



Queensland

# Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2016

## Subordinate Legislation 2016 No. 119

made under the

*Fisheries Act 1994*

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**1 Short title**

This plan may be cited as the *Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2016*.

**2 Commencement**

This plan commences on 15 July 2016.

**3 Plan amended**

This plan amends the *Fisheries (East Coast Trawl) Management Plan 2010*.

**4 Amendment of s 49 (Scallop square mesh cod end)**

Section 49(2)(b)(ii)—

*omit, insert—*

(ii) 1500mm long.

**5 Amendment of s 61 (Compliance with TED use condition)**

Section 61(2)(b), ‘section 62C’—

*omit, insert—*

section 62A

**6 Insertion of new s 109B**

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

*insert—*

**109B Restriction on use of nets with particular fishing apparatus or attachments**

(1) This section applies if a beam, otter board or trawl sled is used with a net.

(2) The net may be used only if—

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- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
- (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

## **7 Insertion of new ch 4, pt 1, div 3**

Chapter 4, part 1—

*insert—*

### **Division 3 Prohibited activity**

#### **112A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

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*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## **8 Insertion of new s 121B**

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

*insert—*

### **121B Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

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## 9 Insertion of new ch 4, pt 2, div 3

Chapter 4, part 2—

*insert—*

### **Division 3 Prohibited activity**

#### **124A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## 10 Insertion of new s 133B

Chapter 4, part 3, division 2, subdivision 1—

*insert—*

### **133B Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl

sled is used with a net.

- (2) The net may be used only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

## 11 Insertion of new ch 4, pt 3, div 3

Chapter 4, part 3—

*insert—*

### **Division 3 Prohibited activity**

#### **136A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

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*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## 12 Insertion of new s 143A

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

*insert—*

### **143A Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

**13 Insertion of new ch 4, pt 4, div 3**

Chapter 4, part 4—

*insert—*

**Division 3 Prohibited activity**

**146A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

**14 Insertion of new s 153A**

Chapter 4, part 5, division 2, subdivision 1—

*insert—*

**153A Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl

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sled is used with a net.

- (2) The net may be used only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

## 15 Insertion of new ch 4, pt 5, div 3

Chapter 4, part 5—

*insert—*

### **Division 3 Prohibited activity**

#### **156A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## 16 Insertion of new s 163A

Chapter 4, part 6, division 2, subdivision 1—

*insert—*

### **163A Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

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## 17 Insertion of new ch 4, pt 6, div 3

Chapter 4, part 6—

*insert—*

### **Division 3 Prohibited activity**

#### **165A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## 18 Insertion of new s 172A

Chapter 4, part 7, division 2, subdivision 1—

*insert—*

### **172A Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl

sled is used with a net.

- (2) The net may be used only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

## 19 Insertion of new ch 4, pt 7, div 3

Chapter 4, part 7—

*insert—*

### **Division 3 Prohibited activity**

#### **175A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
- (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

[s 20]

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*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

## 20 Insertion of new s 182A

Chapter 4, part 8, division 2, subdivision 1—

*insert—*

### **182A Restriction on use of nets with particular fishing apparatus or attachments**

- (1) This section applies if a beam, otter board or trawl sled is used with a net.
- (2) The net may be used only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of nets that must not be used—*

- 1 A net that uses a trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
- 2 A net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.

**21 Insertion of new ch 4, pt 8, div 3**

Chapter 4, part 8—

*insert—***Division 3 Prohibited activity****185A Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl sled used with a net only if—
  - (a) the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor (the *trawl shoe*) is flat and smooth; and
  - (b) no part of the beam, otter board or trawl sled, including anything attached to the beam, otter board or trawl sled, extends below the trawl shoe.

*Examples of trawl sleds a person may not possess—*

- 1 A trawl sled that has spikes attached to the horizontal surface of the underside of its trawl shoe.
  - 2 A trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below the trawl shoe.
- (2) A person must not possess a thing designed to attach to a beam, otter board or trawl sled if the thing, when attached, extends below the trawl shoe of the beam, otter board or trawl sled.

**22 Amendment of s 187 (Restrictions on processing scallops on commercial fishing boat)**

- (1) Section 187—

*number* as section 187(2).

- (2) Section 187—

*insert—*

[s 22]

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- (1) This section applies to the extent that processing a scallop involves more than sorting the scallop or removing half of the shell of the scallop.

ENDNOTES

- 1 Made by the chief executive on 20 June 2016.
- 2 Approved by the Governor in Council on 7 July 2016.
- 3 Notified on the Queensland legislation website on 8 July 2016.
- 4 The administering agency is the Department of Agriculture and Fisheries.

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