



Queensland

# Fisheries Legislation Amendment Regulation (No. 1) 2010

## Subordinate Legislation 2010 No. 164

made under the

*Fisheries Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Commencement**

This regulation commences on 1 July 2010.

## **Part 2 Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003**

### **3 Management plan amended**

This part amends the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

### **4 Amendment of s 15 (Restrictions on writing 'RQ' fishery symbol)**

(1) Section 15(a)—

*omit.*

(2) Section 15(b) and (c)—

*renumber* as section 15(a) and (b).

### **5 Omission of ch 3, pt 1, div 1, hdg (General provisions)**

Chapter 3, part 1, division 1, heading—

*omit.*

[s 6]

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**6 Omission of ch 3, pt 1, div 2 (Obtaining fishery symbol ‘RQ’)**

Chapter 3, part 1, division 2—

*omit.*

**7 Amendment of s 43 (Simplified outline of pt 2)**

(1) Section 43(1), from ‘issue’ to ‘entitlements’—

*omit, insert—*

‘entitlements of line units’.

(2) Sections 43(3) to (7)—

*omit.*

(3) Section 43(8), ‘5 and 6’—

*omit, insert—*

‘2 and 3’.

(4) Section 43(9), ‘7’—

*omit, insert—*

‘4’.

(5) Sections 43(8) and (9)—

*renumber* as sections 43(3) and (4).

**8 Omission of ss 44 to 47 and ch 3, pt 2, div 2, hdg**

Sections 44 to 47 and chapter 3, part 2, division 2, heading—

*omit.*

**9 Replacement of ss 49 and 50 and ch 3, pt 2, divs 3 to 4**

Sections 49 and 50 and chapter 3, part 2, divisions 3 to 4—

*omit, insert—*

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**‘49 Restriction on issue of line units**

‘The chief executive must not issue line units.’.

**10 Renumbering of ch 3, pt 2, divs 5 to 9**

Chapter 3, part 2, divisions 5 to 9—

*renumber* as chapter 3, part 2, divisions 2 to 5.

**11 Amendment of s 69 (Meaning of *entitlement* of line unit holder)**

Section 69(1) and (2)—

*omit, insert*—

- ‘(1) The holder of a line unit, or a person acting under a line unit, may take, in a line year, only the following quantity of the prescribed coral reef fin fish for the line unit—
- (a) for a CT line unit—
    - (i) 1kg (whole weight); or
    - (ii) if section 69A applies—the weight in kilograms that is the adjusted weight equivalent worked out under that section for the line year;
  - (b) for an RTE line unit—1kg (whole weight);
  - (c) for an OS line unit—
    - (i) 1kg (whole weight); or
    - (ii) if section 69B applies—the weight in kilograms that is the adjusted weight equivalent worked out under that section for the line year.
- ‘(2) The authorisation for a line year under subsection (1) is the holder’s *entitlement* under the line unit for the line year.’.

**12 Insertion of new ss 69A to 69C**

After section 69—

*insert*—

[s 12]

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**‘69A Adjusted weight equivalent for CT line units**

- ‘(1) This section applies if, on 1 occasion, the total amount of coral trout taken under all CT line units (the *total catch*) in a line year is more than 1214176kg.
- ‘(2) If this section applies, the chief executive must work out the adjusted weight equivalent for a CT line unit under this section for—
  - (a) the next line year; and
  - (b) each subsequent line year.
- ‘(3) The adjusted weight equivalent for a CT line unit for a line year is—
  - (a) if the total catch in the preceding line year was no more than 1214176kg—the entitlement under the unit for the preceding line year; or
  - (b) if the total catch in the preceding line year was more than 1214176kg and less than 1238459.52kg—the entitlement under the unit for the preceding line year reduced by 0.01kg; or
  - (c) if the total catch in the preceding line year was 1238459.52kg or more—the entitlement under the unit for the preceding line year reduced by 0.02kg.

*Example—*

In the preceding line year the total catch was 1240000kg and the entitlement for a CT line unit was the adjusted weight equivalent of 0.99kg. The entitlement for a CT line unit for the current line year is the adjusted weight equivalent of 0.97kg.

- ‘(4) Despite subsection (3), the adjusted weight equivalent for a CT line unit for a line year can not be less than 0.9426kg.

*Example—*

In the preceding line year the total catch was 1240000kg and the entitlement for a CT line unit was the adjusted weight equivalent of 0.95kg. The entitlement for a CT line unit for the current line year is the minimum adjusted weight equivalent of 0.9426kg.

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**‘69B Adjusted weight equivalent for OS line units**

- ‘(1) This section applies if, on 1 occasion, the total amount of prescribed coral reef fin fish taken under all OS line units (the *total catch*) in a line year is more than 902199kg.
- ‘(2) If this section applies, the chief executive must work out the adjusted weight equivalent for an OS line unit under this section for—
  - (a) the next line year; and
  - (b) each subsequent line year.
- ‘(3) The adjusted weight equivalent for an OS line unit for a line year is—
  - (a) if the total catch in the preceding line year was no more than 902199kg—the entitlement under the unit for the preceding line year; or
  - (b) if the total catch in the preceding line year was more than 902199kg and less than 920242.98kg—the entitlement under the unit for the preceding line year reduced by 0.01kg; or
  - (c) if the total catch in the preceding line year was 920242.98kg or more—the entitlement under the unit for the preceding line year reduced by 0.02kg.
- ‘(4) Despite subsection (3), the adjusted weight equivalent for an OS line unit for a line year can not be less than 0.9441kg.

**‘69C Notice of adjusted weight equivalent**

- ‘(1) This section applies if the chief executive works out the adjusted weight equivalent for CT line units or OS line units for a line year under section 69A or 69B.
- ‘(2) As soon as practicable after the adjusted weight equivalent is worked out, the chief executive must give each holder of the line units a written notice stating the following—
  - (a) the adjusted weight equivalent of the line units for the line year;

[s 13]

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- (b) the line year for which the adjusted weight equivalent applies.’.

### 13 Omission of schs 5 and 6

Schedules 5 and 6—

*omit.*

### 14 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *adjusted allocation provisions, adjusted criteria, catch history notice, close relative, criteria, CT line units, director, disregarded fish, eligible authority, eligible coral reef fin fish, eligible holder, event, event-based special circumstance, event period, first criteria, former licence, issued, line unit factor, logbook information, member, OS line units, preliminary notice, prescribed period, prescribed recorded catch, reason for adjusted allocation, reason for reconsideration, recent entrant special circumstance, reconsideration notice, recorded catch amount, relevant licence, relevant logbook information, relevant period, relevant years, reliable information, RTE line units, seasonal effect special circumstance, second criteria, special circumstance, special reconsideration notice, special south-east Queensland licence, standardised catch amount, unaffected year* and *unidentified fish*—

*omit.*

- (2) Schedule 8—

*insert—*

**‘CT line units** means coral trout line units issued under part 2 as it was in force before 1 July 2010.

**OS line units** means other species line units issued under part 2 as it was in force before 1 July 2010.

**RTE line units** means redthroat emperor line units issued under part 2 as it was in force before 1 July 2010.’.



[s 19]

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- (ii) the main engine is more than 300 maximum continuous brake kW; or
  - (b) a T5, T6, T7, T8 or T9 fishery symbol on a licence allowing the use of a boat if—
    - (i) the boat is longer than 14m; or
    - (ii) the boat's main engine exceeds 300 maximum continuous brake kW.
- ‘(5) Also, for subsection (1)(c), the chief executive must not write an M2 fishery symbol on a licence that would allow the use of a boat for which the hull units are more than the hull units for a boat that can be used under the licence from which the fishery symbol is being moved.
- ‘(6) However, the chief executive may write an M2 fishery symbol on a licence that would otherwise contravene subsection (5) if the holder of the licence surrenders another M2 licence.’.

## **19 Amendment of s 73 (Simplified outline of pt 6)**

- (1) Section 73(1), from ‘issue’ to ‘and for’—  
*omit, insert—*  
‘entitlement of effort units and’.
- (2) Section 73(2) to (4)—  
*omit.*
- (3) Sections 73(5) and (6)—  
*renumber* as sections 73(2) and (3).

## **20 Omission of ss 75 and 76 and ch 3, pt 6, divs 3 to 5A**

Sections 75 and 76 and chapter 3, part 6, divisions 3 to 5A—  
*omit.*

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**21 Amendment of s 101A (Evidentiary provision for effort unit certificate)**

Section 101A(a), after ‘of this plan’—

*insert—*

‘as it was in force before 1 July 2010’.

**22 Amendment of sch 6 (Waters where scallops may be processed on a boat)**

- (1) Schedule 6, section 5, second dot point, after ‘latitude 23°10.40’—

*insert—*

‘south’.

- (2) Schedule 6, section 8, second dot point, ‘longitude 146°46.08’ east’—

*omit, insert—*

‘longitude 146°46.07’ east’.

**23 Amendment of sch 7 (Dictionary)**

- (1) Schedule 7, part 4, definition *effort unit*, after ‘part 6’—

*insert—*

‘as it was in force before 1 July 2010’.

- (2) Schedule 7, part 4, definition *effort unit certificate*, after ‘plan’—

*insert—*

‘as it was in force before 1 July 2010’.



- 
- (2) Section 7(3), ‘Subsection (4)’—  
*omit, insert*—  
‘Subsection (2)’.
- (3) Section 7(3) and (4), ‘schedule 7, part 1’—  
*omit, insert*—  
‘schedule 7’.
- (4) Section 7(3) to (6)—  
*renumber* as section 7(1) to (4).

**28 Amendment of s 15A (What is a *commercial fishery*)**

- Section 15A(1), ‘10’—  
*omit, insert*—  
‘11’.

**29 Amendment of s 17 (References to latitudes and longitudes)**

- (1) Section 17(1), ‘subsections (2) and (3)’—  
*omit, insert*—  
‘subsection (2)’.
- (2) Section 17(2)—  
*omit*.
- (3) Section 17(3), ‘schedule 3, part 2’—  
*omit, insert*—  
‘schedule 3’.
- (4) Section 17(4), definition *AGD 66*—  
*omit*.
- (5) Section 17(3) and (4)—  
*renumber* as section 17(2) and (3).

[s 30]

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**30 Amendment of s 104 (Prohibited activities—Mary River—Burrum River (dugong protection area) waters)**

- (1) Section 104(1)(a), third dot point, ‘east’—  
*omit, insert—*  
‘south’.
- (2) Section 104(1)(c), ‘and south of latitude 25°25'45" south’—  
*omit.*

**31 Amendment of s 106 (Prohibited activities—Hervey Bay—Great Sandy Strait) waterways (dugong protection area) waters)**

- Section 106(1)(b)(i), ‘east, and south of latitude 25°25'45" south’—  
*omit, insert—*  
‘east’.

**32 Amendment of s 232 (Authorisation—commercial fisher)**

- (1) Section 232(b), ‘use or’—  
*omit.*
- (2) Section 232(c) to (f)—  
*renumber* as section 232(d) to (g).
- (3) Section 232—  
*insert—*  
‘(c) use commercial fishing apparatus, but only while using a commercial fishing boat under a commercial fishing boat licence on which is written a fishery symbol authorising the use of the apparatus;’.

**33 Amendment of s 233 (Authorisation—assistant fisher)**

- (1) Section 233(2), ‘232(b) or (c)’—

*omit, insert—*

‘232(b) to (d)’.

- (2) Section 233(3), ‘232(d) to (f)’—

*omit, insert—*

‘232(e) to (g)’.

- (3) Section 233(4), ‘232(a), (d), (e) or (f)’—

*omit, insert—*

‘232(a), (e), (f) or (g)’.

**34 Amendment of s 247 (General conditions of a commercial fishing boat licence)**

Section 247(1), note, ‘10’—

*omit, insert—*

‘11’.

**35 Amendment of s 248 (Authorisation under a commercial harvest fishery licence)**

- (1) Section 248(1)(a), ‘buy, use or possess’—

*omit, insert—*

‘buy or possess’.

- (2) Section 248(1)(b) to (g)—

*renumber* as section 248(1)(c) to (h).

- (3) Section 248(1)—

*insert—*

‘(b) use commercial fishing apparatus for fishing only in the commercial fisheries identified in the licence;’.

- (4) Section 248(2), ‘subsection (1)(b)’—

*omit, insert—*

‘subsection (1)(b) and (c)’.

[s 36]

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**36 Insertion of new ch 6, pt 3, div 3 hdg and s 253C**

Chapter 6, part 3, after section 253B—

*insert—*

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

**‘253C Definition for div 3**

‘In this division—

*relevant fishery provision* see section 254(1).’.

**37 Amendment of s 254 (Restriction on writing fishery symbols on licences allowing the use of boats of particular lengths in commercial fisheries)**

(1) Section 254, after ‘provision’—

*insert—*

‘(the *relevant fishery provision*)’.

(2) Section 254—

*insert—*

‘(2) This section is subject to sections 254A and 254B.’.

**38 Insertion of new ss 254A and 254B**

After section 254—

*insert—*

**‘254A Exception for surrender or amendment of authority**

‘(1) The chief executive may write a fishery symbol on a licence allowing the use in a commercial fishery of a boat that is longer than the length permitted under the relevant fishery provision if—

(a) the boat is no longer than 20m; and

- 
- (b) the application to write the fishery symbol on the licence is accompanied by—
    - (i) the surrender of another authority held by the licence holder; or
    - (ii) a request to amend another authority held by the licence holder if the chief executive is satisfied the request is consistent with the purposes of the Act.
- ‘(2) This section does not apply to writing the fishery symbols ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ on a licence.

#### **‘254B Exception for particular fishery symbol movement applications**

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

#### **39 Amendment of s 260 (Authorisation under licences on which fishery symbols are written)**

Section 260(b), ‘10’—

[s 40]

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*omit, insert—*

‘11’.

**40 Amendment of s 261 (Fishery symbol does not authorise taking fish in particular Joint Authority fisheries)**

Section 261(2), ‘10’—

*omit, insert—*

‘11’.

**41 Insertion of new s 261A**

Chapter 6, part 5—

*insert—*

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

- ‘(1) The chief executive may amend a licence on which is written a fishery symbol to include the details for a new or modified boat (the *replacement boat*) longer than the length permitted under a fishery provision about the fishery if—
- (a) the replacement boat is no longer than the lesser of the following—
    - (i) 20m;
    - (ii) the length of the boat currently mentioned in the licence; or
  - (b) the application to write the fishery symbol on the licence is accompanied by—
    - (i) the surrender of another authority held by the licence holder; or
    - (ii) a request to amend another authority held by the licence holder if the chief executive is satisfied the request is consistent with the purposes of the Act.

- (2) This section does not apply to amending or replacing a ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence under chapter 3, part 8 of the East Coast Trawl Plan.’

**42 Amendment of s 270 (Conditions of licence may apply in more than 1 way)**

Section 270, ‘10’—

*omit, insert—*

‘11’.

**43 Amendment of s 271 (Conditions of licences on which more than 1 fishery symbol is written)**

- (1) Section 271(3), ‘fishery symbol’—

*omit, insert—*

‘the fishery symbol’.

- (2) Section 271(3)—

*insert—*

‘(d) shark under the fishery symbol ‘S’.’.

- (3) Section 271—

*insert—*

- (4) Also, despite subsection (1), the person may take the following fish at the same time—

(a) fin fish, other than regulated coral reef fin fish and spanish mackerel, under the fishery symbol ‘N1’, ‘N2’, ‘N4’, ‘N10’, ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’ or ‘K9’;

(b) shark under the fishery symbol ‘S’.’.

**44 Amendment of s 277 (Other conditions about taking fish)**

Section 277(4)(c), ‘seine’—

[s 45]

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*omit, insert—*

‘mesh’.

**45 Amendment of s 281 (Use of seine nets)**

Section 281, ‘seine’—

*omit, insert—*

‘mesh’.

**46 Amendment of s 300 (VMS equipment and other requirements apply)**

Section 300(2)—

*omit.*

**47 Amendment of s 306 (Who may take coral)**

(1) Section 306(1)—

*insert—*

‘(c) another person in the presence of the licence holder or nominee.’.

(2) Section 306(2)—

*omit, insert—*

‘(2) However, no more than 3 persons mentioned in subsection (1) may take coral under the licence at the same time.’.

**48 Amendment of s 429 (Permitted ways of taking fin fish)**

Section 429(1)—

*omit, insert—*

‘(1) Fin fish may only be taken by using a line that is—

(a) weighted so the line is vertical while it is being used in water (a *drop line*); or

- (b) anchored to the bed of a body of water in which the line is being used (a *bottom set line*).’.

**49 Amendment of s 521 (VMS equipment requirements)**

Section 521(2)—

*omit.*

**50 Amendment of ch 10, pt 2, div 1 (General provision)**

Chapter 10, part 2, division 1, heading, ‘provision’—

*omit, insert—*

‘**provisions**’.

**51 Insertion of new s 556A**

Chapter 10, part 2, division 1—

*insert—*

**‘556A Restriction on issue of SM units**

‘The chief executive must not issue SM units.’.

**52 Amendment of s 557 (Entitlement under SM unit)**

Section 557(1) and (2)—

*omit, insert—*

- ‘(1) The holder of an SM unit, or a person acting under an SM unit, may take, in an SM year, only the following quantity of spanish mackerel for the SM unit—

- (a) 1kg (whole weight);  
(b) if section 557A applies—the weight in kilograms that is the adjusted weight equivalent worked out under that section for the SM year.

- ‘(2) The authorisation for an SM year under subsection (1) is the holder’s *entitlement* under the SM unit for the SM year.’.

[s 53]

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### 53 Insertion of new s 557A

Chapter 10, part 2, division 2—

*insert—*

#### **‘557A Adjusted weight equivalent for SM units**

- ‘(1) This section applies if, on 1 occasion, the total amount of spanish mackerel taken under all SM units (the *total catch*) in an SM year is more than 554022kg.
- ‘(2) If this section applies, the chief executive must work out the adjusted weight equivalent for an SM unit under this section for—
  - (a) the next SM year; and
  - (b) each subsequent SM year.
- ‘(3) The adjusted weight equivalent for an SM unit for an SM year is—
  - (a) if the total catch in the preceding SM year was no more than 554022kg—the entitlement under the unit for the preceding SM year; or
  - (b) if the total catch in the preceding SM year was more than 554022kg and less than 565102.44kg—the entitlement under the unit for the preceding SM year reduced by 0.01kg; or
  - (c) if the total catch in the preceding SM year was 565102.44kg or more—the entitlement under the unit for the preceding SM year reduced by 0.02kg.

*Example—*

In the preceding SM year the total catch was 565200kg and the entitlement for an SM unit was the adjusted weight equivalent of 0.99kg. The entitlement for an SM unit for the current SM year is the adjusted weight equivalent of 0.97kg.

- ‘(4) Despite subsection (3), the adjusted weight equivalent for an SM unit for an SM year can not be less than 0.9576kg.

*Example—*

In the preceding SM year the total catch was 565200kg and the entitlement for an SM unit was the adjusted weight equivalent of

0.96kg. The entitlement for an SM unit for the current SM year is the minimum adjusted weight equivalent of 0.9576kg.

- ‘(5) As soon as practicable after the adjusted weight equivalent is worked out for an SM year, the chief executive must give each holder of the SM units a written notice stating the following—
- (a) the adjusted weight equivalent of the line units for the line year;
  - (b) the line year for which the adjusted weight equivalent applies.’.

**54 Amendment of ch 11, pt 1A, div 7, sdiv 1, hdg (General provision)**

Chapter 11, part 1A, division 7, subdivision 1, heading, ‘provision’—

*omit, insert—*

‘provisions’.

**55 Insertion of new s 600NA**

Chapter 11, part 1A, division 7, subdivision 1—

*insert—*

**‘600NA Restriction on issue of ITQ units**

‘The chief executive must not issue ITQ units.’.

**56 Amendment of s 608C (What fish may be taken)**

Section 608C(a)—

*omit, insert—*

- ‘(a) shark, other than white shark, sandtiger shark or speartooth shark;

*Note—*

The grey nurse shark (*Carcharias taurus*) is prescribed as endangered wildlife under the *Nature Conservation Act 1992*. See section 88 (Restriction on taking protected animal and

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keeping or use of unlawfully taken protected animal) of that Act.’.

**57 Amendment of s 616 (Areas included in declared fish habitat area)**

- (1) Section 616(3)—  
*omit.*
- (2) Section 616(4), ‘schedule 3, part 2, column 1’—  
*omit, insert—*  
‘schedule 3, column 1’.
- (3) Section 616(5), ‘Subsections (3) and (4) are’—  
*omit, insert—*  
‘Subsection (3) is’.
- (4) Section 616(4) and (5)—  
*renumber* as section 616(3) and (4).

**58 Amendment of s 617 (Areas excluded from declared fish habitat area)**

Section 617(1)(d), ‘schedule 3, part 2, column 1’—  
*omit, insert—*  
‘schedule 3, column 1’.

**59 Amendment of s 619 (Interpretation of fish habitat area plans)**

Section 619(4)—  
*omit.*

**60 Insertion of new s 683A**

Chapter 14, part 7, division 3—  
*insert—*

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**‘683A Further obligations for VMS malfunction**

- ‘(1) This section does not apply to a boat that is being used under a licence for the east coast trawl fishery.
- ‘(2) The person in control of the relevant boat must cause the boat to travel to a defined port area within—
  - (a) 5 days; or
  - (b) if the chief executive allows a longer period—the longer period.
- ‘(3) The chief executive may tell the person the longer period—
  - (a) orally in person; or
  - (b) by an alternative way of communication stated in the boat communication notice given by the licence holder for the relevant boat.
- ‘(4) If the VMS equipment stops malfunctioning, the requirement under subsection (2)—
  - (a) stops applying; but
  - (b) resumes if the chief executive or an inspector gives the person in control of the relevant boat a notice that the requirements must be complied with.
- ‘(5) The notice may be given—
  - (a) orally in person; or
  - (b) by an alternative way of communication stated in the boat communication notice given by the licence holder for the relevant boat.
- ‘(6) When the relevant boat reaches the defined port area, the person in control of the boat must ensure the boat does not return to sea unless a person approved by the chief executive under section 677(b) gives the chief executive or an inspector notice that the VMS equipment installed on the boat is in a condition that allows it to perform the functions of VMS equipment.’.

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**61 Amendment of s 720 (Licences for boats longer than permitted length)**

Section 720—

*insert—*

‘(2) This section stops applying on 1 July 2010.’.

**62 Replacement of s 727 (Reduction in entitlement of SM units)**

Section 727—

*omit, insert—*

**‘727 Declaration of SM unit entitlement for 2009–2010 SM year**

‘(1) To remove any doubt, it is declared that the entitlement under an SM unit was 1kg (whole weight) spanish mackerel for the SM year from 1 July 2009 to 30 June 2010 (the **2009–2010 SM year**).

‘(2) Also, to remove any doubt, it is declared that, despite former section 727—

(a) the entitlement of an SM unit for the 2009–2010 SM year is taken never to have been required to be worked out otherwise than under subsection (1); and

(b) the chief executive is taken never to have been required to give an SM unit holder a written notice about the entitlement of an SM unit for the 2009–2010 SM year worked out otherwise than under subsection (1).

‘(3) In this section—

**former section 727** means section 727 as it was in force before 1 July 2010.

*Editor’s note—*

former section 727 (Reduction in entitlement of SM units)’.

**63 Amendment of sch 1 (Regulated waters)**

Schedule 1, part 2, entry for Dogwood Creek at Gill Weir, 'Gill'—

*omit, insert—*

'Gil'.

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

- (1) Schedule 2, part 2, entries for clam, great white shark, grey nurse shark, grey reef shark, guitarfish, shark (other than speartooth shark, great white shark and grey nurse shark) or ray (other than sawfish), shovelnose ray, spotted mackerel, trevally, whitetip reef shark and wolf herring—

*omit.*

- (2) Schedule 2, part 2—

*insert—*

'Dorab wolf herring	N	more than 10	a recreational fisher taking or possessing the fish
giant clam			a person taking or possessing the fish
grey reef shark	F	the fish, or its tail or fins if its tail or any of its fins are removed from the body	a person possessing the fish, or the tail or fins of the fish on a boat
	F	filleted	a person possessing the fish on a boat
	N	more than 1	a person taking or possessing the fish for trade or commerce
guitarfish	F	the fish, or its tail or fins if its tail or any of its fins are removed from the body	a person possessing the fish, or the tail or fins of the fish on a boat
	F	filleted	a person possessing the fish on a boat
sandtiger shark			a person taking or possessing the fish

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shark (other than grey reef shark, white tip reef shark, speartooth shark, white shark and sandtiger shark) or ray (other than guitarfish and shovelnose ray)	F	the fish divided into portions in a way that does not allow an inspector to count the number of the fish reasonably easily	a person possessing the fish on a boat
	F	the fish, or its tail or fins unless its tail and all of its fins are secured to the body	a person possessing the fish taken in waters east of longitude 142°31'49" east unless the person is acting under a commercial fishing boat licence on which is written the fishery symbols— (a) 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'; and (b) 'S'
	F	the fin or tail separated from the body of the fish	a person possessing the fin or tail on a boat unless the person also possesses, on the boat, the body of the fish from which the fin or tail was taken
	F	filleted	a person possessing the fish taken in waters east of longitude 142°31'49" east unless the person is acting under a commercial fishing boat licence on which is written the fishery symbols— (a) 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'; and (b) 'S'

	N	more than 1	a recreational fisher taking or possessing the fish
	N	more than 4	<ol style="list-style-type: none"> <li>1 a person taking the fish while acting under a licence on which is written the fishery symbol 'L1', 'L2', 'L3' or 'L8', unless the person is also acting under a licence on which is written the fishery symbol 'S'</li> <li>2 if the prescribed commercial catch for the fish in waters north of latitude 24°30' south and east of longitude 142°31'49" east is more than 480t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol 'L2', 'L3' or 'L8'</li> <li>3 if the prescribed commercial catch for the fish in waters south of latitude 24°30' south is more than 120t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol 'L1' or 'L8'</li> </ol>

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	N	more than 10	<p>1 a person taking the fish while acting under a licence on which is written the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8', unless the person is also acting under a licence on which is written the fishery symbol 'S'</p> <p>2 if the prescribed commercial catch for the fish in waters north of latitude 24°30' south and east of longitude 142°31'49" east is more than 480t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'</p> <p>3 if the prescribed commercial catch for the fish in waters south of latitude 24°30' south is more than 120t—a person taking the fish in, or possessing the fish taken in, the waters while acting under a licence on which is written the fishery symbol 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'</p>
	S	more than 150cm or interdorsal length more than 60cm	<p>a person taking or possessing the fish, unless the person is acting under a licence on which is written—</p> <p>(a) the fishery symbols—</p> <p>(i) 'N1', 'N2', 'N4', 'N10', 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7' or 'K8'; and</p> <p>(ii) 'S'; or</p> <p>(b) the fishery symbol 'N3' or 'N9'</p>
shovelnose ray	F	the fish, its tail or fins if its tail or any of its fins are removed from the body	a person possessing the fish, tail or fins on a boat
	F	filleted	a person possessing the fish on a boat

spotted mackerel	N	more than 50	if the prescribed commercial catch for the fish is not more than 100t—a person using a commercial fishing net to take the fish for trade or commerce or possessing the fish taken in that way
	N	more than 15	if the prescribed commercial catch for the fish is more than 100t—a person using a commercial fishing net to take the fish for trade or commerce or possessing the fish taken in that way
	N	more than 15	a person taking or possessing the fish for trade or commerce if the prescribed commercial catch for spotted mackerel is more than 140t
	N	more than 5	a recreational fisher taking or possessing the fish
	S	less than 60cm	a person taking or possessing the fish
trevally (other than queenfish, swallowtail dart and yellowtail kingfish)	N	more than 20	a recreational fisher taking or possessing the fish
white shark			a person taking or possessing the fish unless the person takes or possesses the fish under an agreement with the State for taking, tagging or disposing of the fish
whitetip reef shark	F	the fish, its tail or fins if its tail or any of its fins are removed from the body	a person possessing the fish, tail or fins on a boat
	F	filleted	a person possessing the fish on a boat
	N	more than 1	a person taking or possessing the fish for trade or commerce’.

## 65 Amendment of sch 3 (Declared fish habitat areas)

(1) Schedule 3, part 1 and part 2, heading—

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*omit.*

(2) Schedule 3—

*insert—*

'Eight Mile Creek FHA-063	
Escape River FHA-060	
Morning Inlet-Bynoe River FHA-062	
Nassau River FHA-059	
Princess Charlotte Bay FHA-043	The declared fish habitat area excludes the part of lot 16 on plan NPW365 that is not tidal land.  The declared fish habitat area includes the part of lot 10 on plan SD19 that is shown within the boundary of the declared fish habitat area.
Silver Plains FHA-057	The declared fish habitat area includes the part of lot 10 on plan SD19 that is shown within the boundary of the declared fish habitat area.
Staaten-Gilbert FHA-06	
Temple Bay FHA-058	The declared fish habitat area includes the following— <ul style="list-style-type: none"> <li>• the part of the esplanade that is shown within the boundary of the declared fish habitat area</li> <li>• the part of lot 152 on SP171834 that is tidal land south of latitude 12°20'25" and within the boundary of the declared fish habitat area.'</li> </ul>

**66 Amendment of sch 6 (Glossary of scientific names for particular fish other than regulated coral reef fin fish)**

Schedule 6, part 1, the entry for angler, frogmouth catfish, squarehead catfish, column 1, after 'angler,'—

*insert—*

'catfish,'.

**67 Amendment of sch 6, pt 6 (Other particular fish)**

- (1) Schedule 6, part 6, entries for clam, great white shark, grey nurse shark and wolf herring—

*omit.*

- (2) Schedule 6, part 6—

*insert—*

‘Dorab wolf herring	<i>Chirocentrus dorab</i>
giant clam	family Tridacnidae
longtail tuna	<i>Thunnus tonggol</i>
ray	orders Myliobatiformes, Rajiformes, Torpediniformes, Rhiniformes and Rhinobatiformes
sandtiger shark	<i>Odontaspis ferox</i>
white shark	<i>Carcharodon carcharias</i> ’.

- (3) Schedule 6, part 6, entry for milky oyster, column 2, ‘*cucullata*’—

*omit, insert—*

‘*cuccullata*’.

**68 Amendment of sch 7 (Prescribed reference documents for scientific names for fish)**

Schedule 7, part 1, heading and part 2—

*omit.*

**69 Amendment of sch 11 (Dictionary)**

- (1) Schedule 11, part 1, section 2A(2)(a) and (c)—

*omit.*

- (2) Schedule 11, part 1, section 2A(b) and (d) to (f)—

*renumber* as section 2A(a) to (d).

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- (3) Schedule 11, part 2, definitions *bottom set line* and *drop line*—  
*omit.*
- (4) Schedule 11, part 2—  
insert—  
*‘bottom set line, for chapter 8 part 5, see section 429(1)(b).  
drop line, for chapter 8 part 5, see section 429(1)(a).’.*
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#### ENDNOTES

- 1 Made by the Governor in Council on 1 July 2010.
- 2 Notified in the gazette on 1 July 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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