



Queensland

# Fisheries (Sustainable Fisheries Strategy) Amendment Regulation 2019

## Subordinate Legislation 2019 No. 71

made under the

*Biosecurity Act 2014*

*Coastal Protection and Management Act 1995*

*Fisheries Act 1994*

*Marine Parks Act 2004*

*Nature Conservation Act 1992*

*Planning Act 2016*

*Rural and Regional Adjustment Act 1994*

*State Penalties Enforcement Act 1999*

*Transport Operations (Marine Pollution) Act 1995*

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[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Fisheries (Sustainable Fisheries Strategy) Amendment Regulation 2019*.

### **2 Commencement**

This regulation commences on 28 May 2019.

## **Part 2 Amendment of Fisheries Regulation 2008**

### **3 Regulation amended**

This part amends the *Fisheries Regulation 2008*.

*Note—*

See also the amendments in schedule 1.

### **4 Replacement of ch 1, pt 2, div 1 (Relationship with East Coast Trawl Plan)**

Chapter 1, part 2, division 1—

*omit, insert—*

#### **Division 1 Relationship with Fisheries Declaration 2019**

##### **3 Regulation to be read with Fisheries Declaration 2019**

For fisheries declarations, this regulation must be read together with the *Fisheries Declaration 2019*.

---

*Note—*

See the *Fisheries Declaration 2019*, section 3 about the interpretation of terms in the declaration.

## **5 Insertion of new s 4A**

After section 4—

*insert—*

### **4A Meaning of *stowed and secured*—Act, s 77A**

- (1) This section prescribes the meaning of *stowed and secured* for section 77A(4) of the Act and this regulation.
- (2) A thing is *stowed and secured* if it is *stowed* inboard a boat.

## **6 Particular references to management plan**

Each of the following provisions is amended by omitting the words ‘management plan’ and inserting the word ‘declaration’—

- section 6(3)
- section 7(1)
- section 557(4)
- section 600O(4)
- section 614H(3)(b).

## **7 Omission of ss 10–12**

Sections 10 to 12—

*omit.*

## **8 Omission of chs 2–4**

Chapters 2 to 4—

[s 9]

---

*omit.*

**9 Omission of ch 5, pt 2, div 1, sdiv 1, hdg (Prescribed authorities)**

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

*omit.*

**10 Replacement of s 202 (Purpose of sdiv 1)**

Section 202—

*omit, insert—*

**202 Purpose of division**

This division states the types of permits, licences and quota authorities the chief executive may issue under section 49 of the Act.

**11 Omission of s 203 (Types of authorities)**

Section 203—

*omit.*

**12 Omission of ch 5, pt 2, div 1, sdiv 2, hdg (Quota authorities)**

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

*omit.*

**13 Replacement of s 206 (Types of quota authorities)**

Section 206—

*omit, insert—*

**206 Types of quota authorities**

The types of quota authorities under the Act are the following—

- (a) T1 effort units and T2 effort units under chapter 7A, part 7;
- (b) SM units under chapter 10, parts 2 to 6;
- (c) CT line units, OS line units and RTE line units under chapter 10A, parts 2 to 6;
- (d) ITQ units under chapter 11, part 1A, division 7;
- (e) T4-ITQ units under chapter 11, part 3, division 5.

*Note—*

Generally speaking, the chief executive may not issue more quota authorities of any of the types mentioned in this section—see sections 392BN, 556A, 591N, 600NA and 614G.

**14 Amendment of s 208 (Authorisations subject to regulation, management plans and authorities)**

- (1) Section 208, heading, ‘management plans’—

*omit, insert—*

**declarations**

- (2) Section 208(1)(b)—

*omit.*

- (3) Section 208(1)(c)—

*renumber* as section 208(1)(b).

- (4) Section 208(2), ‘management plan’—

*omit, insert—*

**declaration**

- (5) Section 208(2), examples, first dot point, ‘fisheries declarations under chapter 2, 3 or 4’—

*omit, insert—*

*the Fisheries Declaration 2019*

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**15 Amendment of s 210 (Particulars to be contained in register—Act, s 73)**

(1) Section 210(e), after ‘authority’—

*insert—*

or, if applicable, prescribed for the authority under section 80(1)(b) of the Act

(2) Section 210(h), ‘under the East Coast Trawl Plan’—

*omit.*

(3) Section 210(h)(ii), ‘worked out under that plan’—

*omit.*

**16 Amendment of s 211 (Holder to notify chief executive of particular changes—Act, s 73)**

Section 211(e), after ‘authority’—

*insert—*

or prescribed for the authority under section 80(1)(b) of the Act

**17 Insertion of new s 218D**

After section 218C—

*insert—*

**218D Prohibition on issue of general fisheries permit for using particular nets in particular regulated waters**

(1) The chief executive can not issue a general fisheries permit allowing a commercial fisher to use a relevant net to take a fish for trade or commerce in the regulated waters mentioned in the *Fisheries Declaration 2019*, section 65(1).

(2) In this section—

*relevant net* means a cast net, mesh net, seine net

or set pocket net.

**18 Amendment of s 245 (Requirement to decide number of tender boats for commercial fishing boat licences)**

Section 245—

*insert—*

- (7) The chief executive must give the licence holder an information notice about a decision under subsection (2).

**19 Amendment of s 246 (Authorisation under a commercial fishing boat licence)**

- (1) Section 246(4), ‘and any relevant management plan’—

*omit.*

- (2) Section 246(5)—

*omit.*

**20 Insertion of new s 253BF**

After section 253BE—

*insert—*

**253BF Restrictions on writing east coast trawl fishery symbols**

- (1) The chief executive may write an east coast trawl fishery symbol on a commercial fishing boat licence only if—
  - (a) the licence is a replacement 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.
- (2) However, the chief executive must not approve an

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application to amend an authority to write an east coast trawl fishery symbol on the authority if the result of the amendment would be—

- (a) an ‘M2’ fishery symbol is written on a licence that has an ‘M1’, ‘T1’ or ‘T2’ fishery symbol written on the licence; or
  - (b) a ‘T2’ fishery symbol is written on a licence that has an ‘M1’ or ‘T1’ fishery symbol written on the licence; or
  - (c) an ‘M1’ fishery symbol is written on a licence that does not have a ‘T1’ fishery symbol written on the licence.
- (3) Also, the chief executive must not approve an application to amend an authority to remove an east coast trawl fishery symbol on the authority if the result of the amendment would be an ‘M1’ fishery symbol is written on a licence that does not have a ‘T1’ fishery symbol written on the licence.
- (4) Further, the chief executive must not—
- (a) write an ‘M1’, ‘T1’ or ‘T2’ fishery symbol on a licence allowing the use of a boat for which—
    - (i) the hull units are more than 70; or
    - (ii) the main engine is more than 300 maximum continuous brake kW; or
  - (b) write 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 is more than 300 maximum continuous brake kW.
- (5) In addition, for subsection (1)(b), 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) Subsection (5) does not apply if the licence holder surrenders another ‘M2’ licence.

(7) In this section—

***replacement licence*** means—

(a) a replacement licence issued under section 71 of the Act to replace a licence that has been lost, damaged or destroyed; or

(b) a licence for a boat to replace another boat licensed to operate in the east coast trawl fishery.

**21 Amendment of s 298, hdg (Annual quota)**

Section 298, heading, after ‘quota’—

*insert—*

**entitlement**

**22 Amendment of s 309, hdg (Annual quota)**

Section 309, heading, after ‘quota’—

*insert—*

**entitlement**

**23 Insertion of new ch 7A**

After chapter 7—

*insert—*

**Chapter 7A East coast trawl fishery**

## Part 1 Preliminary

### 392 What is the *east coast trawl fishery*

The *east coast trawl fishery* is fishing for trade or commerce by the use of trawl nets (*trawling*) in the east coast trawl fishery area.

### 392AA Fishery area

- (1) The *east coast trawl fishery area* means the area of the tidal waters east of longitude 142°31.89' east.
- (2) Schedule 10E defines particular areas for the east coast trawl fishery.

## Part 2 Licences and fishery symbols

### 392AB Licences and fishery symbols for the east coast trawl fishery

- (1) The licences for the east coast trawl fishery are the 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' and 'T9' licences.
- (2) The fishery symbols for the east coast trawl fishery are 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' and 'T9'.

## Part 3 Taking fish and other general conditions

### 392AC What fish may be taken

Only the following fish (each the *permitted fish*)

may be taken under the licence—

- (a) any of the following fish (each the *principal fish*)—
  - (i) prawns;
  - (ii) scallops;
  - (iii) bugs other than Balmain bugs (each a *principal bug*);
  - (iv) squid;
- (b) any of the following fish, if the fish are taken while taking a principal fish—
  - (i) Balmain bugs;
  - (ii) blue swimmer crabs;
  - (iii) cuttlefish;
  - (iv) mantis shrimps;
  - (v) octopus;
  - (vi) pipefish;
  - (vii) red champagne lobsters;
  - (viii) slipper lobsters;
  - (ix) threadfin bream;
  - (x) three-spotted crabs.

### **392AD Who may take fish**

- (1) Subject to subsections (2) and (3), fish may be taken in the east coast trawl fishery by trawling, and fish taken in the east coast trawl fishery by trawling may be possessed, only by a person who—
  - (a) either—
    - (i) holds a licence for the fishery; or

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- (ii) has been allowed by the holder of a licence for the fishery to take or possess fish under the licence; and
  - (b) is a commercial fisher or assistant fisher.
- (2) A person mentioned in subsection (1) may take fish under a 'T1' or 'T2' licence in an effort year only if the licence holder holds unused effort units for the year.

*Note—*

See section 392BP for when effort units are used for an effort year.

- (3) An assistant fisher may, in the east coast trawl fishery, take fish for trade or commerce only if—
  - (a) the assistant fisher and a commercial fisher are on the same primary boat or tender boat; or
  - (b) the assistant fisher is on a tender boat for the primary boat for the commercial fishing boat licence under which the fish are being taken.

### **392AE Assistant fishers using or possessing commercial fishing apparatus**

An assistant fisher may, in the east coast trawl fishery, use or possess commercial fishing apparatus only if—

- (a) the assistant fisher and a commercial fisher are on the same primary boat or tender boat; or
- (b) the assistant fisher is on a tender boat for the primary boat for the commercial fishing boat licence under which fish are being taken for trade or commerce.

## **Part 4                    Use of BRDs**

### **Division 1              Preliminary**

#### **392AF Application and purpose of part**

This part—

- (a) applies if, under a provision of part 9, a BRD must be used with a net used under a provision of that part; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

#### **392AG Purpose of BRD**

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

### **Division 2              Licence subject to BRD                                  use condition**

#### **392AH Requirement to achieve purpose**

- (1) The licence under which the net is used is subject to a condition (the ***BRD use condition***) that the use of the net must achieve the purpose of a BRD.
- (2) The BRD use condition also applies to a person acting under the licence.

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### **392AI How to comply**

The BRD use condition mentioned in section 392AH is taken to be complied with if a device (a *recognised BRD*) is used with the net that complies with—

- (a) for an otter trawl net used to trawl for prawns—division 3; or
- (b) for an otter trawl net used to trawl for principal bugs or scallops—division 4; or
- (c) for a beam trawl net—division 5.

## **Division 3      Recognised BRDs for otter trawl nets used to trawl for prawns**

### **392AJ Application of division**

This division applies only to an otter trawl net used to trawl for prawns.

### **392AK Square mesh cod end—northern area or central area**

- (1) The cod end of a net used in the northern area or central area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 50mm; and
  - (b) at least—
    - (i) 80 bars in circumference; and
    - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.

- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh.

### **392AL Square mesh cod end—deep water net area**

- (1) The cod end of a net used in the deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 80 bars in circumference; and
    - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh.

### **392AM Square mesh cod end—outside of northern area, central area and deep water net area**

- (1) The cod end of a net used outside of the northern area, central area and deep water net area is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 38mm; and
  - (b) at least—

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- (i) 80 bars in circumference; and
  - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel made of square mesh of—
  - (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 300mm wide; and
    - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

### **392AN Square mesh panel—outside of central area**

- (1) A panel of a net used outside of the central area is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The panel must be installed so that—
  - (a) the trailing edge of the surrounding panel is no more than 35 meshes from the cod end drawstrings of the net; and
  - (b) the trailing edge of the centre panel is no more than 40 meshes from the cod end drawstrings of the net.
- (5) The surrounding panel must be made of square

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- mesh of—
- (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 550mm wide; and
    - (ii) 700mm long.
- (6) The centre panel must be made of square mesh of—
- (a) a mesh size of at least 55mm; and
  - (b) at least—
    - (i) 250mm wide; and
    - (ii) 300mm long.
- (7) During trawling, nothing must cover any of the square mesh.

### **392AO Fisheye**

- (1) An opening, commonly known as a fisheye, in a net used in the east coast trawl fishery is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) held open by a rigid frame that consists of—
    - (i) a semicircular-shaped frame; and
    - (ii) an isosceles triangle-shaped frame; and
  - (b) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
  - (a) at least—

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- (i) 350mm wide; and
  - (ii) 150mm high; and
- (b) divided in half by a rigid bar; and
- (c) attached, by a rigid bar—
  - (i) from the midpoint of the semicircular-shaped part of the frame; and
  - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
  - (a) equal to the width of the semicircular-shaped frame; and
  - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

### **392AP Bigeye**

- (1) An opening, commonly known as a bigeye, in a net used in the east coast trawl fishery is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) in the top of the net; and
  - (b) at least 350mm across the width of the net; and
  - (c) no more than 66 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—

- (a) the part of the opening closest to the mouth of the net must be weighted by chain links or other weights; and
- (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 2 floats, each of which is at least—
  - (i) 90mm wide; and
  - (ii) 50mm in diameter; and
- (c) nothing must cover any part of the opening.

**392AQ V-cut and bell cod end—outside of central area and deep water net area**

- (1) A combination of the cod end of a net and a V-cut opening in the cod end used outside of the central area and deep water net area is a recognised BRD if—
  - (a) the last 33 meshes of the net from the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end; and
  - (b) the opening complies with subsections (3) and (4); and
  - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
  - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
  - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
  - (a) be in the top of the net; and

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- (b) have 2 diagonal forward measurements of 10 bars of the net; and
  - (c) have a lateral measurement along its forward edge of 11 meshes of the net.
- (4) The apex of the opening must not be more than 45 meshes of the net from the drawstrings.

## **Division 4      Recognised BRDs for otter trawl nets used to trawl for principal bugs or scallops**

### **392AR Application of division**

This division applies only to an otter trawl net used to trawl for principal bugs or scallops.

### **392AS Scallop square mesh cod end**

- (1) The cod end of a net used in the east coast trawl fishery is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 88mm; and
  - (b) at least—
    - (i) 50 bars in circumference; and
    - (ii) 1,500mm long.
- (3) The square mesh must be no more than 15 meshes from the cod end drawstrings of the net.
- (4) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (5) During trawling, nothing must cover any of the square mesh other than a compliant chaffing mat.

(6) In this section—

*compliant chaffing mat*, for a cod end, means a mat that is attached to the bottom half of the circumference of the cod end—

- (a) only—
  - (i) along the leading edge of the mat; and
  - (ii) halfway along the length of each side of the mat; and
  - (iii) at a point on each rear corner of the mat; and
- (b) along no more than half of the length of the cod end.

## **Division 5      Recognised BRDs for beam trawl nets**

### **392AT Application of division**

This division applies only to a beam trawl net.

### **392AU Square mesh cod end**

- (1) The cod end of a net is a recognised BRD if the cod end complies with this section.
- (2) The cod end must be made of square mesh of—
  - (a) a mesh size of at least 31mm; and
  - (b) at least—
    - (i) 100 bars in circumference; and
    - (ii) 50 bars long.
- (3) The square mesh must be no more than 25 meshes from the cod end drawstrings of the net.
- (4) The square mesh must have installed in it a panel

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- made of square mesh of—
- (a) a mesh size of at least 45mm; and
  - (b) at least—
    - (i) 300mm wide; and
    - (ii) 300mm long.
- (5) If the square mesh is single strand or otherwise knotted, the cod end must contain 4 evenly spaced belly ropes.
- (6) During trawling, nothing must cover any of the square mesh.

### **392AV Square mesh panel**

- (1) A panel of a net is a recognised BRD if the panel complies with this section.
- (2) The panel must be in the top of the cod end of the net.
- (3) The panel must consist of a surrounding panel around a centre panel.
- (4) The surrounding panel must be made of square mesh of—
  - (a) a mesh size of at least 40mm; and
  - (b) at least—
    - (i) 450mm wide; and
    - (ii) 600mm long.
- (5) The centre panel must be made of square mesh of—
  - (a) a mesh size of at least 50mm; and
  - (b) at least—
    - (i) 200mm wide; and
    - (ii) 300mm long.

- (6) The panel must be installed so that—
  - (a) the trailing edge of the surrounding panel is no more than 60 meshes from the cod end drawstrings of the net; and
  - (b) the trailing edge of the centre panel is no more than 65 meshes from the cod end drawstrings of the net.
- (7) During trawling, nothing must cover any of the square mesh.

### **392AW Fisheye**

- (1) An opening, commonly known as a fisheye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) held open by a rigid frame that consists of—
    - (i) a semicircular-shaped frame; and
    - (ii) an isosceles triangle-shaped frame; and
  - (b) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the equal sides of the isosceles triangle-shaped frame point towards the opening of the net.
- (4) The semicircular-shaped frame must be—
  - (a) at least—
    - (i) 230mm wide; and
    - (ii) 100mm high; and
  - (b) divided in half by a rigid bar; and
  - (c) attached, by a rigid bar—

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- (i) from the midpoint of the semicircular-shaped part of the frame; and
  - (ii) to the apex of the equal sides of the isosceles triangle-shaped frame.
- (5) The shortest side of the isosceles triangle-shaped frame must be—
  - (a) equal to the width of the semicircular-shaped frame; and
  - (b) attached, perpendicularly, to the widest part of the semicircular-shaped frame.
- (6) During trawling, nothing must cover any part of the opening.

### **392AX Bigeye**

- (1) An opening, commonly known as a bigeye, in a net is a recognised BRD if the opening complies with this section.
- (2) The opening must be—
  - (a) in the top of the net; and
  - (b) at least 230mm across the width of the net; and
  - (c) no more than 80 meshes from the cod end drawstrings of the net.
- (3) The edges of the opening must not overlap by more than 200mm.
- (4) During trawling—
  - (a) the part of the opening closest to the mouth of the net must be weighted by chain links or other weights; and
  - (b) the part of the opening closest to the cod end drawstrings of the net must be buoyed by at least 1 float that is at least—

- (i) 90mm wide; and
- (ii) 50mm in diameter; and
- (c) nothing must cover any part of the opening.

### **392AY V-cut and bell cod end**

- (1) A combination of the cod end of a net and a V-cut opening in the cod end is a recognised BRD if—
  - (a) the following number of the meshes of the net before the cod end drawstrings of the net have a circumference of at least 150% of the rest of the cod end—
    - (i) if the net has a mesh size of less than 31mm—50;
    - (ii) if the net has a mesh size of 31mm or more—40; and
  - (b) the opening complies with subsections (3) and (4); and
  - (c) nothing covers any part of the opening during trawling.
- (2) However, subsection (1)(c) does not apply if—
  - (a) the meshes are left attached along the forward edge of the opening leaving a flap of net; and
  - (b) the edges of the flap do not extend wider than the opening during trawling.
- (3) The opening must—
  - (a) be in the top of the net; and
  - (b) have 2 diagonal forward measurements of the following number of bars of the net each—
    - (i) if the net has a mesh size of less than 31mm—15;

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- (ii) if the net has a mesh size of 31mm or more—12; and
  - (c) have a lateral measurement along its forward edge of the following number of meshes of the net—
    - (i) if the net has a mesh size of less than 31mm—16;
    - (ii) if the net has a mesh size of 31mm or more—13.
- (4) The apex of the opening must not be more than the following number of meshes of the net from the drawstrings—
  - (a) if the net has a mesh size of less than 31mm—65;
  - (b) if the net has a mesh size of 31mm or more—55.

## **Part 5                    Use of TEDs**

### **Division 1              Preliminary**

#### **392AZ Application and purpose of part**

This part—

- (a) applies if, under a provision of part 9, a TED must be used with a net used under a provision of that part; and
- (b) prescribes an additional condition to which the licence under which the net is used is subject.

### **392BA Purpose of TED**

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

## **Division 2      Licence subject to TED use condition**

### **392BB Requirement to achieve purpose**

- (1) The licence under which the net is used is subject to a condition (the *TED use condition*) that the use of the net must achieve the purpose of a TED.
- (2) The TED use condition also applies to a person acting under the licence.

### **392BC Compliance with TED use condition**

- (1) The TED use condition mentioned in section 392BB is taken to have been complied with if—
  - (a) a device that complies with this part (a *recognised TED*) is used with the net; and
  - (b) if an accelerator funnel is attached to a recognised TED—the accelerator funnel complies with section 392BH.
- (2) A recognised TED must consist of—
  - (a) a grid that complies with section 392BD(1) and (2); and
  - (b) an opening (the *escape hole*) in the net that complies with section 392BE; and
  - (c) if the escape hole is in the bottom of the net—
    - (i) a grid that complies with section 392BD(3); or

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- (ii) floats that comply with section 392BG;  
and
- (d) a flap covering the escape hole that  
complies with section 392BF.

## **Division 3            Requirements for recognised TEDs**

### **392BD Grid requirements**

- (1) The grid must—
  - (a) be at least 810mm wide and 810mm high;  
and
  - (b) have vertical bars, spaced no more than  
120mm apart, extending from the top to the  
bottom of the net; and
  - (c) be constructed as a single solid unit without  
any hinged or collapsible components; and
  - (d) be attached to the entire circumference of  
the net; and
  - (e) be installed and kept at an angle of between  
30° and 55° in the net so that it is inclined  
towards the escape hole.
- (2) The grid must be constructed of rigid material.
- (3) Also, if the escape hole is in the bottom of the net,  
the grid must be—
  - (a) constructed of a material with a density of  
no more than the density of seawater; and
  - (b) appropriately marked with—
    - (i) the density of the material, expressed in  
g/cm<sup>3</sup> or kg/cm<sup>3</sup>; and
    - (ii) the name of the grid's manufacturer.

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### **392BE Escape hole requirements**

- (1) The escape hole must allow turtles to escape immediately after the turtles are taken in the net.
- (2) The escape hole must consist of—
  - (a) a horizontal cut that is—
    - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid; and
    - (ii) at least 610mm wide; and
    - (iii) no narrower than the grid, other than for 100mm at either side of the grid; and
  - (b) 2 cuts that are each—
    - (i) in front of and perpendicular to the trailing edge of the grid; and
    - (ii) of equal length; and
    - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
  - (c) a leading edge cut that, when the net is stretched, is at least—
    - (i) 1,810mm, if the escape hole is covered with a single flap; or
    - (ii) 1,420mm, if the escape hole is covered with a double flap.
- (3) Alternatively, the escape hole may consist of—
  - (a) a horizontal cut that is—
    - (i) at the trailing edge of the escape hole and immediately in front of and

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- parallel to the trailing edge of the grid;  
and
- (ii) at least 1,020mm wide; and
- (b) 2 all bar cuts that each—
  - (i) are of equal length and at least 1,360mm long; and
  - (ii) taper from either end of the horizontal cut mentioned in paragraph (a) to where they meet.
- (4) Alternatively, the escape hole may consist of—
  - (a) a horizontal cut that is—
    - (i) at the trailing edge of the escape hole and immediately in front of and parallel to the trailing edge of the grid;  
and
    - (ii) at least 610mm wide; and
    - (iii) no narrower than the grid, other than for 100mm at either side of the grid;  
and
  - (b) 2 cuts that are each—
    - (i) in front of and perpendicular to the trailing edge of the grid; and
    - (ii) of equal length; and
    - (iii) at least 660mm long if the escape hole is covered with a single flap, or at least 510mm long if the escape hole is covered with a double flap; and
  - (c) 2 all bar cuts that—
    - (i) each intersect with, and are in front of, the perpendicular cuts mentioned in paragraph (b); and

- 
- (ii) are each of equal length and at least 500mm long; and
  - (iii) allow the escape hole, at the intersections mentioned in subparagraph (i), to stretch to, if the escape hole is covered with a single flap, 1,810mm, or if the escape hole is covered with a double flap, 1,420mm.
- (5) In this section—
- all bar cut*** means a cut through parallel opposing bars in a row of meshes.

### **392BF Flap requirements**

- (1) The escape hole must be covered by a rectangular flap attached to the outside of the net.
- (2) The flap must consist of 1 panel that—
  - (a) has a mesh size of no more than—
    - (i) for a net used to trawl for prawns—50mm; or
    - (ii) for a net used to trawl for scallops—90mm; and
  - (b) is at least 3,380mm by 1,320mm; and
  - (c) does not overlap the escape hole by more than 130mm on either side; and
  - (d) is not sewn down the outside edges more than 150mm past the trailing edge of the grid; and
  - (e) is attached, by the longer edge, to the net in front of the leading edge of the escape hole.
- (3) Alternatively, the flap may consist of 2 equal-sized panels that—
  - (a) each have a mesh size of no more than—

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- (i) for a net used to trawl for prawns—  
50mm; or
  - (ii) for a net used to trawl for scallops—  
90mm; and
  - (b) are each at least 1,470mm wide; and
  - (c) do not overlap by more than 380mm along  
the leading edge of the panels, when each  
panel is fully stretched; and
  - (d) are sewn together only along the leading  
edges of the panels; and
  - (e) are attached to the net in front of the leading  
edge of the escape hole.
- (4) The trailing edge of a flap must not extend more  
than 610mm behind the trailing edge of the grid.

### **392BG Float requirements**

- (1) If the escape hole is in the bottom of the net, the  
following floats must be attached to the grid—
- (a) if the grid has a circumference of no more  
than 3,050mm, at least—
    - (i) 2 small floats; or
    - (ii) 1 medium float;
  - (b) if the grid has a circumference of more than  
3,050mm, at least—
    - (i) 4 small floats; or
    - (ii) 2 medium floats.
- (2) Alternatively, the following floats may be  
attached to the grid—
- (a) 3 small plastic floats; or
  - (b) 2 medium plastic floats; or
  - (c) 1 large plastic float.

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- (3) Alternatively, 1 or more floats, with a total buoyancy at least equal to the weight of the recognised TED, may be attached to the grid if—
- (a) the buoyancy, expressed in grams or kilograms, of each float is appropriately marked on the float; and
  - (b) the weight of the recognised TED is appropriately marked on the grid.

- (4) In this section—

***attached*** means attached to the top half of the grid—

- (a) inside the net and behind the grid; or
- (b) outside the net but not attached to a flap.

***large plastic float*** means a float made of hard plastic that is at least 250mm in diameter.

***medium float*** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

- (a) 222mm long; and
- (b) 172mm in diameter.

***medium plastic float*** means a float made of hard plastic that is at least 200mm, but less than 250mm, in diameter.

***small float*** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

- (a) 180mm, but less than 222mm, long; and
- (b) 147mm, but less than 172mm, in diameter.

***small plastic float*** means a float made of hard plastic that is at least 150mm, but less than 200mm, in diameter.

***weight*** means weight expressed in grams or kilograms.

### **392BH Accelerator funnel requirements**

- (1) The accelerator funnel must be made of mesh of a mesh size of at least 38mm but no more than 50mm.
- (2) The accelerator funnel must be installed in the leading edge of the net in front of the recognised TED so that—
  - (a) the leading edge of the accelerator funnel is attached at least 18 meshes in front of the closest point of the grid; and
  - (b) the trailing edge of the accelerator funnel does not extend past the bars of the grid.
- (3) If the recognised TED has an escape hole in the top of the net, the bottom of the trailing edge of the accelerator funnel must be attached to the bottom of the recognised TED by no more than one-third of the circumference of the trailing edge.
- (4) If the recognised TED has an escape hole in the bottom of the net, the top of the trailing edge of the accelerator funnel must be attached to the top of the recognised TED by no more than one-third of the circumference of the trailing edge.
- (5) The circumference of the trailing edge of the accelerator funnel must be at least—
  - (a) for an accelerator funnel with a mesh size of at least 38mm but less than 43mm—100 meshes; or
  - (b) for an accelerator funnel with a mesh size of at least 43mm but less than 48mm—93 meshes; or
  - (c) for an accelerator funnel with a mesh size of at least of 48mm but less than 50mm—83 meshes; or



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been received by the chief executive.

### **392BK Obligation to ensure communication with person in control**

The licence holder and the person in control of the boat identified in the licence must take all reasonable steps to ensure the chief executive or an inspector is, whenever the person is on the boat, able to communicate with the person by using a nominated communication mode for the boat.

## **Part 7                    Effort units**

### **Division 1              Introduction**

#### **392BL Simplified outline of part**

- (1) This part provides for the entitlement of effort units and conditions for their transfer.
- (2) Divisions 3 and 4 provide for the entitlement of effort units and for working out when they are used.
- (3) Divisions 5, 6 and 7 prescribe conditions for the transfer of effort units, provide for the registration of transferred effort units and provide for the entitlement under transferred effort units.
- (4) Division 9 provides for usage notices.

### **Division 2              General provisions about effort units**

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### **392BM Nature of an effort unit**

Each effort unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under division 3.

### **392BN Restriction on issue of effort units**

The chief executive must not issue effort units.

## **Division 3            Effort unit entitlement and use**

### **392BO Entitlement under effort units**

- (1) The effort units held by a person authorise the person, in an effort year, to—
  - (a) if the effort units are effort units that can be used in conjunction with ‘T1’ licences (*T1 effort units*)—
    - (i) use, or allow someone else to use, the boat identified in any ‘T1’ licence also held by the person until the effort units have been used; and
    - (ii) use, or allow someone else to use, each of the boats for 4 additional days (each a *steaming day*); or
  - (b) if the effort units are effort units that can be used in conjunction with ‘T2’ licences (*T2 effort units*)—
    - (i) use the boat identified in any ‘T2’ licence also held by the person until the effort units have been used; and

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- (ii) use each of the boats for 4 additional days (each also a *steaming day*).
- (2) However, the entitlement applies only while—
  - (a) for T1 effort units—the person also holds a ‘T1’ licence that is in force; and
  - (b) for T2 effort units—the person also holds a ‘T2’ licence that is in force.
- (3) The authorisation under this section is subject to division 7.
- (4) The authorisation under this section for an effort year—
  - (a) is the person’s *entitlement* under the person’s effort units for the year; and
  - (b) imposes a quota on the entitlement for the effort year.
- (5) The entitlement is subject to any relevant prohibitions or restrictions under this regulation, the effort unit or the ‘T1’ licence or ‘T2’ licence.

*Examples of relevant restrictions—*

- restrictions under a fisheries declaration
- conditions applying generally to licences with fishery symbols under chapter 6, part 6

### **392BP When effort units are *used* for an effort year**

- (1) This section provides for when effort units held by a person are *used* for an effort year.
- (2) Effort units are not used until the holder, or anyone else allowed by the holder, has, under section 392BQ, used a boat identified in a ‘T1’ licence or ‘T2’ licence on a fishing day for effort units.
- (3) The number of effort units used on the fishing day is worked out by applying the following

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formula—

$$EU = 1 \div EUCF$$

where—

*EU* means the number of effort units used on the fishing day.

*EUCF* means the effort unit conversion factor for the boat used.

### **392BQ Provisions for working out use of entitlement**

- (1) This section provides for rules to work out whether a boat has been *used* on a fishing or steaming day to decide whether the entitlement of the holder of effort units has been used.
- (2) The period of each fishing and steaming day for the effort units is from midday to midday.
- (3) However, if the holder has given the chief executive notice of 24 hours or more that the period of the days is to be—
  - (a) from midnight to midnight—the period is from midnight to midnight; or
  - (b) from 6p.m. to 6p.m.—the period is from 6p.m. to 6p.m.
- (4) Subsection (3)(b) applies only if the licence is also an ‘M1’ licence.
- (5) If the holder uses the boat in any part of a fishing or steaming day, the holder is taken to have used the boat for the whole of the day.
- (6) Despite subsections (3) to (5)—

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- (a) the use of the boat for the whole or part of the first 12 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
  - (i) under subsection (3)(a), the period of the fishing or steaming day is from midnight to midnight; and
  - (ii) the boat has, in the preceding 12 hours, been used under an east coast trawl fishery symbol; and
- (b) the use of the boat for the whole or part of the first 6 hours of an effort year is not included in the working out of whether the boat has been used on a fishing or steaming day if—
  - (i) under subsection (3)(b), the period of the fishing or steaming day is from 6p.m. to 6p.m.; and
  - (ii) the boat has, in the preceding 18 hours, been used under an east coast trawl fishery symbol.
- (7) The boat is taken to have been used on fishing days for effort units before it is used on steaming days.
- (8) In this section—

*notice* includes a notice given by facsimile, radio or telephone.

### **392BR No carrying forward of unused entitlement**

- (1) This section applies if, in an effort year, the holder of effort units fishes on fewer days than the total entitlements under the effort units.
- (2) The holder is taken, at the end of the effort year,

to have used all the entitlements under the effort units held by the holder for the year.

### **392BS Content of effort unit certificates**

An effort unit certificate must state each of the following—

- (a) the name of the person who holds the effort units mentioned in the certificate;
- (b) if the holder has T1 effort units—how many of them the holder has;
- (c) if the holder has T2 effort units—how many of them the holder has;
- (d) if the chief executive has imposed conditions on the effort units—the conditions;
- (e) if the chief executive has suspended any of the effort units—
  - (i) the number of effort units suspended; and
  - (ii) the period of the suspension.

### **392BT Evidentiary provision for effort unit certificate**

An effort unit certificate is evidence of—

- (a) the number of effort units held when the certificate was—
  - (i) issued; or
  - (ii) changed or replaced under section 93 of the repealed 2010 Plan or section 392CI; and
- (b) the conditions, if any, imposed on the effort units.

## **Division 4      Evidentiary aids for use of entitlement**

### **Subdivision 1   Evidentiary aids for when a fishing or steaming day is used**

#### **392BU Location detected or reported**

- (1) This section applies if the boat identified in a ‘T1’ licence or ‘T2’ licence is detected by vessel tracking equipment or manually reported at any time during a day (the *relevant day*) within the following area—
  - (a) for a boat identified in a ‘T1’ licence—
    - (i) generally—the ‘T1’ area; and
    - (ii) if the licence also has an ‘M1’ fishery symbol written on it—the ‘M1’ and ‘M2’ area;
  - (b) for a boat identified in a ‘T2’ licence—the ‘T2’ area.
- (2) The detection or manual report is evidence that the licence holder has used the boat for a whole fishing day or steaming day for—
  - (a) if the licence is a ‘T1’ licence—T1 effort units; or
  - (b) if the licence is a ‘T2’ licence—T2 effort units.
- (3) However, subsection (2) does not apply if—
  - (a) an exception for this section stated in subdivision 2 applies for the relevant day; or

- (b) the licence holder satisfies the chief executive the boat was not used on the relevant day.

### **392BV Location not detected or reported**

- (1) This section applies if at any time during a day (the *relevant time*)—
  - (a) section 80 of the Act applied to the use of a boat identified in a ‘T1’ or ‘T2’ licence; and
  - (b) the boat is not detected by vessel tracking equipment anywhere; and
  - (c) the boat’s location is not manually reported.
- (2) The absence of the detection or manual report is evidence that the boat was used for a whole fishing day or steaming day for—
  - (a) if the licence is a ‘T1’ licence—T1 effort units; or
  - (b) if the licence is a ‘T2’ licence—T2 effort units.
- (3) However, subsection (2) does not apply if the licence holder satisfies the chief executive that the boat was not being used at the relevant time.

### **392BW Particular notice is evidence of unused entitlement**

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

## **Subdivision 2 Exceptions**

### **392BX Exception—movement only at travelling speed**

- (1) It is an exception for section 392BU(3)(a) if, during the whole of the day, the boat is detected by vessel tracking equipment or manually reported as—
  - (a) not having moved; or
  - (b) having moved at a speed of at least 5 knots.
- (2) For subsection (1)(b), if a boat is detected by vessel tracking equipment or manually reported as having moved continuously during a period, the first or last time the boat is detected or manually reported during the period must be disregarded if, at the time, the boat is detected or manually reported as moving at a speed of less than 5 knots.
- (3) This section does not limit sections 392BZ and 392CB.

### **392BY Exception—minimum boat movement**

- (1) It is an exception for section 392BU(3)(a) if, during the whole of the day, the boat is detected by vessel tracking equipment or manually reported as—
  - (a) not having moved; or
  - (b) having moved no more than the following distance from where the boat was first detected on the day—
    - (i) if the boat is detected or manually reported as being in the deep water net area during any part of the day—1,000m;

- (ii) otherwise—250m.
- (2) This section does not limit sections 392BZ and 392CB.

### **392BZ Exception—moving boat without fishing**

- (1) It is an exception for section 392BU(3)(a) if—
  - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
  - (a) the movement is, or is part of, any of the following journeys—
    - (i) from a defined port area to another defined port area;
    - (ii) from a defined port area to a place outside the east coast trawl fishery area;
    - (iii) from a place outside the east coast trawl fishery area to a defined port area;
    - (iv) from a place outside the east coast trawl fishery area to another place outside the east coast trawl fishery;
  - (b) the licence holder or person in control of the boat gave the chief executive notice of the following about the journey before it started—
    - (i) the date and time it will start;
    - (ii) the place it will start;
    - (iii) the proposed destination;

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- (iv) the estimated date and time of arrival at the destination;
  - (v) if the movement involves entering or leaving the east coast trawl fishery area—each entry or leaving;
  - (vi) the reason for the journey;
- (c) if any fish taken outside the east coast trawl fishery area are on board the boat—the licence holder or person in control of the boat gave the chief executive notice of the number or weight of each species of permitted fish before the fish were brought into the area;
- (d) the journey complies, or substantially complies, with the journey stated in the notice;
- (e) during the whole of the journey—
- (i) no fish taken by the use of a trawl net in the east coast trawl fishery area are on board the boat; and
  - (ii) section 80 of the Act is complied with for the boat; and
  - (iii) all trawl nets on board the boat are stored inboard the boat and are not suspended from a mast or boom.
- (3) However, the trawl nets may be suspended from a mast or boom if the journey is from a defined port area to the nearest northerly or southerly defined port area.
- (4) The licence holder or person in control may, during the journey, by notice to the chief executive (*amendment notice*), amend a detail given under subsection (2)(b)(iii), (iv) or (v).
- (5) From the giving of the amendment notice, the condition mentioned in subsection (2)(d) is

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complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

### **392CA Exception—moving boat to test fishing apparatus**

- (1) It is an exception for section 392BU(3)(a) if—
  - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
  - (a) the movement is, or is part of, a journey for the sole purpose of testing the operation of fishing apparatus;
  - (b) the licence holder or person in control of the boat gave, at least 24 hours before the journey, the chief executive notice of the following about the journey—
    - (i) the date and time it will start;
    - (ii) the place it will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) the reason for the journey;
  - (c) the journey complies, or substantially complies, with the journey stated in the notice;
  - (d) the destination for the journey is no more than 1n mile from where the journey started;

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- (e) during the whole of the journey—
  - (i) no fish are taken by the use of a trawl net in the east coast trawl fishery area; and
  - (ii) the cod ends of each trawl net on or attached to the boat are open; and
  - (iii) section 80 of the Act is complied with for the boat.

**392CB Exception—acting exclusively under authority other than an ‘M1’, ‘T1’ or ‘T2’ fishery symbol**

- (1) It is an exception for section 392BU(3)(a) if—
  - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during a day; and
  - (b) the conditions mentioned in subsection (2) have been complied with.
- (2) For subsection (1)(b), the conditions are as follows—
  - (a) the movement is, or is part of, a journey that started from a defined port area;
  - (b) the licence holder or person in control of the boat gave the chief executive notice of the following about the journey before it started—
    - (i) the date and time it will start;
    - (ii) where it will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) each east coast trawl fishery symbol or other authority, other than an ‘M1’,

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- ‘T1’ or ‘T2’ fishery symbol, under which the boat will be used during the journey;
- (vi) the activities for which the boat will be used during the journey;
  - (vii) the date and time the use of the boat under the east coast trawl fishery symbol or other authority will stop;
- (c) the journey complies, or substantially complies, with the journey stated in the notice;
- (d) during the whole of the journey—
- (i) section 80 of the Act is complied with for the boat; and
  - (ii) if the boat is being used under an authority that does not permit the use of trawl nets to take fish in the east coast trawl fishery area—there are no trawl nets, or fish taken by the use of a trawl net in the east coast trawl fishery area, on board the boat.
- (3) The licence holder or person in control may, during the journey, by notice to the chief executive (*amendment notice*), amend a detail given under subsection (2)(b)(iii), (iv), (v) or (vi).
- (4) From the giving of the amendment notice, the condition mentioned in subsection (2)(c) is complied with if the rest of the journey complies, or substantially complies, with the notice given under subsection (2)(b), as amended under the amendment notice.

### **392CC Exception—detection in particular regulated waters**

It is an exception for section 392BU(3)(a) if the

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detection by vessel tracking equipment or manual reporting is within 1 or more of the following—

- (a) the southern regional waters in the regulated period under the *Fisheries Declaration 2019*, section 87(2);
- (b) the northern regional waters in the regulated period under the *Fisheries Declaration 2019*, section 88(2);
- (c) the following regulated waters—
  - Currumbin Beach
  - Moreton Bay outside ‘M1’ and ‘M2’ area
  - Moreton Bay (including The Broadwater)
  - Maroochy River and ocean foreshores (netting)
  - Laguna Bay area
  - Rainbow Beach
  - Wide Bay Bar
  - Hook Point to Taleerba Creek, Fraser Island
  - Hervey Bay (commercial netting)
  - Gladstone offshore area
  - Yeppoon offshore area
  - Keppel Bay near Middle Island Observatory
  - Swain Reefs
  - Shoalwater Bay
  - Grasstree Island area
  - Pioneer River mouth
  - Egremont Pass Closure

- Refuge Bay on Scawfell Island
- Pioneer Bay
- Hook Island (fishing)
- Bowen to Cairns offshore area
- Townsville Harbour and Cleveland Bay
- Rollingstone Creek
- Townsville to Cape York Peninsula offshore area
- Yanks Jetty at Orpheus Island
- Herbert River
- Hinchinbrook Channel (all nets)
- Mission Beach
- Etty Bay area
- Fitzroy Island–High Island
- Mission Bay
- Trinity Bay
- Yorkeys Knob to Simpson Point
- Island Point to the Daintree River
- Grave Point to Indian Head
- Cape Bedford to Murray Reefs
- Cape Flattery to Lookout Point
- Lookout Point to Baron Reef
- Barrow Point to Bizant River
- Marrett River to Rocky River
- Rocky River to latitude 13°08.91' south
- Round Point to Fly Point near Cape York Peninsula
- tip of Cape York Peninsula

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- latitude 13°08.91' south to Thorpe Point.

### **392CD Notices to chief executive under subdivision**

- (1) This section applies for a notice to the chief executive under this subdivision.
- (2) The notice may relate to a continuous period of more than 1 day.
- (3) The notice may be given to the chief executive by—
  - (a) telephone to a telecommunications service provider for the chief executive published on the department's website; or
  - (b) using vessel tracking equipment in a way that ensures—
    - (i) the notice is given to, and received by, the chief executive instantaneously; and
    - (ii) the chief executive can readily access the information in the notice.
- (4) The chief executive may make guidelines for how to give the notice under subsection (3)(b).
- (5) The notice is taken to have been given under subsection (3)(b) if, to the extent they are relevant, the guidelines are complied with.

## **Division 5            When effort units may or may not be transferred**

### **392CE Purpose of division**

This division states, for section 65(1) of the Act,

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the circumstances in which effort units may or may not be transferred.

### **392CF Only whole effort units may be transferred**

A part of an effort unit can not be transferred.

### **392CG Eligibility of transferee**

- (1) A T1 effort unit may be transferred only by an effort unit holder to a 'T1' licence holder, other than the transferor.
- (2) Subject to section 392CH, a T2 effort unit may be transferred only by an effort unit holder to a 'T2' licence holder, other than the transferor.

### **392CH Transfer of half of the effort units of 'T2' licence to 'T1' licence**

Half of the effort units for a 'T2' licence may be transferred to a 'T1' licence only if the 'T2' licence holder gives the chief executive notice that the 'T2' licence holder surrenders—

- (a) the 'T2' licence; and
- (b) the other half of the 'T2' licence holder's effort units for the 'T2' licence.

## **Division 6            Applications to register                                  transfer of effort units**

### **392CI Effort unit certificate changes required**

If, under section 65B of the Act, an application to transfer an effort unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor's

and transferee's current effort unit certificates.

## **Division 7            Entitlement of transferee under transferred effort units**

### **392CJ Entitlement**

- (1) The entitlement of the transferee under transferred effort units is the unused entitlement of the transferor under the units immediately before the chief executive registers the transfer under section 65B of the Act.
- (2) However, the transferred entitlement only includes an entitlement of the transferor to use a boat on a steaming day if the transferor's former licence to which the effort units related was also transferred to the transferee.
- (3) Subsection (2) does not affect the transferee's entitlement to use a boat on a steaming day under other effort units.

## **Division 8            Information notice**

### **392CK Notice of decision about effort units**

As soon as practicable after making a decision under this part, the chief executive must give each person to whom the decision relates an information notice about the decision.

## **Division 9            Usage notices**

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### **392CL Chief executive to give usage notice**

- (1) This section applies if the chief executive becomes aware that the fishing and steaming days for a particular effort year—
  - (a) have been used; or
  - (b) are likely to be used in the next month.
- (2) The chief executive must immediately give each ‘T1’ licence holder a written notice (a *usage notice*) stating—
  - (a) if the fishing and steaming days have been used—
    - (i) the day the fishing and steaming days were used; and
    - (ii) the day the regulated period starts under the *Fisheries Declaration 2019*, section 92(3); or
  - (b) if the fishing and steaming days are likely to be used in the next month—that the fishing and steaming days are likely to be used in the next month.

### **392CM Obligations of ‘T1’ licence holders under usage notice**

- (1) This section prescribes an additional condition to which a ‘T1’ licence is subject.
- (2) This section applies if a ‘T1’ licence holder is given a usage notice.
- (3) The ‘T1’ licence holder must ensure that every person acting under the licence is aware of the matters mentioned in the notice.
- (4) Subsection (5) applies if the usage notice states that the fishing and steaming days are likely to be used in the next month.

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- (5) A person in control of a relevant boat under the ‘T1’ licence must use the AIVR system, on each day the boat is to be used to take fish under the licence, to obtain the following information before any person starts taking fish from the boat on that day—
- (a) whether the fishing and steaming days have been used;
  - (b) if the person finds out by using the AIVR system that the fishing and steaming days have been used on that day or an earlier day—the day the regulated period will start under the *Fisheries Declaration 2019*, section 92(3).
- (6) A person in control of a relevant boat under the ‘T1’ licence complies with subsection (5) if another person obtains the information, in compliance with the subsection, for the person in control of the boat.
- (7) In this section—
- relevant boat*, under a ‘T1’ licence, means a boat that is to be used to take fish under the licence from the reef world heritage area regulated waters.

## **Part 8                      Boat modification and replacement**

### **Division 1                Boat modification conditions**

#### **392CN Condition for ‘M1’, ‘M2’, ‘T1’ or ‘T2’ licences**

- (1) This section applies to an ‘M1’, ‘M2’, ‘T1’ or

‘T2’ licence.

- (2) Subject to sections 392CP and 392CQ, the licence is subject to the additional condition that the licence holder may modify the boat identified on the licence only if the modification does not change the number of hull units for the boat.

### **392CO Condition for other licences**

Subject to section 392CR, a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence is subject to an additional condition that the licence holder may modify the boat identified in the licence only if—

- (a) the modification does not change the boat’s main engine power or its length; or
- (b) the details of the boat recorded on the licence are amended to reflect the modification.

## **Division 2            Restrictions on amending licence to modify or replace boat**

### **392CP Restriction for ‘M1’, ‘T1’ or ‘T2’ licences**

The chief executive may amend or replace an ‘M1’, ‘T1’ or ‘T2’ licence to allow the boat identified in the licence to be modified or replaced only if the modification or replacement does not result in—

- (a) the hull units for the boat being more than 70; or
- (b) the boat’s main engine power being more than 300 maximum continuous brake kW.

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### **392CQ Restriction for ‘M2’ licences**

The chief executive may amend or replace an ‘M2’ licence to allow the boat identified in the licence to be modified or replaced only if—

- (a) the amendment or replacement does not increase the number of hull units for the boat; or
- (b) the licence holder surrenders another ‘M2’ licence.

### **392CR Length restriction for other licences**

The chief executive may amend or replace a ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’ licence to allow the boat identified in the licence to be modified or replaced only if—

- (a) the primary boat identified in the licence is no longer than 14m; and
- (b) the modification or replacement of the boat will not result in the boat’s main engine power being more than 300 maximum continuous brake kW.

## **Part 9                      Specific licence conditions**

### **Division 1                Specific licence conditions for ‘M1’ licences and ‘M2’ licences**

#### **392CS Purpose and application of division**

This division—

- (a) prescribes additional conditions to which an ‘M1’ licence or ‘M2’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392CT Area for ‘M1’ and ‘M2’ fishery symbols**

The area for the ‘M1’ and ‘M2’ fishery symbols consists of the ‘M1’ and ‘M2’ area.

### **392CU Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using beam trawl nets or otter trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392CV Maximum net length**

A net must be no longer than—

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

### **392CW Minimum and maximum net mesh size**

The mesh size of a net must be at least 38mm but no more than 60mm.

### **392CX Maximum length of sweeps of net**

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

### **392CY Covering net**

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

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least 38mm but no more than 60mm.

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

### **392CZ Use of chains for net**

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than 10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
  - (a) if a ground chain is used—6mm; or
  - (b) if something else is attached at 1 or more points to the bottom rope of an otter trawl net so that the thing is suspended below the bottom rope when the net is in use—10mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

### **392DA Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length for that type of net permitted under section 392CV.

### **392DB Restriction on use of crab bag**

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

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### **392DC Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

### **392DD Maximum boat length**

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

### **392DE Requirement to use BRD**

A BRD must be used with a net, other than a try net, used under this division.

### **392DF Requirement to use TED**

A TED must be used with a net, other than a try net, used under this division.

### **392DG 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—

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- (a) the trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 2            Specific licence conditions for ‘T1’ licences**

### **392DH Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T1’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392DI Area for ‘T1’ fishery symbol**

The area for the ‘T1’ fishery symbol consists of the ‘T1’ area.

### **392DJ Permitted ways of taking permitted fish**

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

- (2) However, scallops may be taken only by using otter trawl nets.
- (3) A net must not be used unless—
  - (a) the net and its use comply with this division; and
  - (b) its primary purpose is to take principal fish.

### **392DK Maximum net and head rope lengths**

- (1) In the following areas, a beam trawl net must be no longer than 10m and an otter trawl net must be no longer than 32.5m—
  - (a) the Comboyuro Point to Caloundra Head area;
  - (b) the Hervey Bay area;
  - (c) the Facing Island area;
  - (d) the Keppel Bay area;
  - (e) the Repulse Bay area;
  - (f) the Cleveland Bay area.
- (2) A net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.
- (3) A net used in the following waters must be no longer than 39m—
  - (a) waters within the following boundary—
    - from latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton), along the mainland shore to latitude 16°28.93' south, longitude 145°28.00' east (Island Head Point)
    - to latitude 16°43.75' south, longitude 145°40.71' east (Double Island)

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- to latitude 16°51.83' south, longitude 145°54.97' east (Cape Grafton);
- (b) Etty Bay area regulated waters, within the following boundary—
- from latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point)
  - along the shore of Etty Bay to latitude 17°33.33' south, longitude 146°05.42' east
  - to latitude 17°33.33' south, longitude 146°05.76' east
  - to latitude 17°33.72' south, longitude 146°05.85' east
  - to latitude 17°33.72' south, longitude 146°05.61' east
  - along the shore of Etty Bay to latitude 17°35.47' south, longitude 146°07.62' east (near Mourilyan Harbour)
  - to latitude 17°30.28' south, longitude 146°04.66' east (Flying Fish Point).
- (4) A beam trawl net used in an area other than an area mentioned in subsection (1), (2) or (3) must be no longer than 40m.
- (5) An otter trawl net must—
- (a) for a net used in the deep water net area—be no longer than 184m; or
  - (b) for a net used in an area other than the deep water net area or an area mentioned in subsection (1), (2) or (3)—
    - (i) for the primary purpose of taking principal bugs or scallops—be no longer than 109m; or

- (ii) for the primary purpose of taking principal fish, other than principal bugs or scallops—be no longer than 88m.

### **392DL Minimum and maximum net mesh size**

- (1) A net used for the primary purpose of taking principal fish, other than principal bugs or scallops, must have—
  - (a) for a net used in the following areas—a mesh size of at least 38mm but no more than 60mm—
    - (i) the Comboyuro Point to Caloundra Head area;
    - (ii) the Hervey Bay area;
    - (iii) the Facing Island area;
    - (iv) the Keppel Bay area;
    - (v) the Repulse Bay area;
    - (vi) the Cleveland Bay area;
    - (vii) the deep water net area; or
  - (b) for a net used in the Laguna Bay area—a mesh size of at least 28mm; or
  - (c) for a net used in the east coast trawl fishery area, other than in an area mentioned in paragraph (a) or (b)—
    - (i) a mesh size of at least 43mm but no more than 60mm; and
    - (ii) a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.
- (2) A net used for the primary purpose of taking principal bugs or scallops must have a mesh size of at least 75mm.

### **392DM Maximum length of sweeps of net**

- (1) This section does not apply to the Laguna Bay area.
- (2) Each sweep used on a net must be no longer than—
  - (a) if the net is used in the Hervey Bay area—3m; or
  - (b) if the net is used in any other waters—10m.

### **392DN Covering net**

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

### **392DO Use of chains for net**

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than—
  - (a) if the net is used in the deep water net area—12mm; or
  - (b) if the net is used in any other waters—10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
  - (a) if a ground chain is used—6mm; or

- 
- (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10mm.
  - (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

### **392DP Use of more than 1 net or head rope**

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 392DK.

### **392DQ Restriction on use of crab bag**

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

### **392DR Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe

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- 2 a net that uses a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its trawl shoe

### **392DS Maximum boat length**

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

### **392DT Requirement to use BRD**

A BRD must be used with a net, other than a try net, used under this division.

### **392DU Requirement to use TED**

A TED must be used with a net, other than a try net, used under this division.

### **392DV 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

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## **Division 3            Specific licence conditions for ‘T2’ licences**

### **392DW Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T2’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392DX Area for ‘T2’ fishery symbol**

The area for the ‘T2’ fishery symbol consists of the ‘T2’ area.

### **392DY Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using otter trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392DZ Maximum net length**

- (1) A net used in the deep water net area must be no longer than 184m.
- (2) A net used in an area other than the deep water net area—
  - (a) for the primary purpose of taking principal bugs or scallops—must be no longer than 109m; or
  - (b) for the primary purpose of taking permitted fish, other than principal bugs or scallops—must be no longer than 88m.

### **392EA Minimum and maximum net mesh size**

- (1) A net used for the primary purpose of taking permitted fish, other than principal bugs or scallops, must—
  - (a) have a mesh size of at least 43mm but no more than 60mm; and
  - (b) have a cod end with a mesh size of at least 38mm and no more than 150 rows of mesh from the drawstring.
- (2) A net used for the primary purpose of taking principal bugs or scallops must have a mesh size of at least 75mm.

### **392EB Maximum length of sweeps of net**

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

### **392EC Covering net**

- (1) The part of a net within 150 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
  - (a) if the net is used for the primary purpose of taking scallops or principal bugs—at least 75mm; or
  - (b) if the net is used for the primary purpose of taking permitted fish, other than scallops or principal bugs—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

### **392ED Use of chains for net**

- (1) More than 1 line of ground chain and 1 line of tickler chain must not be used across the mouth of each net.
- (2) The links of the ground chain must not have a diameter of more than—
  - (a) if the net is used in the deep water net area—12mm; or
  - (b) if the net is used in any other waters—10mm.
- (3) The links of the tickler chain must not have a diameter of more than—
  - (a) if a ground chain is used—6mm; or
  - (b) if something else is attached at 1 or more points to the bottom rope of the net so that the thing is suspended below the bottom rope when the net is in use—10mm.
- (4) The chains must not be used with a weight or an attachment, other than an attachment for joining the chain to the net.

### **392EE Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392DZ for a net.

### **392EF Restriction on use of crab bag**

A crab bag must not be used with a net unless the crab bag is a compliant crab bag.

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### **392EG Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

### **392EH Maximum boat length**

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

### **392EI Requirement to use BRD**

A BRD must be used with a net, other than a try net, used under this division.

### **392EJ Requirement to use TED**

A TED must be used with a net, other than a try net, used under this division.

### **392EK 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 4            Specific licence conditions for ‘T5’ licences**

### **392EL Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T5’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392EM Area for ‘T5’ fishery symbol**

The area for the ‘T5’ fishery symbol consists of all tidal waters of the following—

- (a) the Brisbane River–Victoria Bridge to Juno Point area;
- (b) the Brisbane River mouth area–north;
- (c) the Brisbane River mouth area–south;

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- (d) the Noosa River and lakes connected to the Noosa River;
- (e) the Laguna Bay area;
- (f) the Logan River area;
- (g) other rivers or creeks south of Double Island Point.

### **392EN Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using—
  - (a) in the Laguna Bay area—otter trawl nets; or
  - (b) in any other waters—beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392EO Maximum net and head rope lengths**

- (1) A beam trawl net used in the following areas must be no longer than 5m—
  - (a) the Brisbane River–Victoria Bridge to Juno Point area;
  - (b) the Brisbane River mouth area–north;
  - (c) the Brisbane River mouth area–south;
  - (d) the Noosa River and lakes connected to the Noosa River;
  - (e) the Logan River area;
  - (f) other rivers or creeks south of Double Island Point.
- (2) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope no longer than 8m.

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### **392EP Minimum and maximum net mesh size**

- (1) A net must have a mesh size of at least 28mm.
- (2) A net, other than a net used in the Noosa River and lakes connected to it or in the Laguna Bay area, must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

### **392EQ Covering net**

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

### **392ER Use of more than 1 net or head rope**

More than 1 net or more than 1 head rope must not be used from the same boat unless the combined length of the nets or head ropes is no longer than the length for that type of net or head rope permitted under section 392EO.

### **392ES Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 nets that must not be used—*

- 1 a net that uses a trawl sled that has spikes attached to 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 its trawl shoe

**392ET Maximum boat length**

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

**392EU Requirement to use BRD**

A BRD must be used with a net used under this division.

**392EV Requirement to use TED in Laguna Bay area**

A TED must be used with a net used under this division in the Laguna Bay area.

**392EW 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
- 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 5            Specific licence conditions for ‘T6’ licences**

### **392EX Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T6’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392EY Area for ‘T6’ fishery symbol**

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

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

### **392EZ Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392FA Maximum net length**

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

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

### **392FB Minimum and maximum net mesh size**

- (1) A net used in the Great Sandy Strait area or a river or creek must have a mesh size of at least 28mm.
- (2) A net used in the Hervey Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (3) A net, other than a net used in the Hervey Bay area, must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

### **392FC Covering net**

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

### **392FD Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392FA for a net.

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### **392FE Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

### **392FF Maximum boat length**

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

### **392FG Requirement to use BRD**

A BRD must be used with a net used under this division.

### **392FH Requirement to use TED other than in river or creek**

A TED must be used with a net used under this division, other than in a river or creek.

### **392FI Possession of particular fishing apparatus or attachments**

- (1) A person may possess a beam, otter board or trawl

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sled used with a net only if—

- (a) the trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 6            Specific licence conditions for ‘T7’ licences**

### **392FJ Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T7’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392FK Area for ‘T7’ fishery symbol**

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

### **392FL Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392FM Maximum net length**

A net must be no longer than 5m.

### **392FN Minimum and maximum net mesh size**

- (1) A net must have a mesh size of at least 28mm.
- (2) A net must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

### **392FO Covering net**

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of at least 28mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

### **392FP Use of more than 1 net**

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

### **392FQ Restrictions 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.

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- (2) The net may be used only if—
- (a) the trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

### **392FR Maximum boat length**

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

### **392FS Requirement to use BRD**

A BRD must be used with a net used under this division.

### **392FT 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe

- 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 7            Specific licence conditions for ‘T8’ licences**

### **392FU Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a ‘T8’ licence is subject; and
- (b) applies to a person acting under the licence.

### **392FV Area for ‘T8’ fishery symbol**

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

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

### **392FW Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392FX Maximum net length**

- (1) A net used in the Fitzroy River mouth area or a river or creek must be no longer than 5m.
- (2) A net used in the Facing Island area or the Keppel Bay area must be no longer than 10m.

### **392FY Minimum and maximum net mesh size**

- (1) A net used in a river or creek must have a mesh size of at least 28mm.
- (2) A net used in the Fitzroy River mouth area must have a mesh size of at least 31mm.
- (3) A net used in the Facing Island area or the Keppel Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (4) A net used in a river or creek must have a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

### **392FZ Covering net**

- (1) The part of a net within 100 rows of mesh from its drawstring must not be covered with netting material, unless the material has a mesh size of—
  - (a) if the net is used in a river or creek—at least 28mm; or
  - (b) if the net is used in the Fitzroy River mouth area—at least 31mm; or
  - (c) if the net is used in the Facing Island area or the Keppel Bay area—at least 38mm but no more than 60mm.
- (2) The bottom half of a net, other than within 100 rows of mesh from its drawstring, must not be completely covered.

### **392GA Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392FX for a net.

### **392GB Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

### **392GC Maximum boat length**

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

### **392GD Requirement to use BRD**

A BRD must be used with a net used under this division.

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### **392GE Requirement to use TED other than in river or creek**

A TED must be used with a net used under this division, other than in a river or creek.

### **392GF 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Division 8            Specific licence conditions for 'T9' licences**

### **392GG Purpose and application of division**

This division—

- (a) prescribes additional conditions to which a 'T9' licence is subject; and
- (b) applies to a person acting under the licence.

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### **392GH Area for ‘T9’ fishery symbol**

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

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

### **392GI Permitted ways of taking permitted fish**

- (1) Permitted fish may only be taken by using beam trawl nets.
- (2) A net must not be used unless the net and its use comply with this division.

### **392GJ Maximum net length**

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

### **392GK Minimum and maximum net mesh size**

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

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than 100 rows of mesh.

### **392GL Covering net**

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

### **392GM Use of more than 1 net**

More than 1 net must not be used from the same boat unless the combined length of the nets is no longer than the length permitted under section 392GJ for a net.

### **392GN Restrictions 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 trawl shoe of the beam, otter board or trawl sled 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 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 its trawl shoe

**392GO Maximum boat length**

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

**392GP Requirement to use BRD**

A BRD must be used with a net used under this division.

**392GQ Requirement to use TED other than in river or creek**

- (1) A TED must be used with a net used under this division, other than in a river or creek.
- (2) However, a net used under this division may be used without a TED if—
  - (a) the boat from which the net is used—
    - (i) is no longer than 6.7m; and
    - (ii) has an outboard engine with no more than 90kW of power; and
  - (b) the net—
    - (i) is used in water shallower than 3m; and
    - (ii) remains in the water for no more than 25 minutes; and
    - (iii) is used only by hand, without any equipment to assist in its use.

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### **392GR 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 trawl shoe of the beam, otter board or trawl sled 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 its trawl shoe
  - 2 a trawl sled that has spikes attached to any part of the trawl sled if the spikes extend below its 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.

## **Part 10 Additional licence conditions**

### **392GS Restrictions on processing scallops on commercial fishing boat**

- (1) This section prescribes additional conditions to which a ‘T1’ licence is subject.
- (2) 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.
- (3) A person (the *processor*) may process a scallop on a commercial fishing boat used under the licence only if—

- (a) the processing takes place in waters mentioned in schedule 10D; and
- (b) the person in control of the boat is a commercial fisher; and
- (c) the processor is—
  - (i) a commercial fisher or assistant fisher; or
  - (ii) the ‘T1’ licence holder.

## 24 Replacement of s 556 (Nature of an SM unit)

Section 556—

*omit, insert—*

### 556 Nature of an SM unit

Each SM unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under divisions 2 and 3.

## 25 Amendment of s 557 (Entitlement under SM unit)

(1) Section 557(2)—

*omit, insert—*

- (2) The authorisation for an SM year under subsection (1)—
  - (a) is the holder’s *entitlement* under the SM unit for the SM year; and
  - (b) imposes a quota on the entitlement for the SM year.

(2) Section 557(4), examples, first dot point, ‘fisheries declarations under chapter 2, 3 or 4’—

*omit, insert—*

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the *Fisheries Declaration 2019*

**26 Replacement of s 591M (Nature of a line unit)**

Section 591M—

*omit, insert—*

**591M Nature of a line unit**

Each line unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under division 2.

**27 Amendment of s 591O (Entitlement under a line unit)**

- (1) Section 591O(1) to (3), ‘annual quota’—

*omit, insert—*

total quota entitlement

- (2) Section 591O(4)—

*omit, insert—*

- (4) The authorisation for a line year under subsection (1), (2) or (3)—

- (a) is the holder’s *entitlement* under the line unit for the line year; and
- (b) imposes a quota on the entitlement for the line year.

- (3) Section 591O(5)(b), after ‘regulation,’—

*insert—*

a declaration,

- (4) Section 591O(5)(b), examples, first dot point, ‘fisheries declarations under chapter 2, 3 or 4’—

*omit, insert—*

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the *Fisheries Declaration 2019*

(5) Section 591O—

*insert—*

(6) In this section—

***total quota entitlement***, for regulated coral trout, redthroat emperor or other regulated coral reef fin fish, for a line year, means the total quota entitlement stated for the fish in the quota declaration for the reef line commercial fishery for the line year.

**28 Replacement of s 600N (Nature of an ITQ unit)**

Section 600N—

*omit, insert—*

**600N Nature of an ITQ unit**

Each ITQ unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under subdivision 2.

**29 Amendment of s 600O (Entitlement under ITQ unit)**

(1) Section 600O(1), ‘annual quota’—

*omit, insert—*

total quota entitlement

(2) Section 600O(2)—

*omit, insert—*

(2) The authorisation for an ITQ year under subsection (1)—

- (a) is the holder’s ***entitlement*** under the ITQ unit for the ITQ year; and

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- (b) imposes a quota on the entitlement for the ITQ year.
- (3) Section 600O(4), examples, first dot point, ‘fisheries declarations under chapter 2, 3 or 4’—  
*omit, insert—*  
the *Fisheries Declaration 2019*
- (4) Section 600O—  
*insert—*
- (5) In this section—  
***total quota entitlement***, for spanner crabs, for an ITQ year, means the total quota entitlement stated for spanner crabs in the quota declaration for the commercial spanner crab fishery (managed area A) for the ITQ year.

**30 Amendment of ch 11, pt 1B, div 4, hdg (Daily quota)**

Chapter 11, part 1B, division 4, heading, after ‘quota’—

*insert—*

**entitlement**

**31 Amendment of s 600ZD (Daily quota under licence)**

- (1) Section 600ZD, heading, ‘quota under’—

*omit, insert—*

**quota entitlement for**

- (2) Section 600ZD(3), definition *container*, ‘no more than 66L’—

*omit, insert—*

no more than 66.4L

**32 Amendment of s 605A (Annual quota)**

- (1) Section 605A, heading, after ‘quota’—

*insert—*

**entitlement**

(2) Section 605A(2)—

*omit, insert—*

(2) The maximum combined quota entitlements of fish for all licences for the fishery must not be more than 195,000 units.

**33 Omission of ch 11, pt 3, div 4, hdg (Annual quotas)**

Chapter 11, part 3, division 4, heading—

*omit.*

**34 Omission of s 614A (Total annual quota of prescribed whiting)**

Section 614A—

*omit.*

**35 Amendment of s 614B (Annual quotas of goatfish and yellowtail scad)**

(1) Section 614B, heading, ‘quotas of’—

*omit, insert—*

**quota entitlement for**

(2) Section 614B(2)—

*omit.*

(3) Section 614B(3), definition *DAQ*—

*omit, insert—*

*DAQ* is the total quota entitlement for the fish, expressed in kilograms, stated in the quota declaration for the commercial trawl fishery (fin fish) for the year (the *relevant declaration*).

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(4) Section 614B(3), note—

*omit.*

(5) Section 614B(3)—

*renumber* as section 614B(2).

### **36 Replacement of s 614C (Nature of a T4-ITQ unit)**

Section 614C—

*omit, insert—*

#### **614C Nature of a T4-ITQ unit**

Each T4-ITQ unit is—

- (a) a quota authority; and
- (b) subject to the quota entitlement provided for under subdivision 2.

### **37 Amendment of s 614H (Entitlement under T4-ITQ unit)**

(1) Section 614H(1), definition *TAQ*—

*omit, insert—*

***TAQ*** is the total quota entitlement, expressed in kilograms, stated for prescribed whiting in the quota declaration for the commercial trawl fishery (fin fish) for the year.

(2) Section 614H(2)—

*omit, insert—*

- (2) The authorisation for a T4-ITQ year under subsection (1)—
  - (a) is the holder's ***entitlement*** under the T4-ITQ unit for the T4-ITQ year; and
  - (b) imposes a quota on the entitlement for the T4-ITQ year.

- (3) Section 614H(3)(b), examples, first dot point, ‘fisheries declarations under chapter 2, 3 or 4’—

*omit, insert—*

*the Fisheries Declaration 2019*

**38 Replacement of s 624 (Prescribed non-indigenous fisheries resources prohibitions and to which duties apply—Act, ss 90 and 92)**

Section 624—

*omit, insert—*

**624 Circumstances in which non-indigenous fisheries resources may be released—Act, s 90**

For section 90(2) of the Act, the release or placing of non-indigenous fisheries resources of a species mentioned in schedule 9A, column 2 taken in the waters mentioned opposite the species in column 1 into those waters is prescribed.

**39 Replacement of s 625 (Fisheries offences prescribed as serious fisheries offences—Act, schedule)**

Section 625—

*omit, insert—*

**625 Fisheries offences prescribed as serious fisheries offences—Act, sch 1**

- (1) A fisheries offence constituted by any of the following in relation to the reef line commercial fishery is prescribed as a serious fisheries offence—
- (a) contravening the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38BA;
  - (b) using a tender boat in a way that contravenes the *Great Barrier Reef Marine Park*

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*Regulations 2019* (Cwlth), regulation 45(3) or 46(2) or the repealed *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), regulation 49(2) or 51;

- (c) entering or using a marine park in contravention of the *Marine Parks Act 2004*, section 43 or the *Marine Parks Regulation 2017*, section 135.
- (2) Also, a fisheries offence constituted by any of the following in relation to the east coast trawl fishery is prescribed as a serious fisheries offence—
- (a) contravening the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38BA;
  - (b) entering or using a marine park in contravention of the *Marine Parks Act 2004*, section 43 or the *Marine Parks Regulation 2017*, section 135.

**40 Replacement of ch 13, pt 1A (Prescribed criteria for suspension of licences)**

Chapter 13, part 1A—

*omit, insert—*

**Part 1A Prescribed criteria for suspending particular authorities**

**625A Application of part—Act, s 68B**

For section 68B(3)(b)(i) of the Act, this part prescribes criteria for a court suspending particular authorities.

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### **625B Spent convictions not to be counted in deciding number of convictions**

- (1) For this part, in deciding whether a conviction is a second or later conviction, a spent conviction must not be counted.
- (2) In this section—  
*spent conviction* means a conviction—
  - (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
  - (b) that is not revived as prescribed by section 11 of that Act.

### **625C Criteria for suspending particular licences**

- (1) This section applies in relation to a court that has convicted the holder of any of the following licences of a serious fisheries offence—
  - (a) a commercial harvest fishery licence on which is written the fishery symbol ‘A1’ or ‘A2’;
  - (b) a commercial fisher licence;
  - (c) a commercial fishing boat licence.
- (2) An appropriate period of suspension may be—
  - (a) for the licence holder’s first conviction—3 to 9 months suspension; or
  - (b) for the licence holder’s second conviction—9 months to 5 years suspension; or
  - (c) for the licence holder’s third or later conviction—5 years suspension.

### **625D Criteria for suspending effort units**

- (1) This section applies in relation to a court that has

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convicted the holder of effort units of a serious fisheries offence.

- (2) An appropriate suspension may be suspension of a number of effort units that reduces the person's total entitlement under the effort units in a way that, as nearly as practicable, corresponds to what may be an appropriate period of suspension for a licence held by the person if the court were suspending the licence under section 625C.

*Example for subsection (2)—*

A holds a commercial fishing boat licence and effort units for the licence. A is convicted of a serious fisheries offence. It is A's first conviction. An appropriate suspension may be suspension of a number of the effort units that entitles A to use the boat identified in A's effort unit certificate for the licence for 3 to 9 months.

## 41 Insertion of new ch 13, pt 1B

Chapter 13—

*insert—*

### **Part 1B            Vessel tracking**

#### **Division 1        Preliminary**

##### **625E Definitions for part**

In this part—

*malfunction* see section 80(6) of the Act.

*relevant authority* see section 625F(1).

*relevant boat*, for a relevant authority, see section 80(1)(b) of the Act and section 625F(2).

*relevant period* means the period prescribed by section 625H.

*vessel tracking standard* means the document called ‘Vessel tracking installation and maintenance standard’ published on the department’s website.

*Note—*

The vessel tracking standard is also available for inspection during office hours on business days at the department’s head office.

*working properly* see section 80(6) of the Act.

## Division 2      General matters

### 625F Authorities and boats in relation to which requirements apply

- (1) Section 80 of the Act applies in relation to each authority (a *relevant authority*) that has any of the following symbols written on it—
  - (a) ‘B1’;
  - (b) ‘M1’;
  - (c) ‘T1’, ‘T2’ or ‘T4’;
  - (d) ‘L1’, ‘L2’, ‘L3’, ‘L4’ or ‘L8’;
  - (e) ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’ or ‘K8’;
  - (f) ‘N1’, ‘N2’, ‘N3’, ‘N4’, ‘N10’, ‘N11’, ‘N12’ or ‘N13’;
  - (g) ‘C1’, ‘C2’ or ‘C3’.
- (2) For section 80 of the Act, each of the following boats is prescribed for a relevant authority (and under section 80(1)(b) is a relevant boat for the authority)—
  - (a) if the authority is a commercial fishing boat licence—

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- (i) the primary boat for the licence; and
  - (ii) each tender boat with an engine power of more than 3kW authorised under the Act to be used under the licence;
- (b) otherwise—each boat authorised under the Act to be used under the authority.

### **625G Way equipment must be installed**

For section 80(2)(a) of the Act, the way for installing the approved vessel tracking equipment on a boat stated in the vessel tracking standard is prescribed.

### **625H Periods during which equipment must be working properly**

- (1) For section 80(2)(b) of the Act, each period the relevant boat is used under the relevant authority, starting and ending as mentioned in subsection (2), is prescribed.
- (2) The period the relevant boat is used under the authority—
  - (a) starts when the boat's engine is started, whether on water or on land; and
  - (b) ends when the earlier of the following happens—
    - (i) the boat is removed from the water and its engine is stopped;
    - (ii) the boat is taken to a landing place, its engine is stopped and all fish are unloaded from it.

## **Division 3                      Requirements if equipment malfunctions**

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## Subdivision 1 Preliminary

### 625I Purpose and application of division

- (1) This division prescribes, for section 80(4) of the Act, requirements that apply if approved vessel tracking equipment installed on a relevant boat used under a relevant authority malfunctions during a relevant period.
- (2) The requirements are that—
  - (a) the holder of the authority, or another person acting under the authority, has given a notice under section 625K; and
  - (b) subdivision 2 is complied with.

### 625J Definitions for division

In this division—

***approved person*** means a person who is identified as an approved person for installing approved vessel tracking equipment on a boat in the vessel tracking standard.

***approved way***, for giving a notice to the chief executive under this division, means the way—

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

***landing place*** means—

- (a) a place used for landing a boat, including, for example, a marina berth, wharf or mooring; or
- (b) another place within 0.5n miles of a part of the State where landing of a boat is practicable.

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### **625K Nominating an alternative way of communication**

- (1) The holder of the relevant authority, or another person acting under the authority, must, before or as soon as possible after the approved vessel tracking equipment is installed on the relevant boat, give a notice (a ***boat communication notice***) to the chief executive.
- (2) The boat communication notice must—
  - (a) be given to the chief executive in the approved way; and
  - (b) state an alternative way (an ***alternative way of communication***) in which the chief executive or an inspector may communicate with the person in control of the boat whenever that person is on the boat.
- (3) The alternative way of communication—
  - (a) must not involve the use of vessel tracking equipment; and
  - (b) must allow a communication to be received on the boat instantaneously after it is sent by the chief executive or inspector.

*Examples of alternative ways of communication—*

a facsimile, mobile phone, radiophone or satellite phone

- (4) More than 1 alternative way of communication may be stated in a boat communication notice.
- (5) The holder of the relevant authority, or another person acting under the authority, may change an alternative way of communication stated in a boat communication notice by giving the chief executive a notice stating another way (a ***changed way***) of communication.
- (6) A notice given to the chief executive under subsection (5) must be given in an approved way.

- (7) However, if the holder of the relevant authority, or another person acting under the authority, gives a notice under subsection (5), the changed way of communication must not be used until the chief executive has advised the holder that the chief executive has received the notice.

### **625L Notices given by chief executive or inspector under division**

The chief executive or an inspector may give a notice in relation to a relevant boat under this division—

- (a) orally in person; or
- (b) by an alternative way of communication stated in the boat communication notice given for the relevant boat under section 625K.

## **Subdivision 2 Requirements if equipment malfunctions**

### **625M Application of subdivision**

- (1) This subdivision applies if the person in control of a relevant boat being used under a relevant authority during a relevant period becomes aware of a malfunction of approved vessel tracking equipment installed on the boat.
- (2) Without limiting subsection (1), the person in control of a relevant boat being used under a relevant authority is taken to be aware of a malfunction of approved vessel tracking equipment installed on the boat if—

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- (a) the person receives a notice from the chief executive or an inspector that the equipment is malfunctioning; or
- (b) the person becomes aware the chief executive is not receiving details of the boat's position and operation from the equipment, including, for example, because the person does not receive a confirmation of the receipt of the details from the chief executive that the person is, or ought reasonably to be, expecting.

### **625N Manual reporting requirement**

- (1) The person in control of the relevant boat must give a notice stating details of the boat's location to the chief executive—
  - (a) in the approved way; and
  - (b) at the following intervals—
    - (i) if the boat is being used in the east coast trawl fishery—every hour;
    - (ii) otherwise—every 4 hours.
- (2) The requirement under subsection (1) continues to apply until the earlier of the following happens—
  - (a) the relevant boat is taken to a landing place under section 625O or 625P;
  - (b) the relevant period ends;
  - (c) the approved vessel tracking equipment stops malfunctioning.

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**6250 Requirement to take relevant boat to landing place—boat used under particular authority in major scallop area**

- (1) This section applies in relation to the relevant boat if—
  - (a) the relevant authority under which it is being used has an ‘M1’, ‘T1’ or ‘T2’ fishery symbol written on it; and
  - (b) the malfunction of the approved vessel tracking equipment happens inside the area within the following boundary (the *major scallop area*)—
    - from latitude 22°10.80' south, longitude 149°48.00' east to latitude 22°13.20' south, longitude 152°00.00' east
    - to latitude 24°13.80' south, longitude 153°33.00' east
    - to latitude 24°42.00' south, longitude 153°16.20' east
    - to latitude 25°06.00' south, longitude 153°12.00' east
    - to latitude 25°18.00' south, longitude 152°43.20' east
    - to latitude 22°10.80' south, longitude 149°48.00' east.
- (2) The person in control of the relevant boat must—
  - (a) stop the use of fishing apparatus from the boat; and
  - (b) cause the boat to travel to a landing place as soon as practicable.
- (3) Subsection (2) stops applying to the person if the chief executive or an inspector gives the person notice that compliance with subsection (2) is not

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required.

- (4) The chief executive or an inspector may give a notice under subsection (3) if the chief executive or inspector is satisfied—
  - (a) the approved vessel tracking equipment is working properly; and
  - (b) it is unnecessary for the relevant boat to be taken to a landing place.

#### **625P Requirement to take relevant boat to landing place—other circumstances**

- (1) This section applies in relation to the relevant boat if section 625O does not apply in relation to it.
- (2) The person in control of the relevant boat must cause the boat to travel to a landing place within the following period—
  - (a) 5 days;
  - (b) if the chief executive has given the person a notice allowing a longer period—the longer period.
- (3) Subsection (2) stops applying to the person if the chief executive or an inspector gives the person notice that compliance with subsection (2) is not required.
- (4) The chief executive or an inspector may give a notice under subsection (3) if the chief executive or inspector is satisfied—
  - (a) the approved vessel tracking equipment is working properly; and
  - (b) it is unnecessary for the relevant boat to be taken to a landing place.

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**625Q Further requirement if relevant boat taken to landing place**

- (1) This section applies if the relevant boat is taken to a landing place under section 625O or 625P.
- (2) The person in control of the boat must not cause or allow the boat to be used for fishing unless—
  - (a) the chief executive has given the person a notice that the approved vessel tracking equipment installed on the boat is in a condition that allows it to work properly; or
  - (b) an approved person has given the chief executive or an inspector notice that the approved vessel tracking equipment installed on the boat is in a condition that allows it to work properly.

**42 Insertion of new ch 13, pt 2A**

Chapter 13—

*insert—*

**Part 2A                      Trafficking in priority fish**

**640B Commercial quantity of priority fish**

For the Act, section 89, definition *commercial quantity*, the quantity prescribed for each priority fish is—

- (a) the number or volume stated opposite the fish in schedule 4; or
- (b) if a number is stated opposite the fish in schedule 4 and the fish are in a form that does not allow the number of the fish to be worked out—the weight equivalent of that

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number stated opposite the fish in schedule  
4.

**43 Amendment of s 643 (Simplified outline of ch 14)**

Section 643(c) and (d)—

*omit.*

**44 Amendment of s 648 (Additional requirements for person in control of authorised boat)**

Section 648(2)—

*omit, insert—*

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

(a) the authorised boat is used in a commercial fishery to which neither a quota declaration nor a quota authority applies; and

(b) the relevant period is 24 hours or less.

**45 Omission of ch 14, pt 7 (VMS equipment requirements)**

Chapter 14, part 7—

*omit.*

**46 Replacement of ch 15, pt 2 (Chief executive's functions and powers)**

Chapter 15, part 2—

*omit, insert—*

**Part 2 Delegation**

**697 Prescribed entities for delegation of functions or powers—Act, s 222**

(1) For section 222(1)(b) of the Act, each of the

following entities is prescribed—

- (a) the Queensland Rural and Industry Development Authority established under the *Rural and Regional Adjustment Act 1994*;
- (b) a government entity;
- (c) Australia Post;
- (d) an entity that operates an Australia Post retail service under an agreement or arrangement with Australia Post.

*Examples of an agreement or arrangement for paragraph (d)—*

- a licence
- a franchise agreement
- an arrangement for an entity to supply services that are ancillary to its other services

- (2) However, subsection (1)(b), (c) and (d) applies only in relation to the chief executive's power to issue a permit to take freshwater fish from a stocked impoundment by using a fishing line.

#### **47 Amendment of s 711 (Other fees payable under the Act)**

- (1) Section 711(7) and (8)—

*renumber* as section 711(8) and (9).

- (2) Section 711(2) to (6)—

*omit, insert—*

- (2) A fee stated in schedule 9, part 1 for a licence—
  - (a) is in addition to any fee payable under schedule 9, part 2 for a fishery symbol written on the licence or any quota authority related to the licence; and
  - (b) for an annual fee—

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- (i) is for each financial year in which the authority is held; and
    - (ii) is payable in arrears in 2 payments at the end of each half of the financial year; and
  - (c) is payable by the holder of the licence.
- (3) A fee stated in schedule 9, part 2 for a fishery symbol or quota authority—
- (a) is an annual fee for each financial year in which—
    - (i) for a fee for a fishery symbol—the fishery symbol is written on an authority held by a person; or
    - (ii) for a fee for a quota authority—the authority is held; and
  - (b) is payable in arrears in 2 payments at the end of each half of the financial year; and
  - (c) is payable by the holder of—
    - (i) for a fee for a fishery symbol—the authority on which the fishery symbol is written; or
    - (ii) for a fee for a quota authority—the authority.
- (4) A fee stated in schedule 9, part 2 for a fishery symbol—
- (a) is for each fishery symbol of that type written on an authority held by a person; and
  - (b) if the fee includes a reference to a unit or area, is for each unit or area to which the fishery symbol relates.
- (5) A fee stated in schedule 9, part 2 for a quota authority is for each quota authority of that type held by a person.

- (6) If an authority is held by a person, or a fishery symbol is written on an authority held by a person, for only part of a financial year, the annual fee payable for the authority or fishery symbol for that financial year is the proportion of the annual fee stated in schedule 9, part 1 or 2 attributable to the number of whole or part months for which the authority is held, or the fishery symbol is written on the authority held, by the person.
- (7) An amount of a fee stated in schedule 9 that is not paid as required under this section may be recovered by the State as a debt.

#### **48 Insertion of new ch 16, pt 2, div 10**

Chapter 16, part 2—

*insert—*

### **Division 10 Transitional provisions for Fisheries (Sustainable Fisheries Strategy) Amendment Regulation 2019**

#### **766 Effort units continue**

- (1) This section applies if, immediately before the commencement, a person held an effort unit under the repealed 2010 plan.
- (2) The effort unit continues in force under this regulation.

#### **767 Provisions for working out use of entitlement**

A notice given to the chief executive under section 75(3) of the repealed 2010 plan that is still in effect immediately before the commencement

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is taken to be a notice given under section 392BQ.

### **768 Existing guidelines about giving notice**

- (1) This section applies if, immediately before the commencement, guidelines under section 88(4) of the repealed 2010 plan were in force.
- (2) The guidelines are taken to have been made under section 392CD(4).

### **769 Existing usage of fishing and steaming days**

- (1) This section applies if—
  - (a) before the commencement, the chief executive became aware that the fishing and steaming days were used under section 23(1) of the repealed 2010 plan for the year in which commencement happens; and
  - (b) on the commencement, the chief executive has not given a notice under section 24(2) of the repealed 2010 plan.
- (2) The chief executive may act under section 392CL as if the fishing and steaming days were used under the *Fisheries Declaration 2019*, section 92.

### **770 Existing usage notices**

A notice given by the chief executive to the holder of a ‘T1’ licence under section 24(2) of the repealed 2010 plan for the year in which commencement happens is taken to be a notice given under section 392CL(2).

### **771 References to repealed plans**

In a document, a reference to a particular provision (the *previous provision*) of the repealed

1999 plan or the repealed 2010 plan may, if the context permits, be taken to be a reference to any provision of this regulation that corresponds, or substantially corresponds, to the previous provision.

### **772 References to repealed fisheries declarations**

In a document, a reference to a regulated waters declaration, regulated fish declaration, regulated fishing apparatus declaration or regulated fishing method declaration under this regulation or the repealed 2010 plan may, if the context permits, be taken to be a reference to a declaration of the equivalent type in the *Fisheries Declaration 2019*.

#### **49 Omission of schs 1 and 2**

Schedules 1 and 2—

*omit.*

#### **50 Replacement of sch 4 (Declared diseases)**

Schedule 4—

*omit, insert—*

### **Schedule 4 Commercial quantity of priority fish**

section 640B

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Priority fish	Commercial quantity		
	number	volume (L)	weight equivalent (kg)
barramundi	25		55
black jewfish	5		17.5 (or 2 if only bladders)
mud crab	50		40 (or 20 if only meat)
Murray cod	10		30
prawn		50	
ray	5		25 (or 5 if only fins)
redthroat emperor	40		40
regulated coral trout	35		35
sea cucumber	25		25
shark	5		25 (or 5 if only fins)
snapper	20		20
spanish mackerel	15		50
tropical rocklobster	25		25

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

(1) Schedule 6, authorising provision, ‘, 152(2), 623(1), 624(2)’—

*omit.*

(2) Schedule 6, part 3, heading, ‘East Coast Trawl’—

*omit, insert—*

**east coast trawl**

- (3) Schedule 6, part 3, entry for ‘Balmain bug’, ‘*Ibacus spp.*’—  
*omit, insert—*

*Ibacus peronii*

- (4) Schedule 6, part 3, entries for ‘Edgbaston hardyhead’, ‘Gulf Grunter’, ‘Myross hardyhead’ and ‘Utchee Creek rainbowfish’—

*relocate* to schedule 6, part 2.

**52 Amendment of sch 9 (Other fees)**

- (1) Schedule 9, parts 1 to 3—

*omit, insert—*

**Part 1**

**Fees for licences**

<b>Licence</b>	<b>\$</b>
<b>Carrier boat licence</b>	
Registration fee	327.65
Annual fee	327.65
<b>Charter fishing licence</b>	
Registration fee	327.65
Annual fee	327.65
<b>Commercial fisher licence</b>	
Registration fee	327.65
Annual fee	327.65
<b>Commercial fishing boat licence</b>	
Registration fee	327.65
Annual fee	327.65
<b>Commercial harvest fishery licence</b>	
Registration fee	327.65

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<b>Licence</b>	<b>\$</b>
Annual fee	327.65

## Part 2                      Fees for fishery symbols or quota authorities

<b>Fishery symbol or quota authority</b>	<b>\$</b>
<b>Commercial harvest fisheries</b>	
A1	380.05
A2	124.50
B1	13.1038/unit
D	6.5519/unit
E	124.50
F	124.50
G	124.50
H	124.50
J1 where a unit equals each whole 100kg entitled to be taken under the licence on which the symbol is written	13.1038/unit
JE	124.50
O	65.5193/area
P	380.05
W1	124.50
W2	124.50
Y	124.50
<b>Commercial line fisheries</b>	
L1	380.05
L2	380.05
L3	380.05

<b>Fishery symbol or quota authority</b>	<b>\$</b>
L4	1,113.75
L8	1,113.75
<b>Commercial net fisheries</b>	
K1	760.10
K2	760.10
K3	760.10
K4	760.10
K5	760.10
K6	760.10
K7	760.10
K8	760.10
N1	380.05
N2	760.10
N3	1,441.55
N4	2,883.00
N10	1,113.75
N11	196.55
N12	22,901.05
N13	12,722.85
<b>East coast trawl fishery</b>	
M1	nil
M2	1,113.75
T1	nil
T2	nil
T5	380.05
T6	380.05
T7	380.05
T8	380.05
T9	380.05

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<b>Fishery symbol or quota authority</b>	<b>\$</b>
'T1' effort unit	0.3934
'T2' effort unit	0.3934
<b>Other commercial fisheries</b>	
SM	nil
SM unit	0.1965
C1	380.05
C2	nil
C3	380.05
ITQ unit	0.9828
R where a unit equals each 1kg of (whole weight) fish entitled to be taken under the licence on which the symbol is written	0.3934/unit
S	760.10
T4	380.05
T4-ITQ unit	0.03669
RQ	nil
CT line unit	0.3934
OS line unit	0.1965
RTE line unit	0.1965

(2) Schedule 9, part 4—  
*renumber* as schedule 9, part 3.

**53 Insertion of new sch 9A**

After schedule 9—

*insert—*

**Schedule 9A Release of  
 non-indigenous  
 fisheries resources**

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section 624

<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Albert river basin	Australian lungfish golden perch Mary River cod
Auburn river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Barambah river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Barron river basin	khaki grunter sooty grunter
Belyando river basin	sooty grunter
Bowen river basin	sooty grunter
Boyne river basin	silver perch Southern saratoga

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<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Bremer river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Brisbane river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Burdekin river basin	sooty grunter
Burnett river basin	Australian bass golden perch silver perch Southern saratoga
Burrum river basin	Australian bass golden perch silver perch Southern saratoga
Caboolture river basin	golden perch Mary River cod silver perch
Comet river basin	barramundi

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<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Dawson river basin	barramundi silver perch
Fitzroy river basin	silver perch
Gregory river basin	Australian bass
Kolan river basin	Australian bass silver perch
Lake Borumba	Southern saratoga
Lake Macdonald	Southern saratoga
Lockyer river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Logan river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Mackenzie river basin	barramundi
Maroochy river basin	golden perch Mary River cod silver perch

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<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Mary river basin	Australian bass golden perch silver perch
Nogo river basin	Australian bass barramundi golden perch silver perch Southern saratoga
Nogoa river basin	barramundi silver perch
North Pine river basin	Australian lungfish golden perch Mary River cod silver perch Southern saratoga
Southcoast river basin	Australian lungfish golden perch silver perch Southern saratoga
South Pine river basin	Australian lungfish golden perch Mary River cod silver perch

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<b>Column 1</b>	<b>Column 2</b>
<b>Queensland waters</b>	<b>Non-indigenous fisheries resources</b>
Stanley river basin	Australian bass
	Australian lungfish
	golden perch
	Mary River cod
	silver perch
	Southern saratoga

**54 Replacement of schs 10D and 10E**

Schedules 10D and 10E—

*omit, insert—*

**Schedule 10D Waters where scallops  
may be processed on a  
boat**

section 392GS(3)(a)

**1 Tin Can Bay public wharf area**

Tin Can Inlet within a 1 n mile radius of the public wharf at Tin Can Bay township.

**2 Parts of Hervey Bay**

(1) Hervey Bay within the following boundary—

- from latitude 25°19.00' south, longitude 152°55.00' east then eastward along latitude 25°19.00' south to the intersection with the western shore of Big Woody Island

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- north along the western shore of Big Woody Island to the northern tip of Big Woody Island
  - to latitude 25°17.49' south, longitude 152°55.66' east
  - to latitude 25°18.10' south, longitude 152°55.66' east
  - to latitude 25°18.10' south, longitude 152°55.00' east
  - to latitude 25°19.00' south, longitude 152°55.00' east.
- (2) Hervey Bay within the following boundary—
- from the special mark known as EU1 to the south cardinal mark known as S6
  - to the special mark known as S4
  - to the special mark known as EU1.

### **3 Burnett River from near Bundaberg to near Millaquin Sugar Mill**

The Burnett River, Bundaberg between the railway bridge and the shortest straight line across the river from the pump station at the Millaquin Sugar Mill.

### **4 Area near Gladstone**

The area near Gladstone within the following boundary—

- from the green beacon near the northern shore at the mouth of Auckland Inlet to the rear lead at Targinie Channel, Middle Bank
- to Permain Point on the southern tip of Picnic Island

- along the western shore of Picnic Island to its northern tip
- to the northern tip of Clinton Coal Wharf
- to the shore on the northern side of the wharf
- to the green beacon near the northern shore at the mouth of Auckland Inlet.

## **5 Area near Yeppoon**

Waters near Double Head, near Yeppoon, within the following boundary—

- from the intersection of latitude 23°10.40' south with the mainland shore (near Bluff Point)
- to latitude 23°10.40' south, longitude 150°48.56' east
- to latitude 23°09.65' south, longitude 150°48.56' east
- to Double Head
- to Wreck Point
- along the shore to latitude 23°10.40' south.

## **6 Area near Bowen**

Waters west of Stone Island, near Bowen, within the following boundary—

- from Dalrymple Point to the western side of South Head, Stone Island
- along the western shore of Stone Island to the tip of the sand spit at the island's south-western tip
- to the lead known as M5

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- to Dalrymple Point.

## **7 Area west of Cape Cleveland**

Waters west of Cape Cleveland within the following boundary—

- from Cape Cleveland along the shore to longitude 147°00.07' east
- along longitude 147°00.07' east to latitude 19°11.91' south
- along latitude 19°11.91' south to the shore
- along the shore to Cape Cleveland.

## **8 Area west of Magnetic Island**

Waters west of Magnetic Island within the following boundary—

- from latitude 19°07.91' south, on the western shore of Magnetic Island, along the latitude to longitude 146°46.07' east
- along longitude 146°46.07' east to latitude 19°08.91' south
- along latitude 19°08.91' south to the shore of Magnetic Island
- along the shore to latitude 19°07.91' south.

## **9 Part of North East Bay (Great Palm Island)**

North East Bay (Great Palm Island) within the following boundary—

- from longitude 146°41.07' east, on the northern shore of Great Palm Island, along the longitude to latitude 18°42.91' south
- along latitude 18°42.91' south to longitude 146°40.07' east

- along longitude 146°40.07' east to the shore of Great Palm Island
- along the shore to longitude 146°41.07' east.

## 10 Lucinda Services Jetty area

Waters within a 1km radius of the seaward end of the Lucinda Services Jetty, Lucinda.

# Schedule 10E Particular areas for the east coast trawl fishery

section 392AA(2)

## 1 Meaning of *Brisbane River mouth area–north*

*Brisbane River mouth area–north* means Brisbane River within the following boundary—

- from latitude 27°21.74' south on the mainland shore (Juno Point approximately latitude 27°21.74' south, longitude 153°09.27' east) to latitude 27°20.54' south, longitude 153°10.13' east (the second green beacon marking the Koopa Channel)
- to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot beacon)
- to latitude 27°21.57' south, longitude 153°10.40' east (the Western Inner Bar beacon)
- to longitude 153°09.60' east on the mainland shore (Luggage Point approximately latitude 27°22.69' south, longitude 153°09.60' east)

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- to latitude 27°21.74' south on the mainland shore.

## **2 Meaning of *Brisbane River mouth area–south***

*Brisbane River mouth area–south* means Brisbane River within the following boundary—

- from latitude 27°21.63' south, longitude 153°10.53' east (the Eastern Inner Bar beacon) to latitude 27°20.07' south, longitude 153°11.63' east (the Eastern Coffee Pot beacon)
- to latitude 27°20.01' south, longitude 153°11.75' east
- to latitude 27°21.44' south, longitude 153°10.83' east
- to latitude 27°21.63' south, longitude 153°10.53' east.

## **3 Meaning of *Brisbane River–Victoria Bridge to Juno Point area***

*Brisbane River–Victoria Bridge to Juno Point area* means Brisbane River between the Victoria Bridge and a line from the F↑B sign at Juno Point to the eastern bank of the river.

## **4 Meaning of *central area***

The *central area* means waters within the following boundary—

- from the intersection of latitude 22°00.00' south with the mainland shore at high water mark (approximately latitude 22°00.00' south, longitude 149°29.68' east)

- along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point, southern boundary of Llewellyn Bay)
- to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point, northern boundary of Llewellyn Bay)
- along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
- to latitude 21°12.60' south, longitude 149°11.73' east
- along the shore to latitude 21°08.84' south, longitude 149°12.63' east
- to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
- along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
- to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
- along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
- to latitude 20°28.89' south, longitude 148°44.21' east
- along the shore to latitude 20°06.80' south, longitude 148°26.81' east
- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)

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- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)
- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)

- to latitude 16°28.83' south, longitude 145°27.34' east
- along the mainland shore to latitude 16°00.00' south
- to latitude 16°00.00' south, longitude 146°42.122' east
- to latitude 18°19.889' south, longitude 148°20.043' east
- to latitude 18°44.900' south, longitude 152°35.040' east
- to latitude 21°09.053' south, longitude 154°00.873' east
- to latitude 21°08.978' south, longitude 152°48.000' east
- to latitude 21°20.000' south, longitude 152°48.100' east
- to latitude 22°00.00' south, longitude 152°56.579' east
- to latitude 22°00.00' south, longitude 149°29.680' east.

## 5 **Meaning of *Cleveland Bay area***

*Cleveland Bay area* means Cleveland Bay, near Townsville, south of a line from Cape Pallarenda to Cape Cleveland.

## 6 **Meaning of *Comboyuro Point to Caloundra Head area***

*Comboyuro Point to Caloundra Head area* means waters within the following boundary—

- from Comboyuro Point, Moreton Island, to the NW2 special mark beacon at the

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entrance to the North West Channel near Caloundra

- to Caloundra Head
- along the shore to the F<sup>^</sup>B sign at the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- to the F<sup>^</sup>B sign at the northern tip of Bribie Island
- along the eastern shore of Bribie Island to Skirmish Point
- to Comboyuro Point.

## **7 Meaning of *deep water net area***

The *deep water net area* means waters within the following boundary—

- from latitude 28°03.48' south, longitude 153°47.06' east to latitude 27°25.90' south, longitude 153°39.06' east
- to latitude 27°01.90' south, longitude 153°31.26' east
- to latitude 26°40.90' south, longitude 153°31.06' east
- to latitude 26°29.90' south, longitude 153°34.06' east
- to latitude 26°19.90' south, longitude 153°40.76' east
- to latitude 26°09.90' south, longitude 153°50.06' east
- to latitude 24°59.90' south, longitude 153°35.06' east
- to latitude 24°29.90' south, longitude 153°20.06' east

- to latitude 24°21.05' south, longitude 153°08.83' east (the Breaksea Spit light, off the northern tip of Fraser Island)
- to latitude 24°06.88' south, longitude 152°42.68' east (the light on Lady Elliot Island)
- to latitude 23°54.49' south, longitude 152°23.38' east (the light on Lady Musgrave Island)
- to latitude 23°11.13' south, longitude 151°54.16' east (the light on North Reef)
- to latitude 22°34.40' south, longitude 151°56.06' east
- to latitude 22°44.90' south, longitude 152°10.56' east
- to latitude 22°38.63' south, longitude 152°43.43' east
- to latitude 22°19.18' south, longitude 153°00.32' east
- to latitude 22°00.00' south, longitude 152°56.58' east
- to latitude 21°36.68' south, longitude 152°51.62' east
- to latitude 21°20.00' south, longitude 152°48.10' east
- to latitude 21°12.30' south, longitude 152°42.10' east
- to latitude 21°01.40' south, longitude 152°39.56' east
- to latitude 20°54.97' south, longitude 152°15.39' east
- to latitude 20°52.31' south, longitude 152°02.46' east

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- to latitude 20°51.91' south, longitude 151°57.41' east
- to latitude 20°55.00' south, longitude 151°45.50' east
- to latitude 20°48.09' south, longitude 151°31.38' east
- to latitude 20°46.78' south, longitude 151°29.13' east
- to latitude 20°44.50' south, longitude 151°25.31' east
- to latitude 20°42.67' south, longitude 151°22.73' east
- to latitude 20°36.96' south, longitude 151°15.16' east
- to latitude 20°30.27' south, longitude 151°07.61' east
- to latitude 20°26.54' south, longitude 151°04.02' east
- to latitude 20°18.86' south, longitude 150°58.23' east
- to latitude 20°04.61' south, longitude 150°48.61' east
- to latitude 19°56.81' south, longitude 150°42.56' east
- to latitude 19°49.08' south, longitude 150°30.06' east
- to latitude 19°59.91' south, longitude 150°30.06' east
- to latitude 19°39.91' south, longitude 150°02.06' east
- to latitude 19°29.91' south, longitude 149°49.06' east

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- to latitude 19°29.91' south, longitude 149°57.42' east
  - to latitude 19°17.66' south, longitude 149°34.06' east
  - to latitude 18°59.14' south, longitude 148°50.22' east
  - to latitude 18°50.19' south, longitude 148°22.26' east
  - to latitude 18°45.64' south, longitude 148°09.21' east
  - to latitude 18°42.97' south, longitude 148°05.16' east
  - to latitude 18°37.98' south, longitude 147°58.24' east
  - to latitude 18°29.24' south, longitude 147°49.77' east
  - to latitude 18°21.41' south, longitude 147°37.76' east
  - to latitude 18°19.31' south, longitude 147°24.77' east
  - to latitude 18°14.91' south, longitude 147°24.27' east
  - to latitude 18°11.41' south, longitude 147°15.07' east
  - to latitude 18°09.91' south, longitude 147°10.86' east
  - to latitude 18°02.84' south, longitude 147°01.90' east
  - to latitude 17°50.67' south, longitude 146°50.97' east
  - to latitude 17°45.36' south, longitude 146°48.82' east

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- to latitude 17°13.71' south, longitude 146°38.57' east
- to latitude 16°59.91' south, longitude 146°32.57' east
- to latitude 16°55.91' south, longitude 146°30.07' east
- to latitude 16°43.41' south, longitude 146°20.07' east
- to latitude 16°24.41' south, longitude 146°05.07' east
- to latitude 16°15.91' south, longitude 146°01.07' east
- to latitude 16°09.91' south, longitude 145°56.07' east
- to latitude 15°59.91' south, longitude 145°50.57' east
- to latitude 15°59.91' south, longitude 145°56.07' east
- to latitude 16°29.91' south, longitude 146°15.07' east
- to latitude 16°59.91' south, longitude 146°38.07' east
- to latitude 17°45.41' south, longitude 147°00.07' east
- to latitude 18°09.91' south, longitude 147°30.07' east
- to latitude 18°29.91' south, longitude 148°00.06' east
- to latitude 18°42.39' south, longitude 149°00.06' east
- to latitude 17°29.91' south, longitude 147°00.07' east

- to latitude 14°59.91' south, longitude 146°00.07' east
- to latitude 18°19.91' south, longitude 148°20.06' east
- to latitude 18°44.91' south, longitude 152°35.06' east
- to latitude 22°14.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°40.06' east
- to latitude 27°47.90' south, longitude 154°22.06' east
- to latitude 27°57.90' south, longitude 154°00.06' east
- to latitude 28°03.48' south, longitude 153°47.06' east.

## 8 Meaning of *Facing Island area*

*Facing Island area* means waters within the following boundary—

- from latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point) to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- to latitude 23°45.25' south, longitude 151°19.93' east (North Point, Facing Island)
- along the western shore to latitude 23°52.85' south, longitude 151°22.44' east (Gatcombe Head)
- to latitude 23°53.33' south, longitude 151°30.88' east (Fairway Buoy (Wild Cattle Cutting))

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- to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east.

## **9 Meaning of *Fisherman Island area***

*Fisherman Island area* means—

- (a) waters upstream of a line between—
  - (i) the northern tip of the northernmost wharf on Fisherman Island; and
  - (ii) the mainland, passing through the rear (seaward) lead of the Lytton Rocks Reach about 900m downstream from Luggage Point; and
- (b) waterways joining the waters described in paragraph (a), other than the part of the Boat Passage east of the bridge between Whyte Island and Fisherman Island.

## **10 Meaning of *Fitzroy River mouth area***

*Fitzroy River mouth area* means Keppel Bay and adjoining rivers and creeks, south and west of the following line—

- from Cattle Point to an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet
- along the western shore of Curtis Island to the southern bank of Barker Creek
- across The Narrows to the southern bank of Deception Creek at Division Point.

## **11 Meaning of *Great Sandy Strait area***

*Great Sandy Strait area* means the Great Sandy

Strait between the following lines—

- a line from the F<sup>↑</sup>B sign at the mouth of Pulgul Creek to the F<sup>↑</sup>B sign at the southern tip of Big Woody Island, and then to the F<sup>↑</sup>B sign at Blackfellow Point, Fraser Island
- a line from the F<sup>↑</sup>B sign at North Head, Mary River to the F<sup>↑</sup>B sign at North White Cliffs, Fraser Island.

## **12 Meaning of *Hervey Bay area***

*Hervey Bay area* means Hervey Bay between latitude 25°04.90' south and a line—

- from longitude 152°49.40' east on the mainland shore (the eastern tip of Point Vernon, approximately latitude 25°14.72' south, longitude 152°49.40' east)
- to latitude 25°13.05' south, longitude 152°59.05' east (Sandy Point, Fraser Island).

## **13 Meaning of *Keppel Bay area***

*Keppel Bay area* means Keppel Bay within the following boundary—

- from latitude 23°30.90' south, longitude 150°59.64' east (an unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet) along the shore to latitude 23°28.76' south, longitude 150°59.48' east (Warner Point)
- to latitude 23°24.97' south, longitude 150°51.15' east (Quartz Rock)
- to latitude 23°25.98' south, longitude 150°49.80' east

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- to latitude 23°28.77' south, longitude 150°52.38' east (Cattle Point)
- to latitude 23°30.90' south, longitude 150°59.64' east.

#### **14 Meaning of *Laguna Bay area***

*Laguna Bay area* means waters within the following boundary—

- from the intersection of latitude 26°15.90' south with the mainland shore (near Teewah at approximately latitude 26°15.90' south, longitude 153°04.20' east)
- to latitude 26°22.54' south, longitude 153°06.98' east (eastern tip of Noosa Head)
- then along the mainland shore to its intersection with latitude 26°15.90' south.

#### **15 Meaning of *Llewellyn Bay area***

*Llewellyn Bay area* means Llewellyn Bay, near Sarina, west of a line—

- from longitude 149°20.20' east on the mainland shore at Freshwater Point (approximately latitude 21°25.91' south, longitude 149°20.20' east)
- to longitude 149°20.53' east on the mainland shore at Allom Point (approximately latitude 21°28.42' south, longitude 149°20.53' east).

#### **16 Meaning of *Logan River area***

*Logan River area* means Logan River and adjoining waterways, upstream of the line—

- from the intersection of the mainland shore with longitude 153°19.20' east (at approximately latitude 27°40.50' south) to latitude 27°40.40' south, longitude 153°19.50' east
- to latitude 27°41.50' south, longitude 153°21.10' east
- to the intersection of the mainland shore with longitude 153°21.10' east (at approximately latitude 27°41.90' south).

### **17 Meaning of 'M1' and 'M2' area**

The '*M1*' and '*M2*' area means Moreton Bay (trawling) within the following boundary—

- from latitude 27°04.93' south on Bribie Island's western shore (approximately latitude 27°04.93' south, longitude 153°09.48' east) to latitude 27°09.19' south, longitude 153°03.91' east (the special mark flashing yellow light beacon off the Caboolture River)
- to latitude 27°10.97' south, longitude 153°06.14' east (the special mark yellow flashing light beacon No. 1 at the entrance of the Scarborough Boat Harbour)
- to latitude 27°11.03' south, longitude 153°07.97' east (the North Reef flashing green light beacon)
- to latitude 27°14.51' south, longitude 153°07.40' east (the Garnet Rock flashing green light beacon off Margate)
- to latitude 27°16.51' south, longitude 153°06.75' east (the Otter Rock flashing green light beacon off Woody Point)

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- to latitude 27°15.99' south, longitude 153°06.12' east
- to latitude 27°19.44' south, longitude 153°06.44' east (the special mark flashing yellow light beacon off the banks of Cabbage Tree Creek)
- to latitude 27°20.00' south, longitude 153°11.50' east (the Western Coffee Pot flashing green light beacon near the banks of the Brisbane River, marking the main shipping channel)
- to latitude 27°18.63' south, longitude 153°12.48' east (No. 1 Entrance West flashing white and red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°18.65' south, longitude 153°12.62' east (No. 2 Entrance East flashing yellow light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°20.07' south, longitude 153°11.62' east (the Eastern Coffee Pot flashing red light beacon)
- to latitude 27°21.64' south, longitude 153°10.53' east (the east inner bar flashing red light beacon of the main shipping channel of the Brisbane River)
- to latitude 27°22.19' south, longitude 153°14.18' east (the north cardinal beacon north of St Helena Island)
- to latitude 27°24.34' south, longitude 153°14.50' east (the south cardinal light beacon south-east of St Helena Island)
- to latitude 27°24.86' south, longitude 153°14.56' east (the red light beacon north-east of Green Island)

- to latitude 27°26.93' south, longitude 153°14.70' east (the A S Huybers flashing red light beacon off King Island, near Wellington Point)
- to latitude 27°30.30' south, longitude 153°19.35' east (the flashing green light beacon off the western tip of Peel Island)
- to latitude 27°32.48' south, longitude 153°20.20' east (the west cardinal light beacon off the northern tip of the bank commonly known as Banana Bank)
- to latitude 27°35.20' south, longitude 153°22.83' east (the green light beacon on the south-western side of the Pelican Banks)
- to latitude 27°35.65' south, longitude 153°23.83' east (the south cardinal beacon at the southern tip of the Pelican Banks)
- to latitude 27°34.70' south, longitude 153°24.27' east (the flashing red light beacon on the eastern side of the Pelican Banks)
- to latitude 27°34.20' south, longitude 153°24.37' east (the flashing green light beacon off the western shore of North Stradbroke Island)
- to latitude 27°32.17' south, longitude 153°24.07' east (the flashing green light beacon off Wallen Wallen)
- to latitude 27°31.14' south, longitude 153°23.07' east (the special mark flashing yellow light beacon at the southern tip of Goat Island)
- to latitude 27°30.20' south, longitude 153°23.99' east (the southern end of Harold Walker Jetty, Dunwich, North Stradbroke Island)

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- along the southern side of Harold Walker Jetty to latitude 27°30.14' south on North Stradbroke Island's western shore (approximately latitude 27°30.14' south, longitude 153°24.08' east)
- along North Stradbroke Island's western shore to latitude 27°29.60' south, longitude 153°24.15' east (the jetty at One Mile Anchorage)
- along the southern side of the jetty at One Mile Anchorage to latitude 27°29.58' south, longitude 153°24.13' east (the western end of the jetty at One Mile Anchorage)
- to latitude 27°29.51' south, longitude 153°22.89' east (the south cardinal light beacon known as Douglas Light)
- to latitude 27°27.25' south, longitude 153°19.98' east (the green light beacon that flashes every 6 seconds off Maroom Bank)
- to latitude 27°25.99' south, longitude 153°17.41' east (the isolated danger beacon on Hope Banks)
- to latitude 27°25.31' south, longitude 153°18.26' east (the flashing green light beacon north of Chain Banks)
- to latitude 27°24.22' south, longitude 153°20.10' east (the northernmost red lateral beacon at the entrance to Rous Channel)
- to latitude 27°18.70' south, longitude 153°23.10' east (the northernmost green lateral beacon at the entrance to Fraser's Gutter)
- to latitude 27°15.90' south, longitude 153°23.06' east

- east along latitude 27°15.90' south to latitude 27°15.90' south, longitude 153°23.61' east (Moreton Island's western shore)
- along Moreton Island's western shore to latitude 27°03.68' south (Comboyuro Point approximately latitude 27°03.68' south, longitude 153°21.71' east)
- to latitude 27°05.08' south on Bribie Island's eastern shore (Skirmish Point approximately latitude 27°05.08' south, longitude 153°12.43' east)
- along Bribie Island's eastern, southern and western shores to latitude 27°04.93' south on Bribie Island's western shore.

## 18 Meaning of *Moreton Bay (trawling)*

*Moreton Bay (trawling)* means waters within the following boundary, other than waters in the Fisherman Island area—

- from the F↑B sign at the south-eastern tip of Toorbul Point to the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island
- along Bribie Island's western and southern shores to Skirmish Point
- to Comboyuro Point, Moreton Island
- along Moreton Island's western shore to Reeders Point
- to Amity Point, North Stradbroke Island
- along North Stradbroke Island's western and southern shores to its south-eastern tip
- to the north-eastern tip of South Stradbroke Island

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- along South Stradbroke Island's northern, western and southern shores to the seaward tip of the northern breakwater wall of the Gold Coast Seaway
- to the seaward tip of the southern breakwater wall of the Gold Coast Seaway at Nerang Head on The Spit
- along the shore of The Spit to the Gold Coast Highway bridge over the Nerang River near Waterways Drive, Main Beach
- along the eastern side of the Gold Coast Highway bridge to the mainland shore
- along the shore to the F<sup>↑</sup>B sign at the south-eastern tip of Toorbul Point.

## 19 Meaning of *northern area*

The *northern area* means waters within the following boundary—

- from the intersection of latitude 16°00.00' south with the mainland shore at high water mark (approximately latitude 16°00.00' south, longitude 145°26.091' east)
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east

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- to latitude 14°59.91' south, longitude 146°00.06' east
  - to latitude 16°00.00' south, longitude 146°42.122' east
  - to latitude 16°00.00' south, longitude 145°26.091' east.

## 20 Meaning of *Repulse Bay area*

*Repulse Bay area* means Repulse Bay, near Proserpine, within the following boundary—

- from Rocky Point along the shore to the northern bank of the O'Connell River
- east for 2n miles
- to Rocky Point.

## 21 Meaning of *Sinclair Bay area*

*Sinclair Bay area* means Sinclair Bay, near Bowen, within the following boundary—

- from latitude 20°09.54' south, longitude 148°25.36' east on the shore to latitude 20°06.80' south, longitude 148°26.81' east on the shore
- along the shore to latitude 20°09.54' south, longitude 148°25.36' east.

## 22 Meaning of '*T1*' area

The '*T1*' area means waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark)

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- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke Island to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke Island to latitude 27°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)
- along the eastern shore of Moreton Island to latitude 27°03.68' south, longitude 153°21.71' east (Comboyuro Point)
- to latitude 27°05.08' south, longitude 153°12.43' east (Skirmish Point)
- along the eastern shore of Bribie Island to latitude 26°50.05' south, longitude 153°07.78' east
- to latitude 26°48.38' south, longitude 153°08.36' east (southern end of Kings Beach)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)
- to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)

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- along the shore to latitude 25°48.68' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
  - to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
  - along the eastern shore of Fraser Island to latitude 25°13.50' south, longitude 152°59.50' east (Sandy Point)
  - to latitude 25°14.47' south, longitude 152°49.21' east (Point Vernon)
  - along the shore to latitude 24°45.45' south, longitude 152°24.76' east (South Head)
  - to latitude 24°44.83' south, longitude 152°23.84' east
  - along the shore to latitude 24°00.15' south, longitude 151°44.50' east (Chews Point)
  - to latitude 24°01.31' south, longitude 151°43.65' east (Pancake Point)
  - along the shore to latitude 24°00.50' south, longitude 151°36.22' east
  - to latitude 24°03.30' south, longitude 151°37.90' east (Blackney Point)
  - along the shore to latitude 24°02.22' south, longitude 151°33.87' east (Innes Head)
  - to latitude 24°01.98' south, longitude 151°32.75' east (Norton Point)
  - along the shore to latitude 23°59.46' south, longitude 151°26.43' east (Tiber Point)
  - to latitude 23°59.38' south, longitude 151°25.67' east
  - along the shore to latitude 23°56.23' south, longitude 151°21.42' east

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- to latitude 23°56.13' south, longitude 151°21.26' east (near Boyne Island)
- along the shore to latitude 23°51.12' south, longitude 151°18.70' east (South Trees Wharf)
- to latitude 23°51.22' south, longitude 151°17.77' east (Parsons Point)
- along the shore to latitude 23°49.93' south, longitude 151°15.22' east (Auckland Point)
- to latitude 23°47.80' south, longitude 151°17.08' east (Tail Point, Chinaman Island)
- along the eastern shore of Curtis Island to latitude 23°30.90' south, longitude 150°59.64' east (unnamed point on the shore of Curtis Island about 1.25n miles north of Maria Inlet)
- to latitude 23°28.77' south, longitude 150°52.38' east
- along the shore and breakwall to latitude 23°09.52' south, longitude 150°47.33' east (southern tip of Rosslyn Bay breakwall)
- to latitude 23°09.52' south, longitude 150°47.10' east (northern end of Rosslyn Bay breakwall)
- along the breakwall and shore to latitude 22°57.85' south, longitude 150°46.65' east (Sandy Point)
- to latitude 22°56.62' south, longitude 150°47.64' east
- along the shore to latitude 22°32.18' south, longitude 150°47.36' east (Cape Clinton)
- to latitude 22°28.21' south, longitude 150°45.42' east (Northeast Point)

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- along the shore to latitude 22°20.67' south, longitude 149°54.78' east
  - to latitude 22°23.01' south, longitude 149°48.55' east (Charon Point)
  - along the shore to latitude 22°20.90' south, longitude 149°41.53' east
  - to latitude 22°00.00' south, longitude 149°29.68' east
  - along the shore to latitude 21°28.42' south, longitude 149°20.53' east (Allom Point)
  - to latitude 21°25.91' south, longitude 149°20.20' east (Freshwater Point)
  - along the shore to latitude 21°14.71' south, longitude 149°15.36' east (Dudgeon Point)
  - to latitude 21°12.60' south, longitude 149°11.73' east
  - along the shore to latitude 21°08.84' south, longitude 149°12.63' east
  - to latitude 21°08.86' south, longitude 149°13.26' east (East Point)
  - along the shore and breakwall to latitude 21°06.38' south, longitude 149°14.10' east (southern breakwall at Mackay outer harbour)
  - to latitude 21°06.27' south, longitude 149°13.95' east (northern breakwall at Mackay outer harbour)
  - along the breakwall and shore to latitude 20°29.44' south, longitude 148°42.91' east
  - to latitude 20°28.89' south, longitude 148°44.21' east
  - along the shore to latitude 20°06.80' south, longitude 148°26.81' east

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- to latitude 20°09.54' south, longitude 148°25.36' east
- along the shore and wharf to latitude 20°01.38' south, longitude 148°15.11' east
- to latitude 20°01.48' south, longitude 148°15.95' east (Dalrymple Point)
- along the shore to latitude 19°16.24' south, longitude 146°50.15' east
- to latitude 19°16.13' south, longitude 146°50.13' east
- to latitude 19°15.32' south, longitude 146°50.80' east
- to latitude 19°14.57' south, longitude 146°50.14' east
- to latitude 19°14.62' south, longitude 146°50.00' east
- to latitude 19°15.01' south, longitude 146°49.74' east
- to latitude 19°14.97' south, longitude 146°49.43' east
- to latitude 19°14.98' south, longitude 146°49.35' east
- along the shore to latitude 17°36.09' south, longitude 146°07.95' east (Hall Point)
- to latitude 17°35.98' south, longitude 146°07.73' east (Goodman Point)
- along the shore to latitude 17°30.65' south, longitude 146°04.22' east
- to latitude 17°30.31' south, longitude 146°04.63' east (Flying Fish Point)
- along the shore to latitude 16°55.36' south, longitude 145°47.21' east (Stafford Point)

- to latitude 16°55.07' south, longitude 145°46.92' east (northern breakwall end at the entrance to Cairns Port)
- along the breakwall and shore to latitude 16°28.69' south, longitude 145°27.85' east (Island Point)
- to latitude 16°28.83' south, longitude 145°27.34' east
- along the shore to latitude 15°27.43' south, longitude 145°15.33' east (northern tip of Cooktown Headland)
- to latitude 15°27.60' south, longitude 145°14.45' east (Point Saunders)
- along the shore to latitude 10°41.25' south, longitude 142°31.86' east (tip of Cape York Peninsula)
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 14°59.91' south, longitude 146°00.06' east
- to latitude 18°19.91' south, longitude 148°20.04' east
- to latitude 18°44.90' south, longitude 152°35.04' east
- to latitude 22°14.90' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east

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- to latitude 27°57.91' south, longitude 154°00.06' east.

### **23 Meaning of 'T2' area**

The '*T2*' area means waters within the following boundary—

- from latitude 27°57.91' south, longitude 154°00.06' east to latitude 28°09.88' south, longitude 153°33.10' east (point on the shore at the State's border with New South Wales at high water mark)
- along the shore and breakwall to latitude 27°56.12' south, longitude 153°25.99' east (seaward end of the southern Gold Coast Seaway breakwall)
- to the northern tip of Gold Coast Seaway breakwall latitude 27°56.06' south, longitude 153°25.83' east
- along the eastern shore of South Stradbroke Island to latitude 27°44.83' south, longitude 153°26.90' east
- to latitude 27°43.43' south, longitude 153°27.26' east
- along the eastern shore of North Stradbroke Island to latitude 27°26.06' south, longitude 153°32.78' east (Point Lookout)
- to latitude 27°01.67' south, longitude 153°28.09' east (Cape Moreton)
- to latitude 26°48.15' south, longitude 153°09.03' east (Caloundra Head)
- along the shore and breakwall to latitude 26°40.74' south, longitude 153°07.95' east (southern breakwall of Mooloolaba Harbour)

- to latitude 26°40.80' south, longitude 153°07.93' east (northern breakwall of Mooloolaba Harbour)
- along the shore to latitude 25°48.62' south, longitude 153°03.89' east (F↑B sign at Inskip Point)
- to latitude 25°47.52' south, longitude 153°04.62' east (F↑B sign at Hook Point)
- along the eastern shore of Fraser Island to latitude 24°41.83' south, longitude 153°16.00' east (Sandy Cape)
- to latitude 24°44.83' south, longitude 152°23.84' east (Burnett Heads)
- along the shore to latitude 24°21.40' south, longitude 151°58.66' east
- to latitude 24°21.40' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.90' south, longitude 154°22.08' east
- to latitude 27°57.91' south, longitude 154°00.06' east.

## **Schedule 10F Effort unit conversion factor for boats**

schedule 11, part 2, definition *effort unit conversion factor*

**Number of hull units for boat**

**Effort unit conversion factor for boat**

1

3

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
2	5
3	6
4	7
5	9
6	10
7	11
8	12
9	13
10	14
11	15
12	16
13	17
14	18
15	19
16	20
17	21
18	22
19	23
20	24
21	25
22	26
23	27
24	28
25	28

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
26	29
27	30
28	31
29	32
30	33
31	33
32	34
33	35
34	36
35	37
36	37
37	38
38	39
39	40
40	40
41	41
42	42
43	43
44	43
45	44
46	45
47	46
48	46
49	47

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
50	48
51	49
52	49
53	50
54	51
55	51
56	52
57	53
58	54
59	54
60	55
61	56
62	56
63	57
64	58
65	58
66	59
67	60
68	60
69	61
70 or more	62

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

(1) Schedule 11, part 1, section 4—

*omit, insert—*

#### **4 Meaning of *length* of a net**

- (1) The ***length***, of a beam trawl net, means the distance the net is capable of extending across the beam or pole used to open it.
  - (2) The ***length***, of a cast net, means the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following—
    - (a) the net's lead line;
    - (b) the bottom of the net's lowest pocket.
  - (3) The ***length***, of an otter trawl net, means—
    - (a) for an otter trawl net used under section 613—see section 613(3); or
    - (b) otherwise—the combined length of the head rope and bottom rope when taut between the outermost points of the meshes attached to the head rope and bottom rope.
  - (4) The ***length***, of a net, other than a cast net or trawl net, means the distance between the outer ends of its mesh measured along the head or bottom rope, whichever rope is longer when taut.
  - (5) The ***length***, of a net used with a separate back net, means the total length of the net and the back net in use.
- (2) Schedule 11, part 1—

*insert—*

#### **13 Working out *hull units* for a boat**

The ***hull units***, for a boat, must be worked out by using the following formula and rounding the amount worked out to the nearest whole number—

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$$HU = \frac{L \times B \times D \times 0.6}{2.83}$$

where—

*HU* means the number of hull units for the boat.

*L* means the length of the boat measured in metres.

*B* means the beam of the boat measured in metres.

*D* means the depth of the boat measured in metres.

*Note*—

The figure of 0.6 represents a block coefficient to standardise variations in boat design and the figure of 2.83 represents a constant which converts cubic metres to units of 100 cubic feet.

#### 14 Meaning of *beam* of a boat

The *beam*, of a boat, means the maximum breadth amidships between—

- (a) if the boat has a metal shell—the moulded lines of its frame; or
- (b) if the boat does not have a metal shell—the outer surfaces of its hull, excluding sponsons, fenders and rubbing strips.

#### 15 Meaning of *depth* of a boat

- (1) The *depth*, of a boat, means the vertical distance from its keel datum to—
  - (a) if the boat is or was, after 15 December 2000, modified or replaced under chapter 3, part 8 of the repealed 1999 plan, chapter 3, part 8 of the repealed 2010 plan or chapter

7A, part 8—a point amidships that is level with the highest point of its uppermost continuous deck; or

- (b) otherwise—
  - (i) for a boat with a stepped uppermost continuous deck the raised part of which extends over amidships—a line of reference extending from the lower part of the deck along a parallel line to the raised part; or
  - (ii) if subparagraph (i) does not apply—the underside of its uppermost continuous deck at the side amidships.

(2) In this section—

*keel datum* means—

- (a) for a composite or wooden boat—the lower edge of its keel rabbet; or
- (b) for a boat in which the form at the lower part of midship section is of a hollow nature or if thick or horizontal garboards are fitted—the point where the line of the hull bottom shell continued inwards cuts the boat's centre-line; or
- (c) if, because of the boat's shape, the keel datum can not be worked out under paragraph (a) or (b)—the tangent providing the greatest depth measurement.

## **16 Working out an engine's *maximum continuous brake kW***

- (1) An engine's *maximum continuous brake kW* must be worked out from the manufacturer's recommended maximum continuous brake kW for its engine type.
- (2) The engine must be identified by the following—

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- (a) make;
  - (b) model;
  - (c) year of manufacture;
  - (d) serial number;
  - (e) cylinder block;
  - (f) aspiration and cooling systems.
- (3) The following aspects of the recommendation must be considered—
- (a) ambient water temperature in the range 25°C to 27°C or the temperature mentioned in the recommendation closest to the range;
  - (b) fuel injectors consistent with the recommended maximum continuous brake kW of the engine type.
- (4) If the manufacturer revises the recommendation for the engine type, the revised rating is taken to apply to all new engines of that type installed on boats from the day the revised rating took effect.
- (5) The following must be disregarded—
- (a) variation from the standard power output, including, for example, engine deratings;
  - (b) different gear boxes or transmission trains associated with individual engines.
- (6) In this section—
- engine type* means the type of main propulsion engine or engines installed on the boat.

## 17 Meaning of *sweep* of a net

- (1) The *sweep*, of a net, includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the point on the head rope or bottom rope of a net where the outermost meshes

are attached.

- (2) If fittings mentioned in subsection (1) are joined to make a single fitting, the single fitting is 1 sweep.

### **18 Meaning of *detected by vessel tracking equipment***

The location or movement of a boat is ***detected by vessel tracking equipment*** if details of the location or movement of the boat have been sent to the chief executive from the vessel tracking equipment installed on the boat.

- (3) Schedule 11, part 2, definitions *annual*, *annual quota*, *east coast trawl fishery area*, *effort unit*, *entitlement*, *landing place*, *length*, *malfunction*, *otter trawl net*, *permitted fish*, *prescribed reason*, *quota authority*, *recreational fishing apparatus*, *relevant authority*, *relevant boat*, *relevant period*, *stowed and secured*, *T1 effort unit*, *T2 effort unit*, *use*, *used* and *vessel tracking standard*—

*omit.*

- (4) Schedule 11, part 2—

*insert—*

***amidships***, of a boat, means the vertical plane at the middle of its length at a right angle to its centre-line plane.

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

***appropriately marked*** means stated in writing that is—

- (a) legible and permanent; and  
(b) raised or recessed.

***approved person***, for chapter 13, part 1B, division 3, see section 625J.

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**approved way**, for chapter 13, part 1B, division 3, see section 625J.

**bar**, in relation to mesh in a trawl net, means—

- (a) for a knotted trawl net—a side of a mesh of the net from 1 knot to the next knot on the same side of the mesh; or
- (b) for a knotless trawl net—a side of a mesh of the net from 1 corner to the next corner.

**beam**, of a boat, see section 14 of this schedule.

**beam trawl net** means a net with its mouth attached to a beam or pole to keep the net open.

**behind**, in relation to a part of a net or a thing used with a net, means away from the front opening of the net.

**belly rope**, for a cod end, means rope that—

- (a) is made from at least 12mm polyethylene rope; and
- (b) runs the length of the cod end.

**BRD** means bycatch reduction device.

**Brisbane River mouth area–north** see schedule 10E, section 1.

**Brisbane River mouth area–south** see schedule 10E, section 2.

**Brisbane River–Victoria Bridge to Juno Point area** see schedule 10E, section 3.

**central area** see schedule 10E, section 4.

**Cleveland Bay area** see schedule 10E, section 5.

**Comboyuro Point to Caloundra Head area** see schedule 10E, section 6.

**compliant crab bag** means a crab bag that—

- 
- (a) is made of mesh of a mesh size of at least 88mm; and
  - (b) has a circumference of no more than 50 meshes; and
  - (c) is installed—
    - (i) inside the cod end of the net; and
    - (ii) at no more than 50 meshes from the cod end drawstrings of the net.

***deep water net area*** see schedule 10E, section 7.

***depth***, of a boat, see section 15 of this schedule.

***detected by vessel tracking equipment***, for a boat, see section 18 of this schedule.

***east coast trawl fishery*** see section 392.

***east coast trawl fishery area*** see section 392AA(1).

***east coast trawl fishery symbol*** means a fishery symbol mentioned in section 392AB(2).

***effort unit*** means an effort unit continued under section 766(2).

***effort unit certificate*** means a certificate—

- (a) issued under section 101 of the repealed 1999 plan; or
- (b) replaced under section 71 of the Act; or
- (c) changed or replaced under—
  - (i) section 93 of the repealed 2010 plan; or
  - (ii) section 392CI.

***effort unit conversion factor***, for a boat, means the effort unit conversion factor for the boat stated in schedule 10F opposite the number of hull units for the boat.

***effort year*** means the period from midday on 1

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January to midday on 1 January in the next year.

**entitlement**—

- (a) under an effort unit, see section 392BO(4);  
or
- (b) under an ITQ unit, see section 600O(2); or
- (c) under a line unit, see section 591O(4); or
- (d) under an SM unit, see section 557(2); or
- (e) under a T4-ITQ unit, see section 614H(2).

**escape hole** see section 392BC(2)(b).

**Facing Island area** see schedule 10E, section 8.

**Fisherman Island area** see schedule 10E, section 9.

**fishing days**, for effort units, means the number of days worked out by dividing the total number of the units by the effort unit conversion factor for the boat identified in the effort unit certificate for the units.

**Fitzroy River mouth area** see schedule 10E, section 10.

**front opening**, of a net, means the opening through which fish enter the net.

**Great Sandy Strait area** see schedule 10E, section 11.

**ground chain** means a chain attached at 1 or more points to the bottom rope of an otter trawl net so that the chain is suspended below the bottom rope when the net is in use.

**Hervey Bay area** see schedule 10E, section 12.

**hull units**, for a boat, see section 13 of this schedule.

**in front of**, in relation to a part of a net or a thing used with a net, means towards the front opening

of the net.

**Keppel Bay area** see schedule 10E, section 13.

**Laguna Bay area** see schedule 10E, section 14.

**landing place**—

- (a) for chapter 10, part 3, see section 565; or
- (b) for chapter 10A, part 3, see section 591ZA(c); or
- (c) for chapter 11, part 3, division 6, see section 614ZA(c); or
- (c) for chapter 13, part 1B, division 3, see section 625J.

**leading edge**, in relation to a part of a net or a thing used with a net, means the edge nearest to the front opening of the net.

**length**—

- (a) of a commercial fishing boat—see section 3 of this schedule; or
- (b) of a net—see section 4 of this schedule.

**Llewellyn Bay area** see schedule 10E, section 15.

**Logan River area** see schedule 10E, section 16.

**‘M1’ and ‘M2’ area** see schedule 10E, section 17.

**‘M1’ licence** means a commercial fishing boat licence with an ‘M1’ fishery symbol written on it.

**‘M2’ licence** means a commercial fishing boat licence with an ‘M2’ fishery symbol written on it.

**malfunction**, for chapter 13, part 1B, see section 80(6) of the Act.

**manually reported**, for a boat, means notice about a boat’s position and operation given under section 625N.

**maximum continuous brake kW** see section 16

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of this schedule.

**Moreton Bay (trawling)** see schedule 10E, section 18.

**northern area** see schedule 10E, section 19.

**otter trawl net** means a net with its mouth kept open by otter boards and the force of water.

**permitted fish**—

- (a) for chapter 7A, see section 392AC; or
- (b) for chapter 11, part 3, see section 612.

**prescribed reason**, for chapter 10, part 3, see section 565.

**principal bug** see section 392AC(a)(iii).

**principal fish** see section 392AC(a).

**recognised BRD** see section 392AI.

**recognised TED** see section 392BC(1)(a).

**recreational fishing apparatus** means—

- (a) a spear or spear gun; and
- (b) any of the following fishing apparatus that may be used or possessed by a recreational fisher under a regulated fishing apparatus declaration—
  - (i) a canister trap;
  - (ii) a cast net;
  - (iii) a collapsible trap;
  - (iv) a crab pot;
  - (v) a dilly;
  - (vi) a fishing line;
  - (vii) a fork;
  - (viii) a funnel trap;

- (ix) a hand pump;
- (x) a pyramid trap;
- (xi) a round trap;
- (xii) a scoop net;
- (xiii) a seine net.

***relevant authority***—

- (a) for chapter 13, part 1B—see section 625F(1); or
- (b) for chapter 14, part 2—see section 644.

***relevant boat***, for a relevant authority, for chapter 13, part 1B, see section 80(1)(b) of the Act and section 625F(2).

***relevant period***—

- (a) for chapter 13, part 1B, see section 625H; or
- (b) for chapter 14, part 2, division 2, see section 645(b); or
- (c) for chapter 14, part 2, division 3, see section 649(b).

***repealed 1999 plan*** means the repealed *Fisheries (East Coast Trawl) Management Plan 1999*.

***repealed 2010 plan*** means the repealed *Fisheries (East Coast Trawl) Management Plan 2010*.

***Repulse Bay area*** see schedule 10E, section 20.

***Sinclair Bay area*** see schedule 10E, section 21.

***square mesh*** means netting material orientated so the direction of the mesh twine is longitudinal and transverse to the length of the cod end.

***steaming day*** see section 392BO(1).

***stowed and secured*** see section 4A.

***sweep***, of a net—

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(a) for an otter trawl net used under section 613—see section 613(5) and (6); or

(b) otherwise—see section 17 of this schedule.

**‘T1’ area** see schedule 10E, section 22.

**T1 effort units** see section 392BO(1)(a).

**‘T1’ licence** means a commercial fishing boat licence with a ‘T1’ fishery symbol written on it.

**‘T2’ area** see schedule 10E, section 23.

**T2 effort units** see section 392BO(1)(b).

**‘T2’ licence** means a commercial fishing boat licence with a ‘T2’ fishery symbol written on it.

**‘T5’ licence** means a commercial fishing boat licence with a ‘T5’ fishery symbol written on it.

**‘T6’ licence** means a commercial fishing boat licence with a ‘T6’ fishery symbol written on it.

**‘T7’ licence** means a commercial fishing boat licence with a ‘T7’ fishery symbol written on it.

**‘T8’ licence** means a commercial fishing boat licence with a ‘T8’ fishery symbol written on it.

**‘T9’ licence** means a commercial fishing boat licence with a ‘T9’ fishery symbol written on it.

**TED** means turtle excluder device.

**tickler chain** means a chain attached to a trawl net or the otter boards of an otter trawl net that is in front of the mouth of the net when the net is in use.

**trailing edge**, in relation to a part of a net or a thing used with a net, means the edge furthest from the front opening of the net.

**trawling** see section 392.

**trawl net** means any net described in a provision of chapter 7A, part 9 and any other fishing apparatus normally used with it.

*Examples of other fishing apparatus—*

ground chains or ropes

***trawl shoe***, of a beam, otter board or trawl sled, means the part of the horizontal surface of the underside of the beam, otter board or trawl sled that makes contact with the sea floor.

***try net*** means an otter or beam trawl net of the following lengths, used for no longer than 25 minutes at a time, for sampling or testing or to work out the abundance or presence of principal fish—

- (a) for an otter trawl net—no longer than 10m;  
or
- (b) for a beam trawl net—no longer than 2.5m.

***usage notice*** see section 392CL(2).

***use—***

- (a) a net, includes setting and shooting the net;  
or
- (b) a trawl net, includes—
  - (i) setting and shooting the net; and
  - (ii) having the net rigged for fishing.

*Example of rigged for fishing for subparagraph (ii)—*

having a cod end and ground chains attached

***used—***

- (a) for a boat, on a fishing or steaming day, see section 392BQ; or
- (b) for effort units, see section 392BP; or
- (c) for an entitlement under an ITQ unit, see section 600P(1); or

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- (d) for an entitlement under a line unit, see section 591P(1); or
- (e) for an entitlement under a SM unit, see section 558(1); or
- (f) for an entitlement under a T4-ITQ unit, see section 614I(1).

*vessel tracking standard*, for chapter 13, part 1B, see section 625E.

*working properly*, for chapter 13, part 1B, see section 80(6) of the Act.

## Part 3 **Amendment of State Penalties Enforcement Regulation 2014**

### 56 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

### 57 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

- (1) Schedule 1, entry for *Fisheries Act 1994*—

*insert*—

s 31(1)	4
s 80(2)	20
s 80(3)	20

- (2) Schedule 1, entry for *Fisheries Act 1994*, entry for s 82, ‘under a regulation or a management plan’—

*omit, insert*—

by regulation or declared by a declaration

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## **Part 4                      Repeal of legislation**

### **58        Repeals**

The following legislation is repealed—

- Fisheries (Commercial Trawl Fishery—Fin Fish) Quota Declaration 2015, SL No. 141
- Fisheries (Coral Reef Fin Fish) Quota Declaration 2015, SL No. 21
- Fisheries (East Coast Trawl) Management Plan 2010, SL No. 357
- Fisheries (Spanner Crab Fishery) Quota Declaration 2015, SL No. 20.

## **Part 5                      Minor or consequential amendments**

### **59        Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Minor or consequential amendments**

section 59

### **Biosecurity Regulation 2016**

- 1      Section 94D(3), definition *fishing*, ‘schedule’—**  
*omit, insert—*  
schedule 1

### **Coastal Protection and Management Regulation 2017**

- 1      Section 15(3), definition *aquaculture*, ‘schedule’—**  
*omit, insert—*  
schedule 1

### **Fisheries Regulation 2008**

- 1      Chapter 1, part 2, division 4, heading—**  
*omit, insert—*  
**Division 4      References to regulated waters**

## 2 Amendment of various provisions

Each provision mentioned in column 1 is amended by omitting the words in column 2 and inserting the words, if any, in column 3—

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted, if any
section 9	schedule 1	the <i>Fisheries Declaration 2019</i> , schedule 1
section 13, heading	includes	include
section 14(a)	or a management plan	
section 14, note	management plans	declarations
section 15A(1)	or a management plan	
section 24(1)	a provision of this regulation or a management plan	a provision
section 209(1)	or a management plan	
section 218A	section 34A	the <i>Fisheries Declaration 2019</i> , section 17(2)
section 223(a)(ii)	or a management plan	
section 225(b)	chapter 4, part 1, division 4	the <i>Fisheries Declaration 2019</i> , chapter 4, part 4
section 226(5)	or a management plan	
section 229, heading	attaching or placing	fixing
section 229(1) and (6)(b)	placed on	fixed to
section 229(6)(a)	attached to each side of the primary boat's	fixed to each side of the boat's

## Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted, if any</b>
section 229(6)(b)	the tender boat's	the boat's
section 229(6)(c)	placed on	fixed to the following surface in a way that allows the boat mark to be viewed from above
section 229(6)(c)(ii)	; or	;
section 229(7)(a)	attached or placed	fixed
section 230	attached to or placed, and remains, on	fixed to, and remains on,
section 231(2)	attached to or placed on	fixed to
section 236(1)(a)	symbols	symbol
section 251(2)	or any relevant management plan	
section 253BD(2)	may write the fishery symbol	may write the fishery symbol 'N13'
section 256(1)(b)	or a management plan	
section 261A(1)	a 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9' licence under chapter 3, part 8 of the East Coast Trawl Plan	an 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9' licence
section 270	, chapters 7 to 11, or a management plan	or chapters 7 to 11
section 310C(b)	catchment	river basin
section 310K(3)	in all its dimensions	in any dimension
section 310L(2)	in each of their dimensions	in any dimension

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted, if any</b>
section 310O(1)(b)(iii)	in all their dimensions	in any dimension
section 310P(b)	in all its dimensions	in any dimension
section 430(3)	in all its dimensions	in any dimension
section 431(4)	in all its dimensions	in any dimension
section 487(5)	in all its dimensions	in any dimension
section 492(1)(b)(i), (2)(b) and (4)(a)(ii)	in all its dimensions	in any dimension
section 507(1)(b)(i) and (2)(a)(ii)	in all its dimensions	in any dimension
section 507L(1)(b)(i) and (2)(a)(ii)	in each of its dimensions	in any dimension
section 507L(3)(a)	in each of their dimensions	in any dimension
section 520(1)(a)(i), (1)(d) and (3)(a)(ii)	in all its dimensions	in any dimension
section 532A(a)	in each of its dimensions	in any dimension
section 533B	if the net is	if the net
section 533B(a)	no longer	is no longer
section 535A(1)(b)(i) and (2)(a)(ii)	in all its dimensions	in any dimension
section 539(h), note	<i>Carcharias taurus</i>	<i>Carcharias taurus</i>
section 543(2)(a)	in each of its dimensions	in any dimension
section 545G(h), note	<i>Carcharias taurus</i>	<i>Carcharias taurus</i>
section 545K(2)(a)	in each of its dimensions	in any dimension

Schedule 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted, if any</b>
section 551	is being taken	are being taken
section 570(1)(a)	section 568 and 569	section 568
section 578(2)(a)	is on any	are on any
section 578(2)(b)	has been transferred	have been transferred
section 579(3)(a) and (c)	is unloaded	are unloaded
section 580(3)	<i>National Measurements Act 1960 (Cwlth)</i>	<i>National Measurement Act 1960 (Cwlth)</i>
section 587(2), note	<i>pin</i>	<i>PIN</i>
section 590(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 590(3)	The prescribed criteria are	An appropriate suspension may be
section 591(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 591(3)	The prescribed criteria is	An appropriate cancellation may be
section 591F	is being taken	are being taken
section 591ZI(2)(a)	is on any	are on any
section 591ZI(2)(b)	has been transferred	have been transferred
section 591ZJ(3)(a) and (c)	is unloaded	are unloaded
section 591ZL(4)(e)(vi)	(iii) or (iv)	(iv) or (v)
section 591ZR(2), note	<i>pin</i>	<i>PIN</i>
section 591ZU(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 591ZU(3)	The prescribed criteria are	An appropriate suspension may be

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted, if any</b>
section 591ZV(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 591ZV(3)	The prescribed criteria is	An appropriate cancellation may be
section 596A(a)	the waters of Moreton Bay (whole)	Moreton Bay (whole) waters
section 600(2)(a) and (5)(a)	in all its dimensions	in any dimension
section 600(4)	in all their dimensions	in any dimension
chapter 11, part 1A, division 3, heading	crab	crabs
section 600I(3)(b)	in all its dimensions	in any dimension
chapter 11, part 1B, division 3, heading	crab	crabs
section 608D(1)(a)	part 1, 2, 4 or 5	part 1, 2 or 5
section 613(4)(c)	turtle excluder device that complies with the East Coast Trawl Plan, chapter 3, part 4, division 3	TED that complies with chapter 7A, part 5
section 614T(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 614T(3)	The prescribed criteria are	An appropriate suspension may be
section 614U(1)	section 68B(4)(b)(i)	section 68B(3)(b)(i)
section 614U(3)	The prescribed criteria is	An appropriate cancellation may be
section 614ZB(1)(a)	sections 614Z and 614ZA	section 614Z

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted, if any</b>
section 614ZI(3)(a) and (b)	is unloaded	are unloaded
section 621(4), definition <i>fish habitat area code of practice</i>	section 119	section 125A
section 632(2)(a)	or a management plan	
section 636(1)	mentioned	mentioned in
section 638(2)	a management plan or	
section 642(1)	a management plan or	
section 663(2)(b)	is stored	are stored
section 694(b)	schedule 2	the <i>Fisheries Declaration 2019</i> , schedule 2
section 701	section 23	section 32
schedule 10C, authorising provision	section 634(2)(d)	section 634(2)(c)
schedule 11, part 1, section 7(3)(b)(ii) and (4)(b)	placed	fixed
schedule 11, part 1, section 8(4)(b) and (5)	or a management plan	
schedule 11, part 2, definition <i>barramundi (Gulf) regulated period</i>	section 44B(2)	the <i>Fisheries Declaration 2019</i> , section 21(2)
schedule 11, part 2, definition <i>boat communication notice</i>	section 678(1)	section 625K(1)

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted, if any
schedule 11, part 2, definition <i>fishery provision</i>	chapters 7 to 11 or of a management plan,	chapters 7 to 11
schedule 11, part 2, definition <i>Gulf of Carpentaria waters</i>	schedule 1	the <i>Fisheries Declaration 2019</i> , schedule 1
schedule 11, part 2, definition <i>Moreton Bay (whole) waters</i>	schedule 1	the <i>Fisheries Declaration 2019</i> , schedule 1
schedule 11, part 2, definition <i>regulated waters</i> , paragraph (a)	section 27	the <i>Fisheries Declaration 2019</i> , section 10
schedule 11, part 2, definition <i>regulated waters</i> , paragraph (b)	section 9 of the regulation	section 9
schedule 11, part 2, definition <i>second licence</i>	section 255	section 256(1)(b)
schedule 11, part 2, definition <i>shoot</i>	a net	, a net
schedule 11, part 2, definition <i>species</i>	section 5 of the regulation	section 5
schedule 11, part 2, definition <i>T4-ITQ unit certificate</i> , paragraph (b)	issued under that section	issued

### 3 Omission of notes

The notes in the following provisions are omitted—

- section 233(1)

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- section 460
- section 471
- section 496
- section 507D
- section 511
- section 525
- section 529
- section 539, after paragraph (i)
- section 545G, after paragraph (i)
- schedule 11, part 2, definition *territorial sea baseline*.

**4 Sections 242(6) to (9), 260(c), 300, 400A, 408A, 417, 434A, 467A, 492A, 507AA, 507P, 521, 525G, 535B, 544, 545L, 555, 591KA, 600AA, 600MA, 600ZI, 614 and 696(2)—**

*omit.*

**5 Section 249(a)—**

*omit.*

**6 Section 249(b)–(e)—**

*renumber* as section 249(a) to (d).

**7 Chapter 6, part 2—**

*omit.*

**8 Chapter 12, part 2—**

*omit.*

- 
- 9 Section 634(2)(a)—**  
*omit.*
- 10 Section 634(2)(b)—(d)—**  
*renumber* as section 634(2)(a) to (c).
- 11 Chapter 14, part 8—**  
*omit.*
- 12 Schedule 10B, entry for ‘river basins comprising the Bulloo–Bancannia drainage division’—**  
*omit.*
- 13 Schedule 10B—**  
*insert—*
- Bulloo
- 14 Schedule 11, part 1, sections 5 and 6C—**  
*omit.*
- 15 Schedule 11, part 1, section 10(1), from ‘or’—**  
*omit.*
- 16 Schedule 11, part 2—**  
*omit* the following definitions—
- *activity involving regulated fish*
  - *coastal 500m line*
  - *commercial fishing net*
  - *diameter*

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- *East Coast Trawl Plan*
- *eastern non-tidal waters*
- *extended licensed charter fishing trip*
- *F*
- *fisheries regulated waters plan*
- *Flat Rock (grey nurse shark protection area—western zone)*
- *G*
- *guidelines*
- *haul seine net*
- *interdorsal length*
- *licence holder*
- *listed impoundment*
- *monofilament*
- *N*
- *prescribed barramundi waterway*
- *prescribed jobfish*
- *prescribed way*
- *prohibited activity*
- *redclaw waters*
- *regulated by form*
- *regulated by gender*
- *regulated by number*
- *regulated by reproductive capacity*
- *regulated by size*
- *regulated by volume*
- *regulated by weight*
- *regulated form*

- 
- *regulated gender*
  - *regulated maximum size*
  - *regulated minimum size*
  - *regulated number*
  - *regulated period*
  - *regulated person*
  - *regulated reproductive capacity*
  - *regulated volume*
  - *regulated weight*
  - *regulating provision*
  - *S*
  - *SF  $\uparrow$  B sign*
  - *substitute primary boat*
  - *surface trolling*
  - *threshold percentage*
  - *V*
  - *VMS equipment requirement*
  - *VMS exemption notice*
  - *VMS exemption period*
  - *W*
  - *waters other than the Gulf of Carpentaria waters.*

## **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004**

### **1 Section 52—**

*insert—*

- (4) For subsection (2)(b), a *former licence* for a primary commercial fishing boat licence is a licence that was replaced or renewed by the current licence, including, for example, because the former licence expired or was surrendered.

**2 Section 53—**

*insert—*

- (2) In this section—

**3 Section 56(1)(b), ‘Fisheries Regulation, chapter 2, parts 11 and 12’—**

*omit, insert—*

*Fisheries Declaration 2019*, chapter 2, part 11

**4 Section 88(1)(b), after ‘of the’—**

*omit, insert—*

*Fisheries Declaration 2019* or the

**5 Schedule 8, part 4, section 1, ‘Fisheries Regulation, chapter 2, part 11 or 12’—**

*omit, insert—*

*Fisheries Declaration 2019*, chapter 2, part 11

**6 Schedule 11, definition *bait netting*, paragraph (a), ‘chapter 4, part 1, division 4 of that regulation’—**

*omit, insert—*

the *Fisheries Declaration 2019*, chapter 4, part 4



## **Marine Parks (Great Sandy) Zoning Plan 2017**

**1 Section 53(2)(a) and (b)—**

*omit, insert—*

- (a) any fisheries declaration about the taking of the pipefish under the *Fisheries Declaration 2019*; and
- (b) the *Fisheries Regulation 2008*, chapter 7A in relation to the taking, possession or use of the pipefish.

**2 Section 74(1)(a), ‘chapter 4, part 1, division 4 of that regulation’—**

*omit, insert—*

the *Fisheries Declaration 2019*, chapter 4, part 4

**3 Section 75(3), before ‘*Fisheries*’—**

*insert—*

*Fisheries Declaration 2019* or the

**4 Schedule 1, item 6, column 3, first dot point—**

*omit, insert—*

- taking in the east coast trawl fishery under the *Fisheries Regulation 2008*, chapter 7A in compliance with the requirements that apply to the taking under the regulation or otherwise under the *Fisheries Act 1994*

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

*omit, insert—*

(c) the *Fisheries Declaration 2019*.



**2 Section 92(1)(a), ‘Fisheries Regulation, chapter 4, part 1, division 4’—**

*omit, insert—*

*Fisheries Declaration 2019*, chapter 4, part 4

**3 Section 93(3), before ‘Fisheries’—**

*insert—*

*Fisheries Declaration 2019* or the

**4 Section 95(a), note—**

*omit.*

**5 Section 96(1)(a), note—**

*omit.*

**6 Section 99(2), ‘*Fisheries (East Coast Trawl) Management Plan 1999*’—**

*omit, insert—*

*Fisheries Declaration 2019* and the Fisheries Regulation, chapter 7A

**7 Schedule 4, definition *fisheries legislation*, paragraphs (c) and (d)—**

*omit, insert—*

(c) the *Fisheries Declaration 2019*.

**8 Schedule 4, definition *limited spearfishing*, item 2(b), ‘Fisheries Regulation, chapter 2, part 7, division 3, subdivision 3’—**

*omit, insert—*

*Fisheries Declaration 2019*, section 50

- 
- 9**      **Schedule 4, definition *netting*, before ‘Fisheries’—**  
*insert—*  
*Fisheries Declaration 2019* and the
- 10**     **Schedule 4, definition *recreational fisher*—**  
*omit, insert—*  
*recreational fisher* see the Fisheries Regulation,  
schedule 11, part 1, section 8(1).
- 11**     **Schedule 4, definition *trawling*, ‘*Fisheries (East Coast Trawl) Management Plan 1999*’—**  
*omit, insert—*  
Fisheries Regulation, chapter 7A

## **Nature Conservation (Wildlife Management) Regulation 2006**

- 1**      **Section 11A(2), ‘*Fisheries Regulation 2008*, schedule 1’—**  
*omit, insert—*  
*Fisheries Declaration 2019*, schedule 1

## **Planning Regulation 2017**

- 1**      **Schedule 7, sections 3(1) and 6 to 8, ‘section 23’—**  
*omit, insert—*  
section 32

Schedule 1

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**2**      **Schedule 7, section 3(2), definitions *indigenous freshwater fish* and *indigenous marine fish*, ‘schedule’—**

*omit, insert—*

schedule 1

**3**      **Schedule 24, definitions *aquaculture, declared fish habitat area, tidal land, waterway* and *waterway barrier works*, ‘schedule’—**

*omit, insert—*

schedule 1

## **Rural and Regional Adjustment Regulation 2011**

**1**      **Schedules 8, 26, 27, 28 and 29—**

*omit.*

## **Transport Operations (Marine Pollution) Regulation 2018**

**1**      **Schedule 7, definition *aquaculture fisheries resources*, ‘schedule’—**

*omit, insert—*

schedule 1

ENDNOTES

- 1 Made by the Governor in Council on 9 May 2019.
- 2 Notified on the Queensland legislation website on 10 May 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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