on opposite sides of the river, about 1.5 km upstream from its junction with the North Pine River, at a place commonly known as Stones Corner;
- (b) the North Pine River upstream of F<sup>↑</sup>B signs on opposite sides of the river about 2.5 km upstream from the northbound bridge across the river near the start of the Bruce Highway.

**Northern section of Moreton Bay**

**33.(1)** Waters within the following boundary—

- from the intersection of the shore of Bribie Island by a line from the water tower at Bongaree to the special mark flashing yellow light beacon off the mouth of the Caboolture River to the special mark flashing yellow light beacon off the mouth of the Caboolture River
- to the special mark flashing yellow light beacon No. 1 at the entrance to the Scarborough Boat harbour
- to latitude 27°11.05' south, longitude 153°06.70' east, north of Castlereagh Point
- to latitude 27°09.30' south, longitude 153°06.70' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 27°09.30' south, longitude 153°11.40' east
- to the flashing red beacon (M8) off Four Fathom bank
- to the flashing red beacon (MB2) off Middle Bank
- to the east cardinal beacon (M7) west of Cowan Cowan Point on Moreton Island
- to the flashing yellow beacon (M5) west of Cowan Cowan township on Moreton Island
- to the flashing red beacon (M4) off Yule Bank
- to the flashing red beacon (M2) off Salamander Bank
- to the flashing yellow beacon (S1) in Spitfire Channel
- to the west cardinal beacon (NW12) in Spitfire Channel
- the southernmost flashing red beacon (NW10) in North-West Channel
- to Bribie Island's eastern shore where it intersects latitude 27°01.80' south
- along Bribie Island's eastern, southern and western shores to the intersection of Bribie Island's western shore with a line from the water tower at Bongaree to the special mark flashing yellow light beacon off the mouth of the Caboolture River.

(2) The waters are closed from midnight on 30 June to midnight on 30 September.

**Pumicestone Strait**

34. Waters within the following boundary and waterways that join the waters—

- from the F<sup>↑</sup>B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra to the F<sup>↑</sup>B sign at the northern tip of Bribie Island
- along Bribie Island's western shore to the F<sup>↑</sup>B sign at the southern end of South Esplanade, Bongaree, Bribie Island

## SCHEDULE 3, part 3—Other specific closures (continued)

- to the F↑B sign at the south-eastern tip of Toorbul Point
- along the shore to the F↑B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra.

**Bribie Island's eastern shore and the sand spit at Kings Beach**

35. The following waters—

- (a) eastern foreshore waters of Bribie Island between an F↑B sign at latitude 26°50.10' south on the island's shore and an F↑B sign at the island's northern tip;
- (b) foreshore waters at Caloundra between the groyne at the southern end of Kings Beach and the western tip of Bulcock Beach.

**Caloundra Head**

36.(1) Waters within the following boundary—

- from the intersection of latitude 26°45' south with the mainland shore, north of Caloundra head, along latitude 26°45' south to longitude 153°12.50' east
- along longitude 153°12.50' east to latitude 26°52' south
- along latitude 26°52' south to the mainland shore (western shore of Pumicestone Strait)
- along the mainland shore to latitude 26°45' south.

(2) The waters are closed from 6 p.m. to 6 a.m. from 1 October to 31 December.

**Caloundra—Kings Beach to Shelly Beach**

37.(1) Foreshore waters and waters within 400 m out to sea from the shore at low water, between the following lines—

- (a) a line running south-east from the southern end of the sand spit between Kings Beach and Bulcock Beach, Caloundra;

**SCHEDULE 3, part 3—Other specific closures (continued)**

- (b) a line running east-north-east out to sea from an F<sup>↑</sup>B sign at the southern end of Shelly Beach, Caloundra.

(2) The waters are closed from 1 January to the end of February and from 1 August to 31 December.

**Currimundi Lake and Currimundi Creek near Caloundra**

38. Waters of Currimundi Lake, Currimundi Creek, and waterways joining the lake and creek.

**Warana Beach at Kawana Waters**

39. Waters within the following boundary—

- from latitude 26°43.904' south, longitude 153°8.035' east, to latitude 26°43.911' south, longitude 153°8.673' east
- to latitude 26°44.019' south, longitude 153°8.672' east
- to latitude 26°44.012' south, longitude 153°8.033' east
- to latitude 26°43.904' south, longitude 153°8.035' east.

**Mooloolah River**

40. Waters of the Mooloolah River and waterways joining it, upstream of a line between the seaward ends of the breakwaters at its banks.

**South Maroochy River and the North Maroochy River**

41. Waters of the Maroochy River upstream of the junction between its northern and southern branches.

**Maroochy River and ocean foreshores**

42. The following waters—

- (a) the Maroochy River and waterways joining it, downstream of a line between an F<sup>↑</sup>B sign on the river's southern side near the

**SCHEDULE 3, part 3—Other specific closures (continued)**

public boat ramp at the place commonly known as the Cod Hole and an F↑B sign on the opposite side of the river;

- (b) ocean foreshore waters for 400 m (measured along the shore) from each bank of the Maroochy River;
- (c) waters within 400 m out to sea from the part of the shore described in paragraph (b) at low water.

**Lakes Doonella and Weyba**

**43.** Waters of Lakes Doonella and Weyba.

**Noosa River and Lakes Cooroibah and Cootharaba**

**44.(1)** Waters of the Noosa River and Lakes Cooroibah and Cootharaba.

**(2)** The waters are closed from 7 p.m. to 6 a.m. each day.

**Noosa River and Noosa's main beach**

**45.** The following waters—

- (a) from where latitude 26°16' south intersects the shore (near Teewah) to the eastern tip of Noosa Head;
- (b) along the shore towards Noosa River to an F↑B sign at Boiling Pot;
- (c) to the eastern tip of the rock wall on the southern bank of the Noosa River;
- (d) to an F↑B sign on the shore 400 m north of the northern bank of the Noosa River;
- (e) north along the shore to where latitude 26°16' south intersects the shore (near Teewah).

## SCHEDULE 3, part 3—Other specific closures (continued)

**Weyba Creek**

**46.** Waters of Weyba Creek and waterways joining it, downstream of Lake Weyba.

**Lake Como, Kin Kin Creek, the upper Noosa River and Lake Cootharaba**

**47.** Waters of Lake Como, Kin Kin Creek, the Noosa River and the part of Lake Cootharaba north of the following line—

- from an F<sup>↑</sup>B sign on Lake Cootharaba's north-western shore to an F<sup>↑</sup>B sign on the southern tip of the peninsula on the eastern side of Shark Bay, which is part of the lake
- to an F<sup>↑</sup>B sign at the southern tip of Kinaba Island
- to an F<sup>↑</sup>B sign on Lake Cootharaba's eastern shore.

**Noosa River—ocean foreshore north of its northern bank**

**48.(1)** Foreshore waters for 400 m (measured along the shore) north of the northern bank of the Noosa River and waters within 400 m out to sea from that part of the shore at low water.

**(2)** The waters are closed from 1 May to 31 August.

**Waterways south of Double Island Point**

**49.(1)** Waters of waterways south of Double Island Point and waterways joining them.

**(2)** The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

**Rainbow Beach**

**50.** Waters of Wide Bay foreshore waters and waters within 400 m from the shore at low water, between F<sup>↑</sup>B signs about 3 km south, and 1 km north, of Eight Mile Rocks at Rainbow Beach.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Wide Bay Bar****51.** Waters within the following boundary—

- from an F<sup>↑</sup>B sign at Inskip Point near the flashing white navigation lead on the shore, west for about 1.3 km to an F<sup>↑</sup>B sign
- to an F<sup>↑</sup>B sign on the southern shore of Fraser Island about 3 km west of Hook Point
- to an F<sup>↑</sup>B sign at Hook Point near the south-eastern tip of Fraser Island
- to the F<sup>↑</sup>B sign at Inskip Point near the flashing white navigation lead.

**Hook Point to Taleerba Creek, Fraser Island****52.** Waters within the following boundary—

- from latitude 25°47.10' south, longitude 153°04.80' east, north along Fraser Island's eastern shore to latitude 25°37.10' south, longitude 153°05.30' east
- to latitude 25°37.30' south, longitude 153°06.90' east
- to latitude 25°47.80' south, longitude 153°07.20' east
- to latitude 25°47.10' south, longitude 153°04.80' east.

**Taleerba Creek to Indian Head, Fraser Island****53.(1)** Waters within the following boundary—

- from latitude 25°37.10' south, longitude 153°05.30' east, north along Fraser Islands eastern shore to latitude 25°00.60' south, longitude 153°21.50' east
- to latitude 25°00.80' south, longitude 153°22.60' east
- to latitude 25°29.48' south, longitude 153°09.32' east
- to latitude 25°37.30' south, longitude 153°06.90' east

**SCHEDULE 3, part 3—Other specific closures (continued)**

- to latitude 25°37.10' south, longitude 153°05.30' east.

(2) The waters are closed from midday on 1 August to midday on 1 April.

**Fraser Island—Indian Head to Waddy Point**

**54.(1)** Eastern foreshore waters of Fraser Island and waters within 400 m out to sea from the eastern shore at low water, between 400 m north of Waddy Point and 400 m south of Indian Head.

(2) The waters are closed from midday on 1 September to midday on 30 September.

**Fraser Island—Hook point to northern tip**

**55.(1)** Fraser Island's eastern foreshore waters and waters within 200 m out to sea from the shore at low water, between an F↑B sign at Hook Point and the northern tip of Fraser Island.

(2) The waters are closed from midday on 1 September to midday on 1 April.

**Snapper Creek near Tin Can Bay**

**56.** Waters of Snapper Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

**Great Sandy Strait**

**57.(1)** Waters of Great Sandy Strait, Tin Can Inlet and waterways joining the strait and inlet, between the following lines—

- (a) a line from the eastern tip of Point Vernon to Sandy Point, Fraser Island;
- (b) a line between F↑B signs at Inskip Point and Hook Point, Fraser Island.

(2) The waters are closed—

## SCHEDULE 3, part 3—Other specific closures (continued)

- (a) from 2 p.m. Friday to 2 p.m. on Sunday from 1 February to 30 November; and
- (b) from 6 p.m. Friday to 6 p.m. on Sunday from 1 December to 31 January.

**Mary River**

**58.** Waters of the Mary River between lines between the following places marked by F↑B signs—

- longitude 152°46.67' east on the northern bank of the river and longitude 152°46.83' east on its southern bank
- longitude 152°51.74' east on the northern bank of the river, near 'Tandora', and longitude 152°51.71' east on the shore of Crab Island (Meteor Point)
- longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' east on the southern bank of the river.

**Hervey Bay seasonal night-time closure**

**59.(1)** Waters of Hervey Bay within the following boundary—

- from latitude 25°14.77' south, longitude 152°48.758' east, near Point Vernon
- to latitude 25°15.38' south, longitude 152°45' east
- to latitude 25°13.44' south, longitude 152°40.13' east
- to latitude 25°09' south, longitude 152°39' east
- to latitude 25°07.476' south, longitude 152°35.07' east
- to latitude 25°07.476' south, longitude 152°37' east
- to latitude 25°05' south, longitude 152°37' east
- to latitude 25°05' south on the mainland shore

---

SCHEDULE 3, part 3—Other specific closures (continued)

- along the shore to latitude 25°14.77' south, longitude 152°48.758' east.

(2) The waters are closed from 1 March to 1 May from 6 p.m. to 6 a.m..

**Hervey Bay—other closures**

**60.(1)** Waters of Hervey Bay within the following boundary—

- from latitude 25°14.77' south, longitude 152°48.758' east, near Vernon Point
- to latitude 25°13.44' south, longitude 152°40.13' east
- to latitude 25°09' south, longitude 152°39' east
- to latitude 25°07.476' south, longitude 152°37' east
- to latitude 25°05' south, longitude 152° 37' east
- to latitude 25°05' south on the mainland shore
- along the shore to latitude 25°14.77' south, longitude 152°48.758' east.

(2) The waters are closed—

- (a) from 2 May to the end of February; and
- (b) from 1 March to 1 May, from 6 a.m. to 6 p.m..

**Skyringville Creek**

**61.(1)** The following waters—

- (a) the creek commonly known as Skyringville Creek—
  - (i) upstream of a line running south-east from the north-western tip of Barubbra Island; and
  - (ii) downstream of a line between F<sup>↑</sup>B signs on opposite sides of the creek about 800 m from its banks;
- (b) waterways joining the parts of the creek described in paragraph (a).

**SCHEDULE 3, part 3—Other specific closures (continued)**

(2) The waters described in subsection (1)(a)(i) are closed from 1 August to 30 November.

**Hervey Bay**

**62.** The following waters of Hervey Bay—

- (a) waters west of the following line—
- from the eastern tip of Point Vernon to the seaward end of the public jetty at Scarness
  - to the seaward end of the Urangan jetty
  - to the seaward end of the southern rock wall of the Urangan Boat Harbour;
- (b) foreshore waters of the bay between Sixth and Second Avenues, Woodgate.

**Southern Hervey Bay**

**63.(1)** Waters within the following boundary—

- from Burrum Point to the Fairway Buoy, Hervey Bay
- to Moon Point
- to Vernon Point
- along the shore to Burrum Point.

(2) The waters are closed from midnight on 30 June to midnight on 31 October.

**Theodolite Creek**

**64.** Waters of Theodolite Creek and waterways joining it upstream of a line between F↑B signs near its banks.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Coonar Creek**

**65.** Waters of Coonar Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

**Burnett River**

**66.(1)** Waters of the Burnett River and waterways joining it.

**(2)** The following part of the Burnett River is closed every year, all year—

- (a)** upstream of a line between F↑B signs on opposite sides of the river near its junction with Bundaberg Creek;
- (b)** downstream of a line between F↑B signs on opposite sides of the river near the western tip of Harriett Island.

**(3)** The waters, other than the waters mentioned in subsection (2), are closed from 1 August to 30 November.

**Sandy Cape**

**67.(1)** Waters within the following boundary—

- from Sandy Cape due north to latitude 24.65° south
- to latitude 24°45' south, longitude 153°6' east
- to latitude 24°48' south, longitude 153°6' east
- to Rooney Point
- along the shore to Sandy Cape.

**(2)** The waters are closed from midday on 1 November to midday on 30 April.

**Northern Fraser Island and north of Fraser Island**

**68.(1)** Waters within the following boundary—

- from latitude 25° south, longitude 152°45.92' east, to latitude 24°43.50' south, longitude 152°30' east

SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 24°01.50' south, longitude 151°49' east
- to the light on Great Keppel Island
- to latitude 23° south, longitude 151° east
- to latitude 22° south, longitude 150°42.50' east
- to latitude 22° south, longitude 152° east
- to the western tip of Herald No. 1 in the Swain Reefs
- to the light on North Reef
- to the light on Lady Musgrave Island
- to the light on Lady Elliot Island
- to Sandy Cape, Fraser Island
- westerly along Fraser Island's shore to Rooney Point
- along Fraser Island's western shore to latitude 25° south on the shore
- to latitude 25° south, longitude 152°45.92' east.

(2) The waters are closed from 8 a.m. to 6 p.m. each day.

### **Round Hill Creek**

**69.** Waters of Round Hill Creek and waterways joining it, upstream of a line between F↑B signs at the creek's northern bank and the northern tip of the Miriam Vale Shire Council Caravan Park at the Town of Seventeen Seventy.

### **Eurimbula Creek**

**70.** Waters of Eurimbula Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

### **Rodds Harbour**

**71.** Waters of Rodds Harbour and waterways joining it, within the

## SCHEDULE 3, part 3—Other specific closures (continued)

following boundary—

- from the eastern tip of Blackney Point to the eastern tip of Bird Island
- to the western bank of Mort Creek, Rodds Peninsula
- along the shore to Blackney Point.

**Wild Cattle Creek**

**72.(1)** Waters of Wild Cattle Creek (also known as Red Cliff Creek) between the following lines—

- (a) a line from an F<sup>↑</sup>B sign at the creek's northern bank to the F<sup>↑</sup>B sign at the northern tip of Wild Cattle Island;
- (b) a line from an F<sup>↑</sup>B sign about 1 600 m (measured along the bank) upstream from the F<sup>↑</sup>B sign at the northern tip of Wild Cattle Island to an F<sup>↑</sup>B sign on the opposite bank of Wild Cattle Creek.

**(2)** The waters are closed from 1 September to 30 April.

**Boyne River and part of South Trees Inlet**

**73.(1)** Waters of the Boyne River and waterways joining it, upstream from a line between F<sup>↑</sup>B signs near its banks.

**(2)** South Trees Inlet between the northern edge of the bridge over the inlet on Boyne Island Road and the inlet's junction with the Boyne River.

**(3)** The waters described in this section are closed from 1 September to 30 April.

**Tannum Sands**

**74.(1)** Foreshore waters between F<sup>↑</sup>B signs near the southern bank of the Boyne River and the northern bank of Wild Cattle Creek (also known as Red Cliff Creek).

**(2)** The waters are closed from 1 September to 30 April.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Calliope River**

**75.** Waters of the Calliope River and waterways joining it, upstream of a line passing through F<sup>↑</sup>B signs on opposite sides of the river near the south-western tip of Farmers Island.

**The Narrows near Curtis Island**

**76.(1)** The waters between a line from an F<sup>↑</sup>B sign near the southern bank of the Boyne River to Gatcombe Head, Facing Island, and a line from Sea Hill Point, Curtis Island, to Cardigan Point, Balaclava Island.

**(2)** For subsection (1), the boundary of The Narrows between Facing Island and Curtis Island is a line from North Point, Facing Island, to South End, Curtis Island.

**(3)** The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

**Fitzroy River and waters near its mouth**

**77.(1)** Waters near the banks of the Fitzroy River within the following boundary—

- from Cardigan Point, Balaclava Island, to Cattle Point
- to Sea Hill Point, Curtis Island
- to Cardigan Point, Balaclava Island.

**(2)** Waters of the Fitzroy River and waterways joining it, between the Fitzroy River Barrage and the shortest line across the river at the southern bank of Gavial Creek.

**(3)** The waters described in subsection (1) are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

**Keppel Bay near Middle Island Observatory**

**78.** Waters of Keppel Bay within a 150 m radius of the Middle Island Underwater Observatory.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Point Vernon to Cape Manifold**

**79.(1)** Waterways flowing into the ocean between Point Vernon and Cape Manifold, other than the following waters—

- (a) the Fitzroy River and Casuarina Creek between a line from Cattle Point on the mainland to Cardigan Point, Balaclava Island, and electricity transmission lines across the Fitzroy River at the Lakes Creek Meatworks;
- (b) waterways joining waters described in paragraph (a), other than Connor Creek, Kamiesh Passage, Inkerman Creek and Raglan Creek.

**(2)** Waterways joining the waters in described in subsection (1).

**(3)** The waters described in this section are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

**Cawarral Creek**

**80.** Waters of Cawarral Creek and waterways joining it, upstream of the line between F↑B signs near its banks.

**Causeway Lake, Shoal Bay**

**81.** Waters of Causeway Lake and waterways joining it, upstream of the Shoal Bay Causeway on the Yeppoon-Emu Park Road.

**Water Park Creek**

**82.** Waters of Water Park Creek, flowing into Corio Bay, and waterways joining it, upstream of the shortest line across the creek at the place commonly known as Kelly's Landing, about 2.6 km from the creek's banks.

**Broadsound to Dunk Island**

**83.(1)** Waters within the following boundary—

## SCHEDULE 3, part 3—Other specific closures (continued)

- from latitude 22° south, longitude 150°42.30' east to latitude 20°15' south, longitude 149°10' east
- to latitude 20° south, longitude 149° east
- to latitude 19°59' south, longitude 148°27' east
- to latitude 19°51' south, longitude 148°05' east
- to latitude 19°15' south, longitude 147°30' east
- to latitude 18°45.83' south, longitude 146°43' east
- to latitude 17°51.83' south, longitude 146°12.66' east
- to latitude 17°51.83' south, longitude 147°35.55' east
- to latitude 19°39.64' south, longitude 150°35' east
- to latitude 20°10' south, longitude 150°20' east
- to latitude 21° south, longitude 151°30' east
- to latitude 22° south, longitude 152° east
- to latitude 22° south, longitude 150°42.50' east.

(2) The waters are closed from 8 a.m. to 6 p.m. every day.

**St. Lawrence Creek to Endeavour River**

**84.(1)** Waterways between the northern bank of St. Lawrence Creek and the northern bank of the Endeavour River.

(2) The waters are closed from 6 p.m. on Friday to 6 p.m. on Sunday.

**Rocky Dam Creek**

**85.** Waters of Rocky Dam Creek flowing into Llewellyn Bay, and waterways joining it, upstream of a line between F<sup>↑</sup>B signs on opposite sides of the creek about 100 m upstream of the creek's junction with Cherry Tree Creek.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Louisa Creek**

**86.** Waters of Louisa Creek, flowing into Dalrymple Bay, and waterways joining it, upstream of a line between F↑B signs near its banks.

**Pioneer River**

**87.** Waters of the Pioneer River and waterways joining it, upstream of the Pioneer Bridge at Mackay.

**Pioneer River**

**88.** Waters of the Pioneer River and waterways joining it, between F↑B signs near its banks and the western edge of the Pioneer Bridge at Mackay.

**Reliance Creek, west of Eimeo**

**89.** Waters of Reliance Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

**Constant Creek**

**90.** Waters of Constant Creek and waterways joining it, upstream of a line between F↑B signs near its banks.

**Seaforth Creek**

**91.** Waters of Seaforth Creek (which is north of Mackay).

**Victor Creek**

**92.** Waters of Victor Creek.

## SCHEDULE 3, part 3—Other specific closures (continued)

**O’Connell River**

93. Waters of the O’Connell River and waterways joining it, upstream of a line between F↑B signs near its banks.

**Proserpine River**

94. Waters of the Proserpine River and waterways joining it, upstream of a line between F↑B signs near its banks.

**Pioneer Bay**

95. Waters of Pioneer Bay south of the following line—

- from an F↑B sign at Mandalay Point to an F↑B sign near the intersection of Broadwater Avenue and Ocean View Avenue, Airlie Beach
- to an F↑B sign at the eastern tip of Pigeon Island
- to an F↑B sign on the mainland shore about 2 km south from Bluff Point.

**Merinda Creek**

96. Waters of Merinda Creek (also known as Meatworks Creek) and waterways joining it, upstream of a line between F↑B signs near its banks.

**Hayman Island to Cape Abbot**

97.(1) Waters within the following boundary—

- from the western tip of Hayman Island to the northern tip of Pioneer Point
- to the south-western tip of Gumbrell Island
- along Gumbrell Island’s western shore to its northern tip
- to the northern tip of Gloucester Head, Gloucester Island
- to the northern tip of Middle Island

## SCHEDULE 3, part 3—Other specific closures (continued)

- to Cape Edgecumbe
- to the seaward end of the jetty at Abbot Point
- to the northern tip of Camp Island
- to latitude 19°44' south, longitude 147°50.13' east
- to the light on Holbourne Island
- to western tip of Hayman Island.

(2) The waters are closed from 8 a.m. to 6 p.m. from 1 April to 31 October.

**Bowen Harbour and Magazine Island**

**98.** Foreshore waters of Bowen Harbour, between the southern bank of Doughty Creek and the eastern tip of the harbour's entrance.

**Hook Island**

**99.** Waters within a 100 m radius of the Hook Island Observatory.

**Groper Creek, Yellow Gin Creek and the Burdekin River**

**100.** The following waters—

- (a) Groper Creek and Yellow Gin Creek upstream of a line between an F↑B sign on the shore north-easterly of Beach Hill and an F↑B sign at the southern tip of Peters Island;
- (b) the Burdekin River upstream of a line between an F↑B sign near the southern tip of Rita Island and an F↑B sign at the eastern tip of Peter's Island;
- (c) waterways joining the waters described in this section.

**Burdekin River**

**101.** Waters of the Burdekin River Anabranche and waterways joining it, upstream of a line between an F↑B sign near the anabranche's northern bank

**SCHEDULE 3, part 3—Other specific closures (continued)**

and an F↑B sign at its opposite bank near the north-eastern tip of Rita Island.

**Plantation Creek and Seaforth Creek**

**102.** Waters of Plantation Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek at the downstream side of its junction with Seaforth Creek.

**Haughton River and the Short Cut**

**103.** The following waters—

- (a) the Haughton River and waterways joining it, upstream of a line between an F↑B sign near the river's eastern bank, near Big Beach, and an F↑B sign on the opposite side of the river near the north-western tip of Connors Island;
- (b) the channel commonly known as the Short Cut, between the Haughton River and Barramundi Creek.

**Barramundi Creek**

**104.** Waters of Barramundi Creek and waterways joining it, upstream of a line between F↑B signs on opposite sides of the creek near its junction with the channel commonly known as the Short Cut.

**Townsville Harbour and Cleveland Bay**

**105.(1)** Townsville Harbour between the following lines—

- (a) a line between an F↑B sign near the landward end of the oil tanker berth and an F↑B sign at the landward end of the harbour's western breakwater;
- (b) a line between the seaward tip of the harbour's eastern breakwater and the northern tip of the rocks at the north-eastern end of the western breakwater.

**SCHEDULE 3, part 3—Other specific closures (continued)**

**(2)** Cleveland Bay, outside Townsville Harbour, within 400 m of the mainland shore at low water and between the following lines—

- (a) a line running north-east from the point on the shore, near the landward end of the oil tanker berth, where the eastern breakwater of Townsville Harbour meets the rock seawall at the breakwater's landward end;
- (b) a line running north-east from Kissing Point.

**(3)** For subsection (2), the mainland shore—

- (a) at the harbour entrance, is taken to be a line from the seaward tip of the eastern breakwater to the northern tip of the rocks at the north-eastern end of the western breakwater; and
- (b) is taken to extend to the seaward tip of any artificial structure on the shore.

**Etty Bay area**

**106.** Foreshore waters and waters within 600 m out to sea from the shore at low water, between F↑B signs near the southern and northern ends of the town of Etty Bay.

**Rollingstone Creek**

**107.** Waters within an 800 m radius of the F↑B sign near the southern bank of Rollingstone Creek, flowing into Halifax Bay.

**Herbert River**

**108.** Waters of the Herbert River and waterways joining it, upstream of the bridge across the river on the Ingham to Halifax-Bemerside Road.

**Yanks Jetty at Orpheus Island**

**109.** Waters under or within 100 m of Yanks Jetty at Orpheus Island.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Hinchinbrook Channel**

**110.** Waters of Hinchinbrook Channel and waterways joining it between the following lines—

- a line from Lucinda Point to George Point
- a line from Hecate Point to the northern bank of Meunga Creek.

**Meunga Creek**

**111.** Waters of Meunga Creek and waterways joining it upstream of a line between F↑B signs near its banks.

**Murray River**

**112.** Waters of the Murray River and waterways joining it upstream of a line running west across the river through the northern tip of the island at the banks of Bedford Creek.

**Johnstone River**

**113.** Waters of the Johnstone River and waterways joining it upstream of a line across the river, passing through the western tip of Banana Island and the western tip of the island commonly known as Bergin Island.

**Russell River, Mulgrave River and Mutchero Inlet**

**114.(1)** Waters of the Russell River, the Mulgrave River and the Mutchero Inlet.

**(2)** Waterways joining the rivers and inlet, upstream of a line between F↑B signs at Flirt Point and Constantine Point.

**Fitzroy Island and High Island, near Cairns**

**115.** Foreshore waters of Fitzroy Island and High Island and waters within 400 m out to sea from the shore of each island at low water.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Trinity Bay**

**116.** Waters of Trinity Bay and waterways joining it west of a line from False Cape to Taylor Point.

**Centenary Lakes, Cairns**

**117.** Waters of Saltwater Creek, Lily Creek and lakes joining the creeks, between Greenslopes Street and Collins Avenue, Cairns.

**Barron River**

**118.** Waters of the Barron River, at the place commonly known as Barron Waters, between F<sup>↑</sup>B signs on opposite sides of the river near its junction with Stony Creek and near its junction with Camp Oven Creek.

**Mission Bay**

**119.** Waters of Mission Bay south of a line between Cape Grafton and False Cape, and waters flowing into that part of the bay.

**Yorkeys Knob to Simpson Point**

**120.** Waters within the following boundary—

- from Yorkeys Knob along the shore to Simpson Point
- to the western tip of Double Island
- along a line towards Taylor Point to a line between Yorkeys Knob and Buchan Point
- along the line between Yorkeys Knob and Buchan Point to a line between Taylor Point and 2 n miles magnetic north of Cape Grafton
- along the line between Taylor Point and 2 n miles magnetic north of Cape Grafton to a line between Yorkeys Knob and the western tip of Double Island
- to Yorkeys Knob.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Cook Bay**

**121.(1)** Waters of Cook Bay within the following boundary—

- from the western tip of Double Island along a line towards Taylor Point to a line between Buchan Point and Yorkeys Knob
- along the line between Buchan Point and Yorkeys Knob to a line between 2 n miles magnetic north of Cape Grafton and Taylor Point
- along the line between 2 n miles magnetic north of Cape Grafton and Taylor Point to a line between Yorkeys Knob and the western tip of Double Island
- to the western tip of Double Island.

**(2)** The waters are closed from 6 a.m. to 6 p.m. each day.

**Island Point to the Daintree River**

**122.** Waters within the following boundary—

- from the light beacon at Island Point, near Port Douglas, along the shore to longitude 145°27.50' east on the shore, near the northern bank of the Daintree River
- to the light beacon at Island Point.

**Daintree River**

**123.** Waters of the Daintree River and waterways joining it upstream of a line between F↑B signs near its banks.

**Bloomfield River**

**124.** Waters of the Bloomfield River and waterways joining it upstream of a line between F↑B signs near its banks.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Annan River**

**125.** Waters of the Annan River and waterways joining it upstream of a line between F↑B signs on opposite sides of the river about 800 m downstream from the bridge across the river on the Cooktown Developmental Road.

**Endeavour River**

**126.** Waters of the Endeavour River and waterways joining it upstream of a line between F↑B signs—

- (a) about 400 m downstream of the No. 1 Public Wharf at Cooktown; and
- (b) on Sachs Spit about 400 m north of Point Saunders, commonly known as St. Patrick's Point.

**North of latitude 15°30' south**

**127.(1)** Waters north of latitude 15°30' south.<sup>28</sup>

**(2)** The waters are closed from 8 a.m. to 6 p.m. each day.

**Grave Point to Indian Head**

**128.** Waters within the following boundary—

- from Grave Point, near Cooktown, along the shore to Indian Head
- to Monkhouse Point
- to Grave Point.

**Cape Bedford to Murray Reefs**

**129.** Waters within the following boundary—

---

<sup>28</sup> Latitude 15°30' south is approximately the latitude of Cooktown.

## SCHEDULE 3, part 3—Other specific closures (continued)

- from Cape Bedford along the shore to a line running west from the northern tip of the Murray Reefs
- to the northern tip of the Murray Reefs
- to Cape Bedford.

**Cape Flattery to near Barrow Point****130.** Waters within the following boundary—

- from the sand stockpile jetty west of Cape Flattery, near latitude 14°57.50' south, longitude 145°18.50' east, along the shore to latitude 14°26.25' south, longitude 144°37.08' east
- to the northern tip of Baron Reef
- to the northern tip of Noble Island
- to the northern tip of Morris Island
- to the navigation light on Pethebridge Islets
- to the northern tip of the northernmost island of the Turtle Island Group
- to Lookout Point
- along the shore to latitude 14°51' south
- to the sand stockpile jetty west of Cape Flattery.

**Barrow Point to Bizant River****131.** Waters within the following boundary—

- from Barrow Point along the shore to the western bank of the Bizant River, flowing into Princess Charlotte Bay
- to the western tip of Bathurst Head
- to the western tip of Denham Island
- along the island's southern shore to its southern tip
- to the northern tip of the Channel Rocks

## SCHEDULE 3, part 3—Other specific closures (continued)

- to latitude 14°09.50' south, longitude 144°30' east
- to latitude 14°09.50' south, longitude 144°31.50' east
- to latitude 14°15' south, longitude 144°36' east
- to the navigation light on Barrow Island
- to Barrow Point.

**Bizant River, Princess Charlotte Bay**

**132.** Waters of German Bar Lagoon, and the Bizant River from the road crossing commonly known as German Bar downstream for 2 km.

**Marrett River to Rocky River**

**133.** Waters within the following boundary—

- from the northern bank of the Marrett River along the shore to the northern bank of the Rocky River
- to the western tip of Wilkie Island
- to the easternmost point of the easternmost island of the Cliff Islands
- to the northern bank of the Marrett River.

**Rocky River to latitude 13°09' south**

**134.** Waters within the following boundary—

- from the northern bank of the Rocky River along the shore to latitude 13°09' south
- east to a line, parallel to, and 2.7 n miles from, the shore at low water, near latitude 13°09' south, longitude 143°33.50' east
- along the line to a line between the northern bank of the Rocky River and the western tip of Wilkie Island
- to the northern bank of the Rocky River.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Latitude 13°09' south to Thorpe Point****135.** Waters within the following boundary—

- from latitude 13°09' south on the mainland shore, along the shore to the eastern tip of Thorpe Point
- to 500 m north-west of the northern tip of Harvey Island
- to 500 m north of the northern tip of Nob Island
- to 500 m east of the eastern tip of Clerke Island
- to 500 m south of the southern tip of Clerke Island
- to 500 m south of the southern tip of Hicks Island
- to 500 m south of the southern tip of Orton Island
- to latitude 12° south, longitude 143°13' east
- to latitude 12°05' south, longitude 143°10' east
- to latitude 12°09' south, longitude 143°07.50' east
- to 500 m east of the eastern tip of Tyrrel Reefs
- along a line parallel to, and 500 m from, Tyrrel Reefs
- along that line to the point at latitude 12°12' south that is 500 m from the mainland shore
- to the intersection between a line running east from the eastern tip of Bolt Head and a line running parallel to, and 500 m from, the mainland shore
- to 500 m north of the northern tip of Ada Reef
- to 500 m east of the eastern tip of Lion Reef
- to 500 m north of the northern tip of Daniell Reef
- to the eastern tip of Andrew Reef
- to latitude 12°25' south, longitude 143°18' east
- to latitude 12°30' south, longitude 143°18' east
- to latitude 12°33.50' south, longitude 143°21.20' east

## SCHEDULE 3, part 3—Other specific closures (continued)

- to the northern tip of Rocky Island
- to the northern tip of Restoration Island
- to latitude 12°38' south, longitude 143°26.80' east
- to 500 m east of the eastern tip of Lloyd Island
- to latitude 12°47.33' south, longitude 143°25.33' east
- to 500 m north of the northern tip of Waight Bank
- to 500 m north-east of the north-eastern tip of Landsdown Reef
- to 500 m east of the eastern tip of Rocky Islet
- to 500 m east of the eastern tip of Ashton Rock Reef
- to 500 m east of the eastern tip of Hammond Reef
- to latitude 13°09' south, longitude 143°33.50' east
- to latitude 13°09' south on the mainland shore.

**Round Point to Fly Point near Cape York****136.** Waters within the following boundary—

- from the northern tip of Round Point to the eastern tip of Nigger Head Reef, about latitude 11°48.30' south, longitude 142°58.70' east
- to the eastern tip of Pirie Islet
- to 500 m east of the eastern tip of Bushy Island Reef
- to 500 m east of the eastern tip of Tern Island Reef
- to 500 m east of the eastern tip of Turtle Island Reef, about latitude 10°53' south, longitude 142°42' east
- to 500 m east of the eastern tip of Ariel Bank
- to the eastern tip of Fly Point
- along the shore to the northern tip of Round Point.

## SCHEDULE 3, part 3—Other specific closures (continued)

**Tip of Cape York**

**137.** Waters south of latitude 10°41.28' south, within the following boundary—

- from the northern tip of Cape York to the eastern tip of Eborac Island
- to the northern tip of Osnaburg Point
- along the shore to the northern tip of Cape York.

**SCHEDULE 4****REGULATED FISH**

sections 24 to 28

**PART 1—FISH REGULATED BY NUMBER**

1. Blue swimmer crabs taken—
  - (a) in Moreton Bay and waterways joining it . . . . . 100
  - (b) the Fisherman Islands area and waterways joining it . . . . . 100
  - (c) elsewhere . . . . . 600.

**PART 2—FISH REGULATED BY GENDER**

2. Egg bearing females of the following fish—
  - (a) Balmain bugs;
  - (b) bugs.
3. Female blue swimmer crabs.

**PART 3—FISH REGULATED BY SIZE**

4. Blue swimmer crabs with—
  - (a) a carapace less than 15 cm; or
  - (b) a body less than 3.7 cm.

## SCHEDULE 4—Regulated fish (continued)

**PART 4—FISH REGULATED BY SIZE AND TIME****5.** Bugs—

- (a) until 31 December 1999—less than 6.2 cm; and
- (b) from 1 January 2000—less than 7.5 cm.

**SCHEDULE 5****WATERS WHERE SCALLOPS MAY BE PROCESSED  
ON A BOAT**

section 170(a)

**Tin Can Bay public wharf area**

1. Tin Can Inlet within a 1 n mile radius of the public wharf at Tin Can Bay township.

**Parts of Hervey Bay**

2.(1) Waters of Hervey Bay within the following boundary—

- from the red beacon at the Urangan Boat Harbour entrance to the northern tip of Big Woody Island
- along the western shore of Big Woody Island to latitude 25°18.58' south
- to the southern bank of Pulgul Creek
- along the shore and harbour wall to the red beacon at the Urangan Boat Harbour entrance.

(2) Waters of Hervey Bay within the following boundary—

- from the special mark known as EU1 to the south cardinal mark known as S6
- to the special mark known as S4
- to the special mark known as EU1.

**Burnett River from near Bundaberg to near Millaquin Sugar Mill**

3. The Burnett River, Bundaberg between the railway bridge and the shortest straight line across the river from the pump station at the Millaquin Sugar Mill.

SCHEDULE 5—Waters where scallops may be processed  
on a boat (continued)

**Area near Gladstone**

4. The area near Gladstone within the following boundary—

- from the green beacon near the northern shore at the mouth of Auckland Inlet to the rear lead at Targinie Channel, Middle Bank
- to Permain Point on the southern tip of Picnic Island
- along the western shore of Picnic Island to its northern tip
- to the northern tip of Clinton Coal Wharf
- to the shore on the northern side of the wharf
- to the green beacon near the northern shore at the mouth of Auckland Inlet.

**Area near Yeppoon**

5. Waters near Double Head, near Yeppoon, within the following boundary—

- from latitude 23°10.50' south, on the mainland near Bluff Point, along the latitude to longitude 150°48.50' east
- along longitude 150°48.50' east, to latitude 23°09.75' south
- to Double Head
- to Wreck Point
- along the shore to latitude 23°10.50' south.

**Area near Bowen**

6. Waters west of Stone Island, near Bowen, within the following boundary—

- from Dalrymple Point to the western side of South Head, Stone Island
- along the western shore of Stone Island to the tip of the sand spit at the island's south-western tip

SCHEDULE 5—Waters where scallops may be processed  
on a boat (continued)

- to the lead known as M5
- to Dalrymple Point.

**Area west of Cape Cleveland**

7. Waters west of Cape Cleveland within the following boundary—

- from Cape Cleveland along the shore to longitude 147° east
- along longitude 147° east, to latitude 19°12' south
- along latitude 19°12' south, to the shore
- along the shore to Cape Cleveland.

**Area west of Magnetic Island**

8. Waters west of Magnetic Island within the following boundary—

- from latitude 19°08' south, on the western shore of Magnetic Island, along the latitude to longitude 146°46' east
- along longitude 146°46' east, to latitude 19°09' south
- along latitude 19°09' south, to the shore of Magnetic Island
- along the shore to latitude 19°08' south.

**Part of North East Bay (Great Palm Island)**

9. North East Bay (Great Palm Island) within the following boundary—

- from longitude 146°41' east, on the northern shore of Great Palm Island, along the longitude to latitude 18°43' south
- along latitude 18°43' south, to longitude 146°40' east
- along longitude 146°40' east, to the shore of Great Palm Island
- along the shore to longitude 146°41' east.

SCHEDULE 5—Waters where scallops may be processed  
on a boat (continued)

**Lucinda Services Jetty area**

**10.** Waters within a 1 km radius of the seaward end of the Lucinda Services Jetty, Lucinda.

## **SCHEDULE 6**

### **AIDS TO INTERPRETATION AND DEFINITIONS**

section 6

#### **PART 1—AIDS TO INTERPRETATION**

##### *Division 1—Working out boundaries*

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

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

###### **References to waterways**

2. Unless otherwise stated in this plan, a reference to a waterway is a reference to—
  - (a) the waterway upstream of the shortest line between its banks at their junction, at low water, with the body of water into which the waterway finally flows; and
  - (b) the foreshores of the waterway.

## SCHEDULE 6, part 1—Aids to interpretation (continued)

**References to banks of waterway**

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

*Division 2—Time periods***Start and end of time periods**

4. Periods of time fixed by a provision of this plan start at the first time, day or month stated in the provision and end at the end of the second time, day or month, whether in the same, or a different, day, week, month or year.

*Examples—*

1. The period from midday on 20 September to midday on 1 November is a period of 2 months starting at midday on 20 September and ending at midday on 1 November.
2. The period from 6 p.m. to 6 a.m. is a period of 12 hours starting at 6 p.m. and ending at 6 a.m..

*Division 3—Names and measurement of fish***Scientific names of fish**

5. The scientific names of fish mentioned in this plan are as follows—

<b>Common name</b>	<b>Scientific name</b>
Balmain bug	<i>Ibacus peroni</i>
barking crayfish	<i>Linuparus trigronus</i>
bay prawn (greasy prawn)	<i>Metapenaeus bennettiae</i>
blue swimmer crab	<i>Portunus pelagicus</i>
bug	<i>Thenus orientalis</i> , <i>Thenus indicus</i>

## SCHEDULE 6, part 1—Aids to interpretation (continued)

cuttlefish	<i>Metasepia</i> sp., <i>Sepia</i> spp.
eastern king prawn	<i>Penaeus plebejus</i>
goatfish	Family Mullidae
mantis shrimp	<i>Oratosquilla</i> sp., <i>Squilla</i> sp.
octopus	<i>Octopus</i> spp.
pinky	Family Nemipteridae
prawn	Family Penaeidae
red spot crab (three spot crab)	<i>Portunus sanguinolentus</i>
red spot king prawn	<i>Penaeus longistylus</i>
saucer scallop	<i>Amusium japonicum balloti</i>
scallop	Family Pectinidae
shark	<i>Carcharhinus</i> spp.
squid	<i>Loliolus</i> sp., <i>Nototodarus</i> , <i>Photololigo</i> , <i>Sepioteuthis</i> spp.
syngnathid	Family Syngnathidae
tiger prawn	<i>Penaeus esculentus</i> , <i>Penaeus semisulcatus</i>
whiptail	<i>Pentapodus</i> spp.
winter whiting	<i>Sillago maculata</i> .

**Scientific classification**

**6.(1)** This section gives references for the scientific names for fish mentioned in this plan.<sup>29</sup>

**(2)** Holthuis, L.B. 1991, *F.A.O. Species Catalogue V. 13. Marine Lobsters of the World*, F.A.O., Rome is the reference for the following—

<sup>29</sup> The references mentioned in this section can be inspected at the Authority's library at level 6, 40 Tank Street, Brisbane.

## SCHEDULE 6, part 1—Aids to interpretation (continued)

- Balmain bugs
- barking crayfish
- bugs.

(3) Grey, L.G., Dall, W. and Baker, A. 1983, *A guide to the Australian Penaeid prawns*, A. B. Caudell, Government Printer of the Northern Territory, Darwin, Northern Territory is the reference for the following—

- prawns
- bay prawn (greasy prawn)
- tiger prawns
- eastern king prawns
- red spot king prawns.

(4) Allen, Gerald R. 1997, *Marine Fishes of Tropical Australia and South-East Asia*, 3rd revised edition, Western Australian Museum, Perth, Western Australia is the reference for the following—

- goat fish
- pinkies
- sharks
- syngnathids
- whiptails.

(5) Grant, E.M. 1985, *Guide to Fishes*, (5th edition reprint), E.M. Grant Pty Ltd, 19 Australia Court, Scarborough, Queensland is the reference for the following—

- red spot crabs (three spot crabs)
- winter whiting.

(6) For, cuttlefish, octopus and squid, the reference is Carpenter, K.E. and Volker, H.N. 1998, *The Living Marine Resources of the Western Central Pacific*. Vol 2. *Cephalopods, Crustaceans, Holothurians and Sharks*. F.A.O., Rome.

(7) For mantis shrimp, the reference is Mather, P. and Bennett, I. 1978,

## SCHEDULE 6, part 1—Aids to interpretation (continued)

*A Coral Reef Handbook*, The Great barrier Reef Committee, GBRC Handbook Series No. 1, Brisbane.

(8) For scallops, the reference is Waller, T. R. 1991, *Evolutionary Relationships among Commercial Scallops (Mollusca: Bivalvia: Pectinidae)*, in Shumway, S.E. 1991, *Scallops: Biology, Ecology and Aquaculture*, Elsevier Science Publishers, Amsterdam, Holland.

(9) For saucer scallops, the reference is Habe, T. 1964, *Notes on the Species of the Genus Amusium (Mollusca)*, Bulletin of the National Scientific Museum of Tokyo 7, 1–5.

**Measurement of size of fish**

7.(1) The size of a blue swimmer crab is decided by measuring—

- (a) the widest part of its carapace; or
- (b) if its carapace is damaged or missing—the underside of its body on 1 side, from the notch at the junction of the claw with the body to the notch at the junction of the last leg with the body.

(2) The size of a bug is decided by measuring the widest part of its carapace.

(3) The size of a saucer scallop is decided by measuring the widest part of its shell, whether or not the shell is broken or chipped.

(4) The size of other fish is decided by measuring the distance between the front and end tips of the fish.

***Division 4—Miscellaneous*****Fishing under certain licences for fishery includes tender licence**

8.(1) This section applies to a reference in this plan to a person fishing under a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence (the “**primary licence**”).

(2) The reference includes a reference to a person fishing under a tender licence for a tender boat for the primary boat identified in the primary licence.

## SCHEDULE 6, part 1—Aids to interpretation (continued)

**References to possession of fish**

**9.(1)** This section applies if a provision of this plan prohibits possession of a fish.

**(2)** To remove any doubt, it is declared that the reference to possession in the provision is a reference to possession wherever it takes place.

**PART 2—EXTENDED DEFINITIONS FOR AREAS****Meaning of “Brisbane River mouth area–north”**

**10. “Brisbane River mouth area–north”** means waters within the following boundary—

- from the F↑B sign at Juno Point to the second green beacon marking the Koopa Channel
- to the West Coffee Pot beacon
- to the West Inner Bar beacon
- to the eastern bank of the Brisbane River
- to the F↑B sign at Juno Point.

**Meaning of “Brisbane River mouth area–south”**

**11. “Brisbane River mouth area–south”** means waters within the following boundary—

- from Eastern Inner Bar Beacon to the Eastern Coffee Pot Beacon
- to latitude 27°20.11' south, longitude 153°11.69' east
- to latitude 27°21.54' south, longitude 153°10.77' east
- to the Eastern Inner Bar Beacon.

## SCHEDULE 6, part 2—Extended definitions for areas (continued)

**Meaning of “Brisbane River–Victoria Bridge to Juno Point area”**

**12. “Brisbane River–Victoria Bridge to Juno Point area”** means waters of the Brisbane River between the Victoria Bridge and a line from the F<sup>↑</sup>B sign at Juno Point to the eastern bank of the river.

**Meaning of “Cleveland Bay area”**

**13. “Cleveland Bay area”** means waters of Cleveland Bay, near Townsville, south of a line from Cape Pallarenda to Cape Cleveland.

**Meaning of “Comboyuro Point to Caloundra Head area”**

**14. “Comboyuro Point to Caloundra Head area”** means waters within the following boundary—

- from Comboyuro Point, Moreton Island, to the NW2 special mark beacon at the entrance to the North West Channel near Caloundra
- to Caloundra Head
- along the shore to the F<sup>↑</sup>B sign at southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- to the F<sup>↑</sup>B sign at the northern tip of Bribie Island
- along the eastern shore of Bribie Island to Skirmish Point
- to Comboyuro Point.

**Meaning of “deep water net area”**

**15.** The “**deep water net area**” means waters within the following boundary—

- from latitude 28°03.58' south, longitude 153°47' east to latitude 27°26' south, longitude 153°39' east
- to latitude 27°02' south, longitude 153°31.20' east
- to latitude 26°41' south, longitude 153°31' east

## SCHEDULE 6, part 2—Extended definitions for areas (continued)

- to latitude 26°30' south, longitude 153°34' east
- to latitude 26°20' south, longitude 153°40.70' east
- to latitude 26°10' south, longitude 153°50' east
- to latitude 25° south, longitude 153°35' east
- to latitude 24°30' south, longitude 153°20' east
- to the Breaksea Spit light, off the northern tip of Fraser Island
- to the light on Lady Elliot Island
- to the light on Lady Musgrave Island
- to the light on North Reef
- to the western tip of Herald No. 1 in the Swain Reefs
- to the western tip of Hixson Cay at the southern end of Swain Reefs
- to latitude 22° south, longitude 152°46.8' east
- to latitude 21° south, longitude 152°55' east
- to latitude 21° south, longitude 151°30' east
- to latitude 20°10' south, longitude 150°20' east
- to latitude 19°39.64' south, longitude 150°35' east
- to latitude 17°30' south, longitude 147° east
- to latitude 15° south, longitude 146° east
- to latitude 13° south, longitude 145° east
- to latitude 13° south, longitude 144° east
- to latitude 10°41.28' south, longitude 144° east
- to latitude 10°41.28' south, longitude 145° east
- to latitude 13° south, longitude 145° east
- to latitude 15° south, longitude 146° east
- to latitude 18°20' south, longitude 148°20' east

## SCHEDULE 6, part 2—Extended definitions for areas (continued)

- to latitude 18°45' south, longitude 152°35' east
- to latitude 22°15' south, longitude 154°40' east
- to latitude 27°48' south, longitude 154°40' east
- to latitude 27°48' south, longitude 154°22' east
- to latitude 27°58' south, longitude 154° east
- from latitude 28°03.58' south, longitude 153°47' east.

**Meaning of “Facing Island area”**

**16. “Facing Island area”** means waters within the following boundary—

- from Tiber Point along the shore to Auckland Point
- to Tail Point, Chinaman Island
- to North Point, Facing Island
- along Facing Island’s western and southern shores to Gatcombe Head
- to the Fairway Buoy (Wild Cattle Cutting)
- to Tiber Point.

**Meaning of “Fisherman Islands area”**

**17. “Fisherman Islands area”** means—

- (a) waters upstream of a line between—
  - (i) the northern tip of the northernmost wharf on Fisherman Islands; and
  - (ii) the mainland, passing through the rear (seaward) lead of the Lytton Rocks Reach about 900 m downstream from Luggage Point; and

## SCHEDULE 6, part 2—Extended definitions for areas (continued)

- (b) waterways joining the waters described in paragraph (a), other than the part of the Boat Passage east of the bridge between Whyte Island and Fisherman Islands.

**Meaning of “Fitzroy River mouth area”**

**18. “Fitzroy River mouth area”** means waters of Keppel Bay and rivers and creeks joining it south and west of the following line—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25 n miles north of Maria Inlet
- along the western shore of Curtis Island to the southern bank of Barker Creek
- across The Narrows to the southern bank of Deception Creek at Division Point.

**Meaning of “Great Sandy Strait area”**

**19. “Great Sandy Strait area”** means waters in the Great Sandy Strait between the following lines—

- a line from the F<sup>↑</sup>B sign at the mouth of Pulgul Creek to the F<sup>↑</sup>B sign at the southern tip of Big Woody Island, and then to the F<sup>↑</sup>B sign at Blackfellow Point, Fraser Island
- a line from the F<sup>↑</sup>B sign at North Head, Mary River to the F<sup>↑</sup>B sign at North White Cliffs, Fraser Island.

**Meaning of “Hervey Bay area”**

**20. “Hervey Bay area”** means waters of Hervey Bay between latitude 25°05' south and a line from the eastern tip of Point Vernon to Sandy Point, Fraser Island.

**Meaning of “Keppel Bay area”**

**21. “Keppel Bay area”** means waters in Keppel Bay within the

## SCHEDULE 6, part 2—Extended definitions for areas (continued)

following boundary—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25 n miles north of Maria Inlet
- along the western shore of Curtis Island to Warner Point
- to Quartz Rock
- to the intersection with the mainland shore of a line from Quartz Rock to Red Hill
- along the shore to Cattle Point.

**Meaning of “Laguna Bay area”**

22. “Laguna Bay” means waters within the following boundary—

- a line from latitude 26°16' south on the shore, near Teewah, to the eastern tip of Noosa Head
- a line from the F↑B sign on northern bank of the Noosa River to the F↑B sign at the Boiling Pot, near Noosa Head.

**Meaning of “Llewellyn Bay area”**

23. “Llewellyn Bay area” means waters of Llewellyn Bay, near Sarina, west of a line from Freshwater Point to Allom Point.

**Meaning of “Moreton Bay”**

24. “Moreton Bay” means waters within the following boundary, other than waters in the Fisherman Islands area—

- from the F↑B sign at the south-eastern tip of Toorbul Point to the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island’s western and southern shores to Skirmish Point
- to Comboyuro Point, Moreton Island

---

SCHEDULE 6, part 2—Extended definitions for areas (continued)

- along Moreton Island’s western shore to Reeders Point
- to Amity Point, North Stradbroke Island
- along North Stradbroke Island’s western and southern shores to its south-eastern tip
- to the north-eastern tip of South Stradbroke Island
- along South Stradbroke Island’s northern, western and southern shores to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the southern breakwater wall of the Gold Coast Seaway at Nerang Head on The Spit
- along the shore of The Spit to the Gold Coast Highway bridge over the Nerang River near Waterways Drive, Main Beach
- along the eastern side of the Gold Coast Highway bridge to the mainland shore
- along the shore to the F↑B sign at the south-eastern tip of Toorbul Point.

**Meaning of “Repulse Bay area”**

**25. “Repulse Bay area”** means waters of Repulse Bay, near Proserpine, within the following boundary—

- from Rocky Point along the shore to the northern bank of the O’Connell River
- east for 2 n miles
- to Rocky Point.

**Meaning of “Sinclair Bay area”**

**26. “Sinclair Bay area”** means waters of Sinclair Bay, near Bowen, within the following boundary—

---

SCHEDULE 6, part 2—Extended definitions for areas (continued)

- from longitude 148°25.3' east on the shore to longitude 148°26.75' east on the shore
- along the shore to longitude 148°25.3' east.

**Meaning of “waters north of Cape Gloucester”**

**27. “Waters north of Cape Gloucester”** means waters north of Cape Gloucester, near Bowen, other than waters in an area mentioned in this part.

**Meaning of “waters south of Cape Gloucester”**

**28. “Waters south of Cape Gloucester”** means waters south of Cape Gloucester, near Bowen, other than waters in an area mentioned in this part.

**PART 3—OTHER EXTENDED DEFINITIONS**

**Working out “hull units” for a boat**

**29.(1)** The “hull units”, for a boat, must be worked out by applying the following formula—

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

where—

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

**L** means the length of the boat;

**B** means the beam of the boat;

**D** means the depth of the boat.<sup>30</sup>

---

<sup>30</sup> The figure of 0.6 represents a block coefficient to standardise variations in boat design and the figure of 2.83 represents a constant which converts cubic metres to units of 100 cubic feet.

## SCHEDULE 6, part 3—Other extended definitions (continued)

(2) For subsection (1), the depth of the boat means the vertical distance, in metres, measured from the keel datum to the underside of the uppermost continuous deck at the side amidships.

(3) However, for a boat with a stepped uppermost continuous deck, the raised part of which extends over amidships, the depth is measured to a line of reference extending from the lower part of the deck along a parallel line to the raised part.

(4) Also, for a boat with rounded gunwales, the underside of the uppermost continuous deck at the side is taken as the point of intersection of the moulded lines of the deck and the side as though the gunwale was of angular design.

(5) In this section—

**“amidships”**, of a boat, means the vertical plane at the middle of its length at a right angle to its centre-line plane.

**“beam”**, of a boat, means the maximum breadth, in metres, amidships between—

- (a) if the boat has a metal shell—the moulded lines of its frame; or
- (b) if the boat does not have a metal shell—the outer surfaces of its hull, excluding sponsons, fenders and rubbing strips.

**“keel datum”** means—

- (a) for a wooden boat or a composite boat—the lower edge of the boat’s keel rabbet; or
- (b) for a boat in which the form at the lower part of midship section is of a hollow character or if thick or horizontal garboards are fitted, the point where the line of the hull bottom shell continued inwards cuts the boat’s centre-line; or
- (c) if, because of the boat’s shape, the keel datum can not be worked out under paragraph (a) or (b)—the tangent providing the greatest depth measurement.

## SCHEDULE 6, part 3—Other extended definitions (continued)

**Meaning of “length” of a boat**

**30.(1)** The “**length**”, of a boat, means the distance between the front and end tips of the boat.

**(2)** However, the length does not include anything that does not increase the boat’s effective length.

*Examples of things that do not increase a boat’s ‘effective length’—*

- an anchor rail.
- a bowsprit.

*Example of things that do increase a boat’s ‘effective length’—*

Additions to the boat’s hull, whether fixed temporarily or permanently, that increase the boat’s deck area.

**Meaning of “length” of a net**

**31.(1)** The “**length**”, of a beam trawl net, means the distance the net is capable of extending across the beam or pole used to open it.

**(2)** The “**length**”, of an otter trawl net, means the combined length, in metres, of the head rope and bottom rope when taut between the outermost points of the meshes attached to the head rope and bottom rope.

**Working out an engine’s “maximum continuous brake kW”**

**32.(1)** An engine’s “**maximum continuous brake kW**” must be worked out from the manufacturer’s recommended maximum continuous brake kW for its engine type.

**(2)** The engine must be identified by the following—

- (a) make;
- (b) model;
- (c) year of manufacture;
- (d) serial number;
- (e) cylinder block;

## SCHEDULE 6, part 3—Other extended definitions (continued)

(f) aspiration and cooling systems.

(3) The following aspects of the recommendation must be considered—

- (a) ambient water temperature in the range 25°C to 27°C or the temperature mentioned in the recommendation closest to the range;
- (b) fuel injectors consistent with the recommended maximum continuous brake kW of the engine type.

(4) If the manufacturer revises the recommendation for the engine type, the revised rating is taken to apply to all new engines of that type installed on boats from the day the revised rating took effect.

(5) The following must be disregarded—

- (a) variation from the standard power output, including, for example, engine deratings;
- (b) different gear boxes or transmission trains associated with individual engines.

(6) In this section—

“**engine type**” means the type of main propulsion engine or engines installed on the boat.

**Meaning of “mesh size” of a net**

**33.(1)** The “**mesh size**”, of a knotted trawl net, is the average distance, when the net is taut, between the inner edges of 2 diagonally opposite knots of each of 10 meshes at least 30 cm from each other.

(2) The “**mesh size**”, of a knotless trawl net, is the average distance, when the net is taut, between the inner edges of 2 diagonally opposite corners of each of 10 meshes at least 30 cm from each other.

**Meaning of “sweep” of a net**

**34.(1)** The “**sweep**”, of a net, includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the point on the head rope or bottom rope of a net where the outermost meshes are attached.

## SCHEDULE 6, part 3—Other extended definitions (continued)

(2) If fittings mentioned in subsection (1) are joined to make a single fitting, the single fitting is 1 sweep.

**PART 4—DICTIONARY**

**“assistant fisher”** means a person who holds an assistant fisher licence issued under section 31 of the regulation.

**“beam trawl net”** means a trawl net with its mouth attached to a beam or pole to keep the net open.

**“BRD”** means bycatch reduction device.

**“BRD guidelines”** see section 47.

**“BRD use condition”** see section 40(1).

**“Brisbane River mouth area–north”** see section 10 of this schedule.

**“Brisbane River mouth area–south”** see section 11 of this schedule.

**“Brisbane River–Victoria Bridge to Juno Point area”** see section 12 of this schedule.

**“buyer”** means a person who holds a buyer licence.

**“buyer licence”** means a buyer licence issued under section 31 of the regulation.

**“Cleveland Bay area”** see section 13 of this schedule.

**“Comboyuro Point to Caloundra Head area”** see section 14 of this schedule.

**“commercial fisher”** means a person who holds a commercial fisher licence.

**“commercial fisher licence”** means a commercial fisher licence issued under section 31 of the regulation.

**“commercial fishing apparatus”** means fishing apparatus other than fishing apparatus that may be used or possessed by a recreational

## SCHEDULE 6, part 4—Dictionary (continued)

fisher under the regulation or another management plan.

**“commercial fishing boat”** means a primary or tender boat.

**“commercial fishing boat licence”** means a commercial fishing boat licence issued under section 31 of the regulation.

**“conviction”**, for chapter 5, part 3, division 3, see section 173(2)(a).

**“CPUE”** means a ratio that expresses the amount of permitted fish caught by a person compared with the amount of effort applied by the person to catch the fish.

**“crew licence”** means a crew licence issued under section 31 of the regulation.

**“deep water net area”** see section 15 of this schedule.

**“F↑B sign”** means a sign with the marking F↑B on it, erected or displayed by a fisheries agency.

**“Facing Island area”** see section 16 of this schedule.

**“fisher”** means a person who holds a fisher licence issued under section 31 of the regulation.

**“Fisherman Islands area”** see section 17 of this schedule.

**“fishery”**, when used as a noun, see section 3(1) of this plan.

**“fishery symbol”** means a fishery symbol mentioned in section 32(2) of this plan.

**“fitted”**, to a net, includes attached to and built into the net.

**“Fitzroy River mouth area”** see section 18 of this schedule.

**“Great Sandy Strait area”** see section 19 of this schedule.

**“Hervey Bay area”** see section 20 of this schedule.

**“hull units”**, for a boat, see section 29 of this schedule.

**“Keppel Bay area”** see section 21 of this schedule.

**“Laguna Bay area”** see section 22 of this schedule.

**“length”** of—

## SCHEDULE 6, part 4—Dictionary (continued)

- (a) a commercial fishing boat—see section 30 of this schedule; or
- (b) a beam trawl net—see section 31(1) of this schedule; or
- (c) an otter trawl net—see section 31(2) of this schedule.

**“Llewellyn Bay area”** see section 23 of this schedule.

**“licence”**, for the fishery, means a licence for the fishery under section 32(1) of this plan.

**“‘M1’ licence”** means a primary licence with an ‘M1’ fishery symbol written on it.

**“malfunction”**, for chapter 3, part 5, division 3, see section 60.

**“manual reporting guidelines”** see section 64.

**“manual reporting obligation”** see section 63.

**“maximum continuous brake kW”** see section 32 of this schedule.

**“mesh size”**, of a net, see section 33 of this schedule.

**“Moreton Bay”** see section 24 of this schedule.

**“n mile”** means nautical mile.

**“notice”** means a written notice.

**“notification day”** means the day this plan is gazetted.

**“otter trawl net”** means a trawl net with its mouth kept open by otter boards and the force of water.

**“plan”** means management plan.

**“permitted fish”** see section 8 of this plan.

**“primary boat”** means the commercial fishing boat identified on a primary boat licence.

**“primary licence”** means a commercial fishing boat licence issued under section 31 of the regulation.

**“principal fish”** see section 7 of this plan.

**“process”**, for fish, includes freeze, pack, refrigerate, sort and thaw.

**“recognised BRD”**, for chapter 3, part 3, see section 41(1).

## SCHEDULE 6, part 4—Dictionary (continued)

“**recognised TED**”, for chapter 3, part 4, see section 52(1).

“**recreational fisher**” means a person, including a fisher, who takes or possesses fish, other than—

- (a) for trade or commerce; or
- (b) in the exercise or enjoyment of native title rights and interests in relation to land or waters under the *Native Title Act 1993* (Cwlth).

“**regulation**” means the *Fisheries Regulation 1995*.

“**replacement licence**” means—

- (a) a replacement licence issued under section 71 of the Act to replace a licence that has been lost, damaged or destroyed; or
- (b) a licence for a boat to replace another boat licensed to operate in the fishery.

“**Repulse Bay area**” see section 25 of this schedule.

“**Sinclair Bay area**” see section 26 of this schedule.

“**square mesh**” means netting material orientated so the direction of the mesh twine is longitudinal and transverse to the length of the cod end.

“**sweep**”, of a net, see section 34 of this schedule.

“**T1’ licence**” means a primary licence with a ‘T1’ fishery symbol written on it.

“**T2’ licence**” means a primary licence with a ‘T2’ fishery symbol written on it.

“**T3’ licence**” means a primary licence with a ‘T3’ fishery symbol written on it.

“**T5’ licence**” means a primary licence with a ‘T5’ fishery symbol written on it.

“**T6’ licence**” means a primary licence with a ‘T6’ fishery symbol written on it.

“**T7’ licence**” means a primary licence with a ‘T7’ fishery symbol written on it.

## SCHEDULE 6, part 4—Dictionary (continued)

- “**T8’ licence**” means a primary licence with a ‘T8’ fishery symbol written on it.
- “**T9’ licence**” means a primary licence with a ‘T9’ fishery symbol written on it.
- “**TED**” means turtle excluder device.
- “**TED guidelines**” see section 54.
- “**TED use condition**” see section 51(1).
- “**tender boat**” means a commercial fishing boat identified in a tender licence.
- “**tender licence**” means a tender commercial fishing boat licence issued under section 31 of the regulation.
- “**territorial sea baseline**” has the meaning given under the *Seas and Submerged Lands Act 1973* (Cwlth) by proclamation in Gazette No. S 29 (Cwlth) of 9 February 1983 at pages 2 to 14.
- “**trawl net**” means any beam trawl net or otter trawl net described in chapter 4.
- “**try net**” means an otter or beam trawl net of the following lengths, used for no longer than 25 minutes at a time, for sampling or testing or to work out the abundance or presence of principal fish—
- (a) for an otter trawl net—no longer than 10 m;
  - (b) for a beam trawl net—no longer than 2.5 m.
- “**waters north of Cape Gloucester**” see section 27 of this schedule.
- “**waters south of Cape Gloucester**” see section 28 of this schedule.
- “**waterway**” does not include non-tidal waters.

## ENDNOTES

1. Made by the Queensland Fisheries Management Authority on 15 November 1999.
2. Approved by Governor in Council on 18 November 1999.
3. Notified in the gazette on 19 November 1999.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Primary Industries.

© State of Queensland 1999