



Queensland

# Fisheries and Other Legislation Amendment and Repeal Regulation (No. 1) 2010

## Subordinate Legislation 2010 No. 35

made under the

*Fisheries Act 1994*

*Marine Parks Act 2004*

*Sustainable Planning Act 2009*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Fisheries and Other Legislation Amendment and Repeal Regulation (No. 1) 2010*.

### **2 Commencement**

The following provisions commence on 2 April 2010—

- (a) schedule 2, amendments 1 and 2 of the *Marine Parks (Great Sandy) Zoning Plan 2006*;
- (b) schedule 2, amendments 2, 3 and 5 of the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

## **Part 2 Amendment of Fisheries Legislation Amendment Regulation (No. 1) 2008**

### **3 Regulation amended**

This part amends the *Fisheries Legislation Amendment Regulation (No. 1) 2008*.

*Editor's note—*

Legislation ultimately amended—

- *Fisheries Regulation 2008*

### **4 Omission of s 16 (Amendment of s 185A (Crab apparatus))**

Section 16—

*omit.*



- 
- (a) the trap—
    - (i) is open at 1 end; and
    - (ii) has a diameter at its open end of no more than 50cm; and
    - (iii) is no longer than 60cm; and
  - (b) the trap's diameter, width or height, measured anywhere along its length, is no more than the diameter, width or height of its open end; and
  - (c) if the trap does not have a mesh made of rigid material, the size of its mesh is no more than 25mm.

#### **'185A Collapsible traps**

'A recreational fisher may use a collapsible trap.

#### **'185B Dillies**

'A recreational fisher may use a dilly only if the dilly has—

- (a) a diameter of no more than 125cm; and
- (b) a mesh size of no more than 25mm.

#### **'185C Funnel traps**

'A recreational fisher may use a funnel trap only if—

- (a) the trap—
  - (i) has no more than 4 entrances; and
  - (ii) is no longer than 70cm, no wider than 50cm and no higher than 50cm; and
- (b) the trap's entrance—
  - (i) is made of rigid material; and
  - (ii) is no more than 10cm in all its dimensions; and
- (c) if the trap does not have a mesh made of rigid material, the size of its mesh is no more than 25mm.

[s 6]

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### **‘185D Round traps**

‘A recreational fisher may use a round trap only if—

- (a) the trap—
  - (i) has no more than 4 entrances; and
  - (ii) has a diameter of no more than 70cm; and
  - (iii) is no higher than 50cm; and
- (b) no entrance of the trap has a diameter, height or width of more than 10cm; and
- (c) if the trap does not have a mesh made of rigid material, the size of its mesh is no more than 25mm.

### **‘185E Freshwater traps**

- ‘(1) A recreational fisher may use a canister trap, collapsible trap, dilly, funnel trap or round trap (each of which is a ***freshwater trap***) only if the fisher uses the trap for taking freshwater fish in compliance with subsections (2) to (5).
- ‘(2) The fisher must not use more than a total of 4 freshwater traps, including any combination of freshwater traps, to take freshwater fish.
- ‘(3) Also, the fisher must ensure—
  - (a) a tag, on which is written the surname and address of the owner of the freshwater trap, is attached to the trap; and
  - (b) while the trap is being used, it is attached to—
    - (i) something that is stationary above the surface of the water; or
    - (ii) a float that complies with subsection (4).
- ‘(4) The float must—
  - (a) be light coloured and clearly visible on the surface of the water; and
  - (b) be at least 15cm in all its dimensions; and

- (c) have written on it the surname of the owner of the freshwater trap to which it is attached.
- ‘(5) However, subsection (4)(b) does not apply if the float is a 2L or 3L plastic milk container.

### **‘185F Fishing lines and hooks**

- ‘(1) This section does not apply to the use of a fishing line or set line in waters, other than waters of a waterway, on privately owned land.

*Example of waters to which the section does not apply—*

a pond or dam, that is not part of a waterway, on private land

- ‘(2) A recreational fisher must not—
- (a) at any one time, use more than—
    - (i) 6 fishing lines; or
    - (ii) 6 set lines; or
    - (iii) 6 lines consisting of any combination of fishing lines or set lines; or
  - (b) set a fishing line as a cross-line.
- ‘(3) Also, the fisher must not attach more than 1 hook or lure to a fishing line or set line the fisher is using.
- ‘(4) If the fisher is using a set line—
- (a) the fisher must not be more than 200m from the line; and
  - (b) a tag, on which is written the surname and address of the owner of the line, must be attached to the line.’

## **7 Insertion of new ss 187A–187C**

Chapter 4, part 1, division 4, subdivision 2—

*insert—*

[s 8]

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### **‘187A Cast nets**

‘A recreational fisher may use a cast net only if the net—

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

### **‘187B Scoop nets**

‘A recreational fisher may use a scoop net only if the net—

- (a) is no more than 2m in any dimension; and
- (b) has a mesh size of at least 25mm and a handle or shaft no longer than 2.5m.

### **‘187C Seine nets**

‘A recreational fisher may use a seine net only if—

- (a) the net—
  - (i) is no longer than 16m; and
  - (ii) has a mesh size of no more than 28mm; and
  - (iii) does not contain a pocket; and
  - (iv) is not fixed; and
- (b) the net’s drop is no more than 3m.’.

## **8 Replacement of ss 192 and 193**

Sections 192 and 193—

*omit, insert—*

### **‘192 Using shell dredges**

‘(1) A recreational fisher may use a shell dredge only—

- (a) for taking a permitted mollusc; and
- (b) if the shell dredge has—
  - (i) a mouth no wider than 0.6m; and

(ii) teeth, prongs or tines no longer than 75mm.

‘(2) In this section—

*permitted mollusc* means a mollusc other than a green snail, oyster, pearl oyster, scallop or trochus.’.

## **9 Amendment of s 204 (Types of permits)**

(1) Section 204(c)—

*renumber* as section 204(d).

(2) Section 204—

*insert*—

‘(c) stocked impoundment permits;’.

## **10 Replacement of s 206 (Types of quota authorities under regulation)**

Section 206—

*omit, insert*—

### **‘206 Types of quota authorities under regulation**

‘(1) Chapter 10, parts 2 to 6, provide for the quota authority, SM units.

‘(2) Chapter 11, part 1A, division 7 provides for the quota authority, ITQ units.’.

## **11 Insertion of new s 220A and ch 5, pt 4, div 3**

Chapter 5, part 4—

*insert*—

### **‘220A Stocked impoundment permit**

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

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## **‘Division 3                    Conditions under particular permits**

### **‘220B General fisheries permit for release of nonindigenous fisheries resources into nontidal waters**

- ‘(1) This section applies to a general fisheries permit authorising the release of nonindigenous fisheries resources into non-tidal waters.
- ‘(2) It is a condition of the permit that a person acting under the permit must not release the fisheries resources into the waters of the river basins mentioned in schedule 10B.’.

## **12            Insertion of new ss 222A and 222B**

Chapter 5, part 5, division 1—

*insert—*

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

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

*Editor’s note—*

chapter 11, part 1A (Commercial spanner crab fishery (managed area A) (‘C2’)), section 600C (Fishery area)

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

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

- (a) a primary boat identified in a commercial fishing boat licence on which the fishery symbol ‘C3’ is written; or

- (b) a tender boat for a primary boat mentioned in paragraph (a).

*Editor's note—*

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

### **13 Insertion of new ss 252A**

Chapter 6, part 3, division 2—

*insert—*

#### **'252A Restriction on writing fishery symbol 'E'**

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

### **14 Insertion of new ss 253A and 253B**

Chapter 6, part 3, division 2—

*insert—*

#### **'253A Restrictions on writing fishery symbol 'C2'**

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

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

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### **‘253B Restrictions on writing fishery symbol ‘C3’**

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

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

## **15 Insertion of new ch 7, pt 3A**

Chapter 7—

*insert—*

### **‘Part 3A Eel Fishery (‘E’)**

#### **‘Division 1 Definition**

##### **‘310A What is the *eel fishery***

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

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

#### **‘Division 2 Fishery symbol and area**

##### **‘310B Fishery symbol**

‘The fishery symbol for the fishery is ‘E’.

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**‘310C Fishery area**

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

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

**‘Division 3                    General conditions**

**‘310D What fish may be taken**

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

**‘310E Who may take eels**

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

**‘310F Obtaining nominee approval**

- ‘(1) The licence holder may apply in writing to the chief executive for someone else to be the holder’s approved nominee.
- ‘(2) The chief executive may grant the approval only if the chief executive is satisfied the holder has become temporarily incapacitated or is otherwise temporarily unable to act under the licence.
- ‘(3) The approval may be granted only for the period during which the chief executive considers the holder will be incapacitated or otherwise temporarily unable to act under the licence.

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- ‘(4) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice about the decision.

### **‘310G Permitted ways of taking eels**

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

### **‘310H Processing or selling eels taken under licence**

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

### **‘310I Licence is not transferable**

‘The licence is not transferable.

## **‘Division 4 Requirements for eel traps and round eel traps**

### **‘310J Application of div 4**

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

### **‘310K Trap entrance and trap pocket entrance**

- ‘(1) The trap must have only—
- (a) 1 entrance into the trap itself (the *trap entrance*); and

- 
- (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
  - ‘(2) The trap entrance must not be extended by attaching wings.
  - ‘(3) The aperture of the trap pocket entrance must be at least 20cm in all its dimensions.

### ‘310L Trap mesh size

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

### ‘310M Trap frame

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

### ‘310N Dimensions

‘The trap when set must have the following dimensions—

- (a) for an eel trap, a frame that is—
  - (i) no longer than 2m; and
  - (ii) no wider than 0.6m; and
  - (iii) no deeper than 0.6m;
- (b) for a round eel trap—
  - (i) a diameter no more than 1m; and
  - (ii) a height of no more than 0.6m.

### ‘310O Trap pocket

- ‘(1) The pocket of the trap must—
  - (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and

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- (b) have rings that are—
  - (i) made of rigid material; and
  - (ii) no more than 1m apart; and
  - (iii) at least 20cm in all their dimensions.
- ‘(2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
- ‘(3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.

### **‘310P Trap float**

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

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

## **‘Division 5 Requirements for using eel traps and round eel traps**

### **‘310Q Restriction on trapping times**

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

*Example for paragraph (b)—*

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

- 
- ‘(2) The trap must not be used on—
- (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or
  - (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- ‘(3) However, the trap may remain in the water if it is not baited and its pocket is open.
- ‘(4) In this section—
- long weekend* means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.
- ordinary weekend* means a weekend other than a long weekend.

### **‘310R Number of traps that can be used**

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

### **‘310S Checking traps**

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

## **16 Insertion of new ch 11, pts 1A and 1B**

Chapter 11—

*insert—*

[s 16]

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## **‘Part 1A                      Commercial spanner crab fishery (managed area A) (‘C2’)**

### **‘Division 1                      Definition**

#### **‘600A What is the *commercial spanner crab fishery* (*managed area A*)**

‘The *commercial spanner crab fishery (managed area A)* is activities by way of fishing—

- (a) relating to spanner crabs in the fishery area mentioned in section 600C; and
- (b) under the relevant authorisations and conditions stated in this part.

### **‘Division 2                      Fishery symbol and area**

#### **‘600B Fishery symbol**

‘The fishery symbol for the fishery is ‘C2’.

*Note—*

For licences on which both the fishery symbols ‘C2’ and ‘C3’ are written, see section 271 (Conditions of licences on which more than 1 fishery symbol is written).

#### **‘600C Fishery area**

‘The fishery area consists of tidal waters south of latitude 23° south and east of longitude 151°45' east.

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## **‘Division 3                    Taking spanner crab under the licence**

### **‘600D What fish may be taken**

‘Only spanner crabs may be taken under the licence.

### **‘600E Taking spanner crabs in more than 1 spanner crab fishery**

- ‘(1) This section applies if a person is authorised to take spanner crabs under a licence on which the fishery symbols ‘C2’ and ‘C3’ are written.
- ‘(2) If the person has taken a spanner crab (the *first crab*) under part 1B, the person must not take a crab under this part until the first crab has been brought ashore on the mainland.

### **‘600F Permitted apparatus—dillies**

- ‘(1) A spanner crab may be taken only by using a dilly.
- ‘(2) A commercial fisher must not possess more than a total of 50 dillies on a boat in the fishery area.
- ‘(3) A person may use a dilly under the licence only if the dilly complies with division 4.
- ‘(4) A person acting under the licence must not—
  - (a) use more than 45 dillies at a time; or
  - (b) set more than 15 dillies on a single line.

## **‘Division 4                    General requirements for dillies**

*Note—*

Under section 600ZC(4), the conditions for use of dillies under this division also apply to a licence in the commercial spanner crab fishery (managed area B) under part 1B.

[s 16]

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### **'600G Frame area**

'A dilly must have—

- (a) an area within its frame of no more than 1m<sup>2</sup>; and
- (b) a net drop below its frame of no more than 10cm.

### **'600H Net**

- '(1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.
- '(2) The mesh size of the net must be at least 25mm.

### **'600I Marking of dillies**

- '(1) A dilly used to take spanner crabs must—
  - (a) have a compliant float attached to it; and
  - (b) either—
    - (i) have attached to it a tag on which is written the name of the owner of the dilly; or
    - (ii) be marked with the boat mark for the owner's primary boat.
- '(2) Also, if 2 or more dillies are fixed to a line—
  - (a) one end of the line must be attached to a compliant float; and
  - (b) the float must be attached to a flag that is at least 2m above the water.
- '(3) In this section—

***compliant float***, for using a dilly, means a float that is—

  - (a) light coloured and clearly visible on the surface of the water; and
  - (b) at least 15cm in all its dimensions; and
  - (c) marked with the boat mark for the primary boat of the owner of the dilly.

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## **‘Division 5            Annual quota**

### **‘600J Annual quota for fishery**

‘The quota for spanner crabs for the fishery for an ITQ year is 1923t.

## **‘Division 6            Other conditions**

### **‘600K Use of primary boats**

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

### **‘600L Use of tender boats**

‘A tender boat must not be longer than 7m nor used more than 800m from its primary boat.

### **‘600M Permitted distance for an assistant fisher to be under direction**

‘The permitted distance for an assistant fisher to be under direction is 800m.

## **‘Division 7            Provisions about ITQ units**

### **‘Subdivision 1        General provision**

#### **‘600N Nature of an ITQ unit**

‘Each ITQ unit is—

- (a) an authority, the entitlement for which is provided for under subdivisions 2 and 3; and
- (b) a quota for the fishery.

[s 16]

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## ‘Subdivision 2 Entitlement

### ‘600O Entitlement under ITQ unit

- ‘(1) The holder of an ITQ unit or a person acting under the ITQ unit may take in an ITQ year the weight of spanner crabs worked out by dividing the annual quota for the year by the total number of ITQ units that have been issued.
- ‘(2) The authorisation for each ITQ year is the holder’s *entitlement* under the ITQ unit for the year.
- ‘(3) However, the entitlement applies only while the holder holds a licence on which the fishery symbol ‘C2’ is written.
- ‘(4) The entitlement is also subject to any relevant prohibitions or restrictions under this regulation, a management plan, the ITQ unit or the licence.

*Examples of relevant restrictions—*

- restrictions under fisheries declarations under chapter 2, 3 or 4
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

### ‘600P When ITQ unit entitlement is *used* for an ITQ year

- ‘(1) The entitlement under an ITQ unit is *used* for an ITQ year—
  - (a) when the unit holder or a person acting for the holder under the unit has taken in the year under any C2 fishery licence held by the holder an amount of spanner crab equalling the holder’s entitlement under the ITQ unit; or
  - (b) if section 600Q applies.
- ‘(2) The *unused entitlement* of a holder’s ITQ unit for an ITQ year is the amount of (whole weight) spanner crab for the ITQ unit that has not been taken for the ITQ year under any C2 fishery licence held by the ITQ unit holder.
- ‘(3) In this section—  
*(whole weight) spanner crab* means the weight of an entire intact spanner crab.

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**‘600Q No carrying forward of unused entitlement**

- ‘(1) This section applies if in an ITQ year an ITQ unit holder or a person acting for the holder takes an amount of spanner crab for the holder’s ITQ units that is less than the total entitlements under the ITQ units.
- ‘(2) The holder is taken at the end of the ITQ year to have used all the entitlements under the ITQ units held by the holder for the ITQ year.

**‘600R Particular notice is evidence of unused entitlement**

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

**‘Subdivision 3 ITQ unit certificates**

**‘600S Content of ITQ unit certificates**

‘An ITQ unit certificate must state each of the following—

- (a) the certificate number;
- (b) the name of the person who holds the ITQ units mentioned in the certificate;
- (c) that the certificate is issued for the taking of spanner crabs in the fishery area under the licence;
- (d) the number of ITQ units held by the person;
- (e) if the chief executive has imposed conditions on the ITQ units—the conditions;
- (f) if the chief executive has suspended any of the ITQ units—

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- (i) the number of ITQ units suspended; and
- (ii) the period of the suspension.

#### **‘600T Evidentiary provision for ITQ unit certificate**

‘An ITQ unit certificate is evidence of—

- (a) the number of ITQ units held when the certificate was—
  - (i) issued; or
  - (ii) changed or replaced under section 600V; and
- (b) the conditions, if any, imposed on the ITQ units.

### **‘Subdivision 4 Transfer of ITQ units**

#### **‘600U Only whole ITQ units may be transferred**

‘A part of an ITQ unit can not be transferred.

#### **‘600V ITQ unit certificate changes required**

- ‘(1) This section applies if under section 65B of the Act the chief registers an application to transfer ITQ units.
- ‘(2) The chief executive must give effect to the transfer by changing, cancelling or replacing the transferor’s and transferee’s current ITQ unit certificates.

#### **‘600W Entitlement of transferee**

- ‘(1) The entitlement of the transferee under ITQ units transferred in an ITQ year is as follows—
  - (a) for that part of the ITQ year after registration of the transfer—the entitlement of the transferor under the units immediately before the registration;

- (b) for a later ITQ year—the entitlement the transferor would have had under the units at the beginning of the ITQ year, as if the units had not been transferred.
- ‘(2) For subsection (1)(a), if part of the entitlement of the transferor under a particular transferred ITQ unit has been used, the whole entitlement of the transferee under that unit is taken to have been used.

## ‘Part 1B                      Commercial spanner crab fishery (managed area B) (‘C3’)

### ‘Division 1                      Definition

#### ‘600X What is the *commercial spanner crab fishery (managed area B)*

‘The *commercial spanner crab fishery (managed area B)* is activities by way of fishing—

- (a) relating to spanner crabs in the fishery area mentioned in section 600Z; and
- (b) under the relevant authorisations and conditions stated in this part.

### ‘Division 2                      Fishery symbol and area

#### ‘600Y Fishery symbol

‘The fishery symbol for the fishery is ‘C3’.

*Note—*

For licences on which both the fishery symbols ‘C2’ and ‘C3’ are written, see section 271 (Conditions of licences on which more than 1 fishery symbol is written).

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### **‘600Z Fishery area**

‘The fishery area consists of the following tidal waters—

- waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east
- waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland, south of latitude 10°48' south.

### **‘Division 3                    Taking spanner crab under the licence**

#### **‘600ZA What fish may be taken**

‘Only spanner crabs may be taken under the licence.

#### **‘600ZB Taking spanner crabs in more than 1 spanner crab fishery**

- ‘(1) This section applies if a person is authorised to take spanner crabs under a licence on which the fishery symbols ‘C2’ and ‘C3’ are written.
- ‘(2) If the person has taken a spanner crab (the *first crab*) under part 1A, the person must not take a crab under this part until the first crab has been brought ashore on the mainland.

#### **‘600ZC Permitted apparatus—dillies**

- ‘(1) A spanner crab may be taken only by using a dilly.
- ‘(2) A commercial fisher must not possess more than a total of 35 dillies on a boat in the fishery area.
- ‘(3) A person acting under the licence must not—
  - (a) use more than 30 dillies at a time; or
  - (b) set more than 10 dillies on a single line.

- ‘(4) The conditions for dillies under the commercial spanner crab fishery (managed area A), under part 1A, division 4 apply to a dilly used under the licence.

## ‘Division 4            Daily quota

### ‘600ZD Daily quota under licence

- ‘(1) The quota of spanner crabs that may be taken or possessed each day under the licence is 16 containers of spanner crabs.
- ‘(2) For subsection (1)—
- (a) a container must be counted as 2 containers if—
    - (i) it has a whole spanner crab protruding above its top; or
    - (ii) it can not have another container stacked on top of it so that the other container’s bottom touches the top of the container on all sides; and
  - (b) if the spanner crabs are not held in a container—the number of containers is worked out by dividing the number of crabs taken or possessed by 30.
- ‘(3) In this section—
- container***, of spanner crabs, means a container with a capacity of no more than 66L.

*Note—*

An empty container that has internal dimensions of 571mm x 381mm x 305mm has a capacity of approximately 66L. Containers used to hold spanner crabs are commonly called ‘baskets’.

## ‘Division 5            Other conditions

### ‘600ZE Where spanner crabs may be brought ashore

‘A spanner crab taken under the licence may be brought ashore only on the mainland west of longitude 151°45' east.

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**‘600ZF Use of primary boats**

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

**‘600ZG Use of tender boats**

‘A tender boat must not be longer than 7m nor used more than 800m from its primary boat.

**‘600ZH Permitted distance for an assistant fisher to be under direction**

‘The permitted distance for an assistant fisher to be under direction is 800m.’.

**17 Amendment of s 634 (Releasing aquaculture fisheries resources)**

Section 634(2)—

*omit, insert—*

‘(2) However, subsection (1) does not apply if—

- (a) the person releases the fisheries resources under a management plan; or
- (b) the person releases the fisheries resources for carrying out fisheries development relating to aquaculture and the development is carried out in a way that is authorised under the Planning Act; or
- (c) the person releases the fisheries resources into private non-tidal waters and the fisheries resources belong to a population of a species that is indigenous to the area where they are released; or
- (d) the fisheries resources are mentioned in schedule 10C, part 2, column 2 and the person releases them into private non-tidal waters in the river basin mentioned opposite the resources in schedule 10C, part 2, column 1.

‘(3) In this section—

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*private non-tidal waters* means non-tidal waters, other than waters of a waterway, on privately owned land.’

**18 Insertion of new s 640A**

Chapter 13, part 2—

*insert—*

**‘640A Taking freshwater fish from prescribed stocked impoundment using fishing or set line**

‘An adult may take a freshwater fish from a prescribed stocked impoundment using a fishing line or set line only if the person holds a stocked impoundment permit.’

**19 Insertion of new ch 16, pt 2, div 4**

Chapter 16, part 2—

*insert—*

**‘Division 4 Transitional provisions for Fisheries and Other Legislation Amendment and Repeal Regulation (No. 1) 2010**

**‘Subdivision 1 Preliminary**

**‘737 Definitions for div 4**

‘In this division—

*commencement* means the commencement of this section.

*repealed freshwater plan* means the repealed *Fisheries (Freshwater) Management Plan 1999*.

*repealed spanner crab plan* means the repealed *Fisheries (Spanner Crab) Management Plan 1999*.

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## **‘Subdivision 2      Stocked impoundment permits**

### **‘738      Stocked impoundment permits continue**

- ‘(1) This section applies if—
  - (a) before the commencement, a stocked impoundment permit was issued under section 44 of the repealed freshwater plan; and
  - (b) the permit was in force immediately before the commencement.
- ‘(2) The permit is continued as a stocked impoundment permit under this regulation until the end of the term stated in it, unless it is sooner cancelled or suspended.
- ‘(3) A reference in this regulation to a stocked impoundment permit is taken to include a reference to a stocked impoundment permit continued under this section.

### **‘739      Undecided applications for stocked impoundment permits**

- ‘(1) This section applies if, before the commencement—
  - (a) a person applied for the issue of a stocked impoundment permit under the repealed freshwater plan; and
  - (b) the application was not decided.
- ‘(2) The application is taken to be an application for the issue of a stocked impoundment permit under this regulation.

### **‘740      References to repealed provision in particular documents**

‘A reference to section 44 of the repealed freshwater plan in a stocked impoundment permit or stocked impoundment permit book is taken, if the context permits, to be a reference to section 204(c) of this regulation.

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### **‘Subdivision 3 Licences for eel fishery**

#### **‘741 Licences continue**

- ‘(1) This section applies to a commercial harvest fishery licence on which is written the fishery symbol ‘E’ that was in force immediately before the commencement.
- ‘(2) The licence is taken to be a licence of the same type under this regulation.

#### **‘742 Approved nominees under eel licences continue**

- ‘(1) This section applies if immediately before the commencement the person was an approved nominee of the holder of an eel licence for a period under section 47A of the repealed freshwater plan.
- ‘(2) On the commencement, the approval is continued under section 310F until the end of the period for which it was granted, unless it is sooner cancelled.

#### **‘743 Undecided applications for approval of nominee**

- ‘(1) This section applies if, before the commencement—
  - (a) an eel licence holder applied under section 47A of the repealed freshwater plan for someone else to be the holder’s approved nominee under the repealed freshwater plan; and
  - (b) the application was not decided.
- ‘(2) The application is taken to be an application for the approval of the nominee under section 310F.

#### **‘744 Refused applications for approval of nominee**

- ‘(1) This section applies if, before the commencement—

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- (a) an eel licence holder applied under section 47A of the repealed freshwater plan for someone else to be the holder's approved nominee under the plan; and
  - (b) the chief executive decided to refuse the application under section 47A(4) of the plan; and
  - (c) either—
    - (i) the period in which the licence holder may appeal against the decision has not expired; or
    - (ii) the licence holder started an appeal and the appeal has not been decided.
- ‘(2) The decision to refuse the application is taken to be a decision under section 310F(4).

#### **‘Subdivision 4 Licences for commercial spanner crab fisheries**

##### **‘745 Licences continue**

- ‘(1) This section applies to a commercial fishing boat licence—
- (a) that was in force immediately before the commencement; and
  - (b) on which the fishery symbol ‘C2’ or ‘C3’ is written.
- ‘(2) The licence is taken to be a licence of the same type under this regulation.

#### **‘Subdivision 5 ITQ units**

##### **‘746 ITQ units continue**

- ‘(1) This section applies if—
- (a) before the commencement, an ITQ unit was issued under part 10, division 1 of the repealed spanner crab plan; and

- 
- (b) the unit was in force immediately before the commencement.
- ‘(2) The ITQ unit is continued as an ITQ unit under this regulation.

**‘747 ITQ unit certificates continue**

- ‘(1) This section applies if—
- (a) before the commencement, an ITQ unit certificate was—
- (i) issued under section 30 of the repealed spanner crab plan; or
- (ii) issued under section 30 of the plan and either—
- (A) changed or replaced under section 31 of the plan; or
- (B) replaced under section 71 of the Act; and
- (b) the certificate was in force immediately before the commencement.
- ‘(2) The ITQ unit certificate is an ITQ unit certificate under this regulation.’.

**20 Amendment of sch 2 (Regulated fish declarations)**

- (1) Schedule 2, part 2, entries for redclaw and yabby—  
*omit.*
- (2) Schedule 2, part 2—

[s 20]

*insert—*

'redclaw	G	a female carrying eggs or young	a person taking the fish in the following waters ( <i>redclaw waters</i> ) or possessing the fish taken in the waters— (a) the Gulf of Carpentaria Drainage Division; (b) waters within the following river basins in the east coast drainage division— <ul style="list-style-type: none"> <li>• Hann (with the river basin reference number 1050)</li> <li>• Jacky Jacky</li> <li>• Lockhart</li> <li>• Normanby</li> <li>• Olive</li> <li>• Pascoe</li> <li>• Stewart</li> </ul>
	N	more than 40	a person taking or possessing the fish in redclaw waters
	F	alive	a person using the fish as live bait in non-tidal waters other than the waters mentioned in schedule 10D, part 1

yabby	N	more than 100	a person taking or possessing the fish
	G	a female carrying eggs or young	a person taking the fish in the following waters or possessing the fish taken in the waters— <ul style="list-style-type: none"> <li>• Bulloo–Bancannia Drainage Division</li> <li>• Lake Eyre Drainage Division</li> <li>• Murray–Darling Drainage Division</li> <li>• the following river basins in the east coast drainage division— <ul style="list-style-type: none"> <li>• Belyando</li> <li>• Dawson</li> <li>• Isaac</li> </ul> </li> </ul>
	F	alive	a person using the fish as live bait in non-tidal waters other than the waters mentioned in schedule 10D, part 2’.

## 21 Amendment of sch 9 (Other fees)

- (1) Schedule 9, tables 1 to 3, column headed ‘2008-2009 financial year’—  
*omit.*
- (2) Schedule 9, table 1, under the heading ‘Commercial harvest fisheries’, items 5 to 14—  
*renumber* as items 6 to 15.
- (3) Schedule 9, table 1, under the heading ‘Commercial harvest fisheries’—  
*insert—*

‘5	E	85	95’.
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- (4) Schedule 9, table 1, under the heading ‘Other commercial fisheries under regulation’, items 3 to 7—  
*renumber* as items 6 to 10.

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- (5) Schedule 9, table 1, under the heading ‘Other commercial fisheries under regulation’—

*insert—*

‘3	C2	0	0
4	C3	250	290
5	ITQ unit	0.65	0.75’.

- (6) Schedule 9, table 2, heading ‘Freshwater Plan’ and item 1 under the heading—

*omit.*

- (7) Schedule 9, table 2, heading ‘Spanner Crab Plan’ and items 1 to 3 under the heading—

*omit.*

- (8) Schedule 9, table 4, item 4, ‘under the Freshwater Plan’—

*omit.*

## **22 Insertion of new schs 10A to 10D**

After schedule 10—

*insert—*

### **‘Schedule 10A Prescribed stocked impoundments**

schedule 11, section 6B

- Bill Gunn Dam (Lake Dyer)
- Bjelke Peterson Dam
- Boondooma Dam
- Borumba Dam

- Burdekin Falls Dam
- Callide Dam
- Cania Dam
- Connolly Dam
- Cooby Dam
- Coolmunda Dam
- Cressbrook Dam
- Eungella Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Glenlyon Dam
- Gordonbrook Dam
- Isis Balancing Storage (Lake Gregory)
- Kinchant Dam
- Lake Clarendon
- Lake MacDonald
- Lenthalls Dam
- Leslie Dam
- Maroon Dam
- Moogerah Dam
- North Pine Dam
- Peter Faust Dam
- Somerset Dam
- Storm King Dam
- Teemburra Dam
- Theresa Creek Dam
- Tinaroo Falls Dam (Lake Tinaroo)

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- Wivenhoe Dam
- Wuruma Dam

## **‘Schedule 10B River basins where nonindigenous fisheries resources can not be released**

section 220B(2)

- Baffle
- Barron
- Bloomfield
- Curtis Island
- Daintree
- Endeavour
- Fraser Island
- Hann (with the river basin reference number 1050)
- Hinchinbrook Island
- Jacky Jacky
- Jeannie
- Lockhart
- Mossman
- Mulgrave
- Murray
- Noosa
- Normanby

- North Johnstone
- Olive
- Pascoe
- river basins comprising the Bulloo–Bancannia drainage division
- river basins comprising the Gulf of Carpentaria drainage division
- river basins comprising the Lake Eyre drainage division
- river basins comprising the Murray–Darling drainage division
- Russell
- Shoalwater
- South Johnstone
- Stewart
- Stradbroke Islands
- Tully
- Waterpark
- Whitsunday Island

[s 22]

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## **‘Schedule 10C River basins where aquaculture fisheries resources can be released**

section 634(2)(d)

### **‘Part 1 Preliminary**

#### **‘1 References to stocks of barramundi in pt 2**

‘In part 2—

*barramundi (central east coast stock)* means barramundi of the population indigenous to the area from the northern boundary of the O’Connell river basin to the southern boundary of the Shoalwater river basin.

*barramundi (east coast Cape York stock)* means barramundi of the population indigenous to the area from the northern boundary of the Jacky Jacky river basin to the eastern boundary of the Normanby river basin.

*barramundi (mid north-east coast stock)* means barramundi of the population indigenous to the area from the northern boundary of the Endeavour river basin to the southern boundary of the Burdekin river basin.

*barramundi (north-west Cape York stock)* means barramundi of the population indigenous to the area from the southern boundary of the Embley river basin to the northern boundary of the Jardine river basin.

*barramundi (south-east coast stock)* means barramundi of the population indigenous to the area from the northern boundary of the Fitzroy river basin to the southern boundary of the Mary river basin.

*barramundi (south-east Gulf of Carpentaria stock)* means barramundi of the population indigenous to the area from the

north-western boundary of the Nicholson river basin to the northern boundary of the Watson river basin.

## **‘Part 2                      River basins**

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Albert	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod
Alice	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Archer	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Auburn	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Baffle	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock)

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Balonne	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Barambah	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Barcoo	golden perch (Lake Eyre drainage division stock)
Barron	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Belyando	sooty grunter
Black	barramundi (mid north-east coast stock)
Border Rivers	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Bowen	sooty grunter
Boyne	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) silver perch Southern saratoga

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Bremer	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
Brisbane	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
Burdekin	barramundi (mid north-east coast stock) sooty grunter
Burnett	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Burrum	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Caboolture	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch

[s 22]

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Calliope	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock)
Clarke	sooty grunter
Cliffdale	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Cloncurry	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Coen	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Coleman	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Comet	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Condamine	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Cooper Creek	golden perch (Lake Eyre drainage division stock)
Curtis Island	barramundi (south-east coast stock)
Daintree	barramundi (mid north-east coast stock) khaki grunter
Dawson	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Diamantina	golden perch (Lake Eyre drainage division stock)
Dulhunty	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Edward	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Eight Mile	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Einasleygh	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Elliott	Australian bass barramundi (south-east coast stock) silver perch
Embley	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Endeavour	barramundi (mid north-east coast stock)
Fitzroy	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Flinders	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Fraser Island	freshwater catfish (east coast drainage division stock)
Georgina	golden perch (Lake Eyre drainage division stock)
Gilbert	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Gregory	Australian bass barramundi (south-east coast stock)

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Hann (with the river basin reference number 1050)	barramundi (east coast Cape York stock) redclaw
Hann (with the river basin reference number 9102)	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Haughton	barramundi (mid north-east coast stock)
Herbert	barramundi (mid north-east coast stock) sooty grunter
Hinchinbrook Island	barramundi (mid north-east coast stock)
Holroyd	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Isaac	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Jackson	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
Jacky Jacky	barramundi (east coast Cape York stock) redclaw

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Jardine	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
Kendall	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Kolan	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) silver perch
L Creek	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Leichardt	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Lockhart	barramundi (east coast Cape York stock) redclaw
Lockyer	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Logan	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch
Macintyre	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Mackenzie	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock) Southern saratoga
Maranoa	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Maroochy	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Mary	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Mission	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Mitchell	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Moonie	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Morning	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Mornington Island	redclaw
Mossman	barramundi (mid north-east coast stock)
Mulgrave	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Mulligan	golden perch (Lake Eyre drainage division stock)
Murray	barramundi (mid north-east coast stock) khaki grunter sooty grunter

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Nebine	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Nicholson	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Nogo	Australian bass barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch Southern saratoga
Nogoa	barramundi (south-east coast stock) freshwater catfish (east coast drainage division stock) golden perch (east coast drainage division stock) silver perch sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoa and Plane river basins stock) Southern saratoga
Noosa	Australian bass freshwater catfish (east coast drainage division stock)
Norman	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Normanby	barramundi (east coast Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
North Johnstone	barramundi (mid north-east coast stock) khaki grunter sooty grunter
North Pine	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
O'Connell	barramundi (central east coast stock)
Olive	barramundi (east coast Cape York stock) redclaw
Palmer	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Paroo	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Pascoe	barramundi (east coast Cape York stock) redclaw
Pioneer	barramundi (central east coast stock) sooty grunter
Plane	barramundi (central east coast stock) sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock)

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Ross	barramundi (mid north-east coast stock)
Russell	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Saxby	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Settlement	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Severn	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Shoalwater	barramundi (central east coast stock) freshwater catfish (east coast drainage division stock)
Skardon	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)
Southcoast	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
South Johnstone	barramundi (mid north-east coast stock) khaki grunter

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<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
South Pine	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) silver perch
Staaten	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Stanley	Australian bass freshwater catfish (east coast drainage division stock) golden perch (Murray-Darling drainage division stock) Mary River cod silver perch Southern saratoga
Stewart	barramundi (east coast Cape York stock) redclaw
Styx	barramundi (central east coast stock)
Thomson	golden perch (Lake Eyre drainage division stock)
Torres Strait Islands	redclaw
Tully	barramundi (mid north-east coast stock) khaki grunter sooty grunter
Walsh	redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

<b>Column 1</b>	<b>Column 2</b>
<b>River basin</b>	<b>Aquaculture fisheries resources that can be released</b>
Warrego	freshwater catfish (Murray-Darling drainage division stock) golden perch (Murray-Darling drainage division stock) Murray cod silver perch
Waterpark	freshwater catfish (east coast drainage division stock)
Watson	barramundi (south-east Gulf of Carpentaria stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter
Wenlock	barramundi (north-west Cape York stock) redclaw sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) sooty grunter

## **‘Schedule 10D River basins where particular fish can be used as live bait**

schedule 2, part 2, entries for redclaw and yabby

### **‘Part 1 Redclaw**

- Alice
- Archer
- Cliffdale
- Cloncurry

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- Coen
- Coleman
- Dulhunty
- Edward
- Eight Mile
- Einasleigh
- Embley
- Flinders
- Gilbert
- Hann (with the river basin reference number 1050)
- Hann (with the river basin reference number 9102)
- Holroyd
- Jackson
- Jacky Jacky
- Jardine
- Kendall
- L Creek
- Leichardt
- Lockhart
- Mission
- Mitchell
- Morning
- Mornington Island
- Nicholson
- Norman
- Normanby
- Olive

- Palmer
- Pascoe
- Saxby
- Settlement
- Skardon
- Staaten
- Stewart
- Torres Strait Islands
- Walsh
- Watson
- Wenlock

## **‘Part 2                      Yabby**

- Balonne
- Barcoo
- Belyando
- Border Rivers
- Condamine
- Cooper Creek
- Dawson
- Diamantina
- Georgina
- Isaac
- Macintyre
- Maranoa

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- Moonie
- Mulligan
- Nebine
- Paroo
- river basins comprising the Bulloo–Bancannia drainage division
- Severn
- Thomson
- Warrego’.

## **23 Amendment of sch 11 (Dictionary)**

(1) Schedule 11, part 1, section 2—

*omit, insert—*

### **‘2 References to *drainage divisions***

‘(1) A reference to a *drainage division* of a particular name is a reference to the drainage division of that name shown on the freshwater basins map.

‘(2) However, a reference to a *drainage division* does not include tidal waters in the drainage division.’.

(2) Schedule 11, part 1, section 2A(2)(b) to (e)—

*renumber* as schedule 11, part 1, section 2A(c) to (f).

(3) Schedule 11, part 1, section 2A(2)—

*insert—*

‘(b) a cross-line;’.

(4) Schedule 11, part 1—

*insert—*

### **‘6B Meaning of *prescribed stocked impoundment***

‘(1) A *prescribed stocked impoundment* is an impoundment mentioned in schedule 10A.

‘(2) However, a ***prescribed stocked impoundment*** includes only the waters up to the full supply level of the impoundment.

‘(3) In this section—

***full supply level***, for an impoundment, means the level of the water surface when the impoundment is holding as much water as it can hold while not affected by flood.’.

(5) Schedule 11, part 1, section 9—

*omit, insert—*

#### ‘9 **References to *river basins* by name or reference number**

‘(1) A reference to a ***river basin*** of a particular name is a reference to the river basin of that name shown on the freshwater basins map.

‘(2) However, a reference to a ***river basin*** does not include tidal waters in the river basin.

‘(3) Also, a reference number for a ***river basin*** is the reference number for the river basin shown on the freshwater basins map.’.

(6) Schedule 11, part 1—

*insert—*

#### ‘9B **References to a *stock* of fish by location**

‘A reference to a ***stock*** of fish by its geographical location is a reference to the population of the fish that is indigenous to the location.

*Example—*

A reference to the sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock) is a reference to the population of sleepy cod that is indigenous to the Gulf of Carpentaria drainage division and Normanby river basin.’.

(7) Schedule 11, part 2, definitions ***annual, entitlement, Freshwater Plan, ITQ unit, regulated person, set line, Spanner Crab Plan, unused entitlement*** and ***used—***

*omit.*

(8) Schedule 11, part 2—

[s 23]

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*insert—*

**‘annual**, in relation to a quota, unless otherwise provided, means the period from 1 January to 31 December.

**annual quota**, for the commercial spanner crab fishery (managed area A), means the annual quota under section 600J.

**barramundi (central east coast stock)**, for schedule 10C, see schedule 10C, section 1.

**barramundi (east coast Cape York stock)**, for schedule 10C, see schedule 10C, section 1.

**barramundi (mid north-east coast stock)**, for schedule 10C, see schedule 10C, section 1.

**barramundi (north-west Cape York stock)**, for schedule 10C, see schedule 10C, section 1.

**barramundi (south-east coast stock)**, for schedule 10C, see schedule 10C, section 1.

**barramundi (south-east Gulf of Carpentaria stock)**, for schedule 10C, see schedule 10C, section 1.

**C2 fishery licence** means a commercial fishing boat licence on which is written the fishery symbol ‘C2’.

**cross-line** means a line fixed at both ends and set across or in water.

**dam** means an artificial structure that is designed and constructed to hold water above the level of the banks of a waterway.

**eel licence** means a commercial harvest fishery licence on which is written the fishery symbol ‘E’.

**eel trap** means a mesh trap—

- (a) supported by a rigid rectangular frame; and
- (b) to which a cod-end or pocket is attached.

**entitlement—**

- (a) under an ITQ unit, see section 600O(2); or

(b) under an SM unit, see section 557(2).

**freshwater basins map** means the map of that name held by the chief executive.

*Editor's note—*

The freshwater basins map is available for inspection at the department's head office in Brisbane during normal business hours and on the department's website.

**ITQ** means individual transferable quota.

**ITQ unit** means an ITQ unit continued under section 746(2).

**ITQ unit certificate** means—

- (a) an ITQ unit certificate continued under section 747(2); or
- (b) if the certificate is replaced under section 71 of the Act, or changed or replaced under section 600V(2), the certificate as replaced or changed.

**ITQ unit holder** means a holder of an ITQ unit.

**ITQ year** means a period of 1 year starting on 1 June in a year and ending on 31 May in the next year.

**prescribed stocked impoundment** see section 6B of this schedule.

**regulated person**—

- (a) for chapter 2, parts 4 to 12—see section 30; or
- (b) for schedule 2—see section 142.

**round eel trap** means a mesh trap—

- (a) supported by a rigid cylindrical frame; and
- (b) to which a cod-end or pocket is attached.

**scoop net** means a mesh net, with a handle, that can be used to take fish by being formed into a scoop.

**set line** means a line used to take fish that—

- (a) is prevented from unwinding freely by a device attached to the line; and

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- (b) is attached to—
  - (i) a boat; or
  - (ii) something else outside, but not floating on, the water in which it is being used.

*Example for subparagraph (ii)—*

a line used to take fish that is attached to a branch of a tree growing in the water in which the line is being used if the attachment is at a point above the surface of the water

**stock**, of a species of fish by reference to a location, see section 9B of this schedule.

**stocked impoundment permit** means a stocked impoundment permit issued under chapter 5.

**trap entrance**, for chapter 7, part 3A, see section 310K(1)(a).

**trap pocket entrance**, for chapter 7, part 3A, see section 310K(1)(b).

**unused entitlement**—

- (a) for ITQ units, see section 600P(2); or
- (b) for SM units, see section 558(2).

**used**—

- (a) for an entitlement under an ITQ unit, see section 600P(1); or
- (b) for an entitlement under an SM unit, see section 558(1).



## **Schedule 1      Minor and consequential amendments of Fisheries Regulation 2008**

section 5

- 1      Section 3(c) and (e)—**  
*omit.*
- 2      Section 3(d)—**  
*renumber* as section 3(c).
- 3      Section 176(1), note—**  
*omit.*
- 4      Section 186, note—**  
*omit.*
- 5      Section 207(a)—**  
*omit.*
- 6      Section 207(b) and (c)—**  
*renumber* as section 207(a) and (b).
- 7      Section 213(d), ‘under the Freshwater Plan’—**  
*omit.*
- 8      Section 248(1)(b), note—**  
*omit.*

- 
- 9 Section 248(3), definition *nominated person*, paragraph (b)—**  
*omit, insert—*  
‘(b) if the licence is an eel licence, the licence holder’s approved nominee under section 310F.’.
- 10 Section 250(4) and (6)—**  
*omit.*
- 11 Section 250(5)—**  
*renumber* as section 250(4).
- 12 Section 251(2)(b) and note—**  
*omit, insert—*  
‘(b) write on a commercial harvest fishery licence any fishery symbol for a commercial fishery under chapter 7.’.
- 13 Section 595, note, ‘the Spanner Crab Plan’—**  
*omit, insert—*  
‘parts 1A and 1B’.
- 14 Section 700, heading, ‘particular permits under Freshwater Plan’—**  
*omit, insert—*  
‘stocked impoundment permits’.
- 15 Section 700(1), ‘the Freshwater Plan, section 44’—**  
*omit, insert—*  
‘section 204(c)’.

Schedule 1

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- 16**     **Schedule 3, part 2, entry for Tully River, column 2, ‘lots’—**  
*omit, insert—*  
‘lot’.

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## **Schedule 2      Consequential amendments of other subordinate legislation**

section 25

### **Marine Parks (Great Sandy) Zoning Plan 2006**

**1      Section 82(2)(d)—**

*omit.*

**2      Section 84, ‘pots, dillies or inverted’—**

*omit, insert—*

‘pots or’.

**3      Schedule 5, definition *fisheries legislation*, paragraph  
(e)—**

*omit.*

**4      Schedule 5, definition *limited crabbing*, from ‘in  
compliance with’—**

*omit, insert—*

‘in compliance with the Fisheries Regulation, section 188 or  
chapter 11, part 1 or 1B.’.

## Marine Parks (Moreton Bay) Zoning Plan 2008

- 1 **Section 20(2), definition *limited crabbing*, paragraph (a)—**  
*omit, insert—*  
    ‘(a) in compliance with the Fisheries Regulation, section 188 or chapter 11, part 1 or 1A; and’.
  
- 2 **Section 20(2), definition *limited crabbing*, paragraph (b), from ‘crab pots,’ to ‘alone’—**  
*omit, insert—*  
    ‘crab pots, dillies or collapsible traps alone’.
  
- 3 **Section 93(2)(d)—**  
*omit.*
  
- 4 **Schedule 4, definition *fisheries legislation*, paragraph (e)—**  
*omit.*
  
- 5 **Schedule 4, definition *inverted dilly*—**  
*omit.*

## Sustainable Planning Regulation 2009

- 1 **Schedule 3, part 2, table 2, item 1(a)(i), ‘*Fisheries (Freshwater) Management Plan 1999, schedule 6*’—**  
*omit, insert—*  
    ‘*Fisheries Regulation 2008*, schedule 10C’.

ENDNOTES

- 1 Made by the Governor in Council on 11 March 2010.
- 2 Notified in the gazette on 12 March 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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