



Queensland

# Fisheries Legislation Amendment Declaration (No. 2) 2021

## Subordinate Legislation 2021 No. 162

made under the

*Fisheries Act 1994*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
<b>Part 2</b>	<b>Amendment of Fisheries Declaration 2019</b>	
<b>Division 1</b>	<b>Preliminary</b>	
3	Declaration amended .....	3
<b>Division 2</b>	<b>Amendments commencing on 1 November 2021</b>	
4	Amendment of s 86 (Using trawl nets in southern offshore trawl region A or southern offshore trawl region B) .....	3
5	Insertion of new s 86AA .....	4
	86AA Possessing or using trawl nets if maximum number of effort units used .....	4
6	Amendment of s 86A (Possessing or using trawl nets in southern inshore trawl region) .....	4
7	Insertion of new s 86B and ch 2, pt 12, div 1B .....	5
	86B Possessing or using trawl nets if maximum number of effort units used .....	5
	Division 1B Moreton Bay trawl region	
	86C Possessing or using trawl nets if maximum number of effort units used .....	5
8	Replacement of s 92 (Possessing or using trawl nets to take fish under primary commercial fishing licences for the east coast trawl fishery in	

Contents

---

	regulated period) . . . . .	6
92	Possessing or using trawl nets under primary commercial fishing licences for east coast trawl fishery if total entitlements under all effort units used . . . . .	6
9	Amendment of sch 1 (Regulated waters) . . . . .	7
<b>Division 3</b>	<b>Amendments commencing on 1 March 2022</b>	
10	Insertion of new ch 2, pt 12, divs 1C and 1D . . . . .	8
	Division 1C Central trawl region	
86D	Possessing or using trawl nets if maximum number of effort units used . . . . .	8
	Division 1D Northern trawl region	
86E	Possessing or using trawl nets if maximum number of effort units used . . . . .	9
11	Amendment of sch 1 (Regulated waters) . . . . .	9
<b>Part 3</b>	<b>Amendment of Fisheries Quota Declaration 2019</b>	
12	Declaration amended . . . . .	10
13	Amendment of sch 1 (Total quota entitlements) . . . . .	10

---

## **Part 1 Preliminary**

### **1 Short title**

This declaration may be cited as the *Fisheries Legislation Amendment Declaration (No. 2) 2021*.

### **2 Commencement**

- (1) Part 2, other than division 3, commences on 1 November 2021.
- (2) Part 2, division 3 commences on 1 March 2022.
- (3) Part 3 commences on 1 January 2022.

## **Part 2 Amendment of Fisheries Declaration 2019**

### **Division 1 Preliminary**

#### **3 Declaration amended**

This part amends the *Fisheries Declaration 2019*.

### **Division 2 Amendments commencing on 1 November 2021**

#### **4 Amendment of s 86 (Using trawl nets in southern offshore trawl region A or southern offshore trawl region B)**

Section 86, heading, from ‘in’—

*omit, insert—*

**in regulated period generally**

[s 5]

---

## 5 Insertion of new s 86AA

After section 86—

*insert—*

### **86AA Possessing or using trawl nets if maximum number of effort units used**

- (1) This section applies if—
  - (a) 845,266 or more effort units for the southern offshore trawl region A and the southern offshore trawl region B are used in the period from 1 November to 24 October; and
  - (b) on or before 25 October, the chief executive publishes a notice on the department's website that 845,266 or more effort units for the southern offshore trawl region A and the southern offshore trawl region B have been used in the period from 1 November to 24 October.
- (2) A person must not possess or use a trawl net in the southern offshore trawl region A or the southern offshore trawl region B in the regulated period.
- (3) For subsection (2), the regulated period is the period—
  - (a) starting at midday on the day that is 5 days after the chief executive publishes the notice mentioned in subsection (1)(b); and
  - (b) ending on 31 October.

## 6 Amendment of s 86A (Possessing or using trawl nets in southern inshore trawl region)

Section 86A, heading, from 'in'—

*omit, insert—*

**in regulated period generally**

---

## 7 Insertion of new s 86B and ch 2, pt 12, div 1B

After section 86A—

*insert—*

### **86B Possessing or using trawl nets if maximum number of effort units used**

- (1) This section applies if—
  - (a) 167,625 or more effort units for the southern inshore trawl region are used in the period from 1 November to 24 October; and
  - (b) on or before 25 October, the chief executive publishes a notice on the department's website that 167,625 or more effort units for the southern inshore trawl region have been used in the period from 1 November to 24 October.
- (2) A person must not possess or use a trawl net in the southern inshore trawl region in the regulated period.
- (3) For subsection (2), the regulated period is the period—
  - (a) starting at midday on the day that is 5 days after the chief executive publishes the notice mentioned in subsection (1)(b); and
  - (b) ending on 31 October.

## **Division 1B Moreton Bay trawl region**

### **86C Possessing or using trawl nets if maximum number of effort units used**

- (1) This section applies if—
  - (a) 179,357 or more effort units for the Moreton Bay trawl region are used in the period from 1 November to 24 October; and

[s 8]

---

- (b) on or before 25 October, the chief executive publishes a notice on the department's website that 179,357 or more effort units for the Moreton Bay trawl region have been used in the period from 1 November to 24 October.
- (2) A person must not possess or use a trawl net in the Moreton Bay trawl region in the regulated period.
- (3) For subsection (2), the regulated period is the period—
  - (a) starting at midday on the day that is 5 days after the chief executive publishes the notice mentioned in subsection (1)(b); and
  - (b) ending on 31 October.

**8 Replacement of s 92 (Possessing or using trawl nets to take fish under primary commercial fishing licences for the east coast trawl fishery in regulated period)**

Section 92—

*omit, insert—*

**92 Possessing or using trawl nets under primary commercial fishing licences for east coast trawl fishery if total entitlements under all effort units used**

- (1) This section applies if, in the reef world heritage area, on a particular day (the *base day*) in a particular effort year (the *base year*), the following total entitlements under all effort units for all trawl regions are used—
  - (a) for the effort year starting at midday on 1 January 2021—2,060,586;
  - (b) for the effort year starting at midday on 1 January 2022—2,039,980;

- 
- (c) for the effort year starting at midday on 1 January 2023—2,019,580.
- (2) A person must not in the reef world heritage area—
- (a) possess or use a trawl net under a primary commercial fishing licence for the east coast trawl fishery in the regulated period; or
- (b) possess a fish taken in a way that contravenes paragraph (a).
- (3) For subsection (2), the regulated period starts on the day that is 5 days after the base day and ends at midday on 1 January in the year after the base year.

*Example for subsection (3)—*

If the total entitlement is used on a Monday, the regulated period starts on the next Saturday and ends at midday on 1 January in the next year.

*Note—*

See the *Fisheries (Commercial Fisheries) Regulation 2019*, section 72 for the requirement for the chief executive to give usage notices to holders of primary commercial fishing licences for the east coast trawl fishery about the usage of entitlements and section 73 for the holders' obligations under usage notices.

## **9 Amendment of sch 1 (Regulated waters)**

- (1) Schedule 1, part 2, entries for southern offshore trawl region B and southern offshore trawl region A, column 3, 'section 86'—

*omit, insert—*

chapter 2, part 12, division 1

- (2) Schedule 1, part 2, after entry for Southern Moreton Bay (including The Broadwater)—

*insert—*

[s 10]

---

Moreton Bay trawl region	waters within the Moreton Bay trawl region	section 86C
--------------------------	--------------------------------------------	-------------

- (3) Schedule 1, part 2, entry for southern inshore trawl region, column 3, 'section 86A'—

*omit, insert—*

chapter 2, part 12, division 1A

### **Division 3                      Amendments commencing on 1 March 2022**

#### **10            Insertion of new ch 2, pt 12, divs 1C and 1D**

Chapter 2, part 12—

*insert—*

#### **Division 1C            Central trawl region**

##### **86D Possessing or using trawl nets if maximum number of effort units used**

- (1) This section applies if—
- (a) 500,711 or more effort units for the central trawl region are used in the period from 1 March to 21 February; and
  - (b) on or before 22 February, the chief executive publishes a notice on the department's website that 500,711 or more effort units for the central trawl region have been used in the period from 1 March to 21 February.
- (2) A person must not possess or use a trawl net in the central trawl region in the regulated period.
- (3) For subsection (2), the regulated period is the period—

- (a) starting at midday on the day that is 5 days after the chief executive publishes the notice mentioned in subsection (1)(b); and
- (b) ending on the last day of February.

## **Division 1D Northern trawl region**

### **86E Possessing or using trawl nets if maximum number of effort units used**

- (1) This section applies if—
  - (a) 418,657 or more effort units for the northern trawl region are used in the period from 1 March to 21 February; and
  - (b) on or before 22 February, the chief executive publishes a notice on the department's website that 418,657 or more effort units for the northern trawl region have been used in the period from 1 March to 21 February.
- (2) A person must not possess or use a trawl net in the northern trawl region in the regulated period.
- (3) For subsection (2), the regulated period is the period—
  - (a) starting at midday on the day that is 5 days after the chief executive publishes the notice mentioned in subsection (1)(b); and
  - (b) ending on the last day of February.

## **11 Amendment of sch 1 (Regulated waters)**

- (1) Schedule 1, part 2, after entry for Yeppoon scallop replenishment area A—

*insert—*



ENDNOTES

- 1 Made by the chief executive of the Department of Agriculture and Fisheries on 27 October 2021.
- 2 Notified on the Queensland legislation website on 29 October 2021.
- 3 The administering agency is the Department of Agriculture and Fisheries.

© State of Queensland 2021