



Queensland

*Fisheries Act 1994*

# **Fisheries (Commercial Fisheries) Regulation 2019**

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Queensland

# Fisheries (Commercial Fisheries) Regulation 2019

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# Fisheries (Commercial Fisheries) Regulation 2019

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Fisheries (Commercial Fisheries) Regulation 2019*.

### 2 Commencement

This regulation commences on 1 September 2019.

### 3 Interpretation

- (1) The dictionary in schedule 11 defines particular words used in this regulation.
- (2) Subject to subsection (1), and unless this regulation provides otherwise, terms used in it have the meaning given under the *Fisheries (General) Regulation 2019*.
- (3) Subsection (2) is not limited to a term defined under the *Fisheries (General) Regulation 2019* but also applies to a provision of the regulation that aids the interpretation of a term mentioned in the regulation.

*Note—*

See, for example—

- 1 sections 14 and 15 of that regulation for the interpretation of references to periods and times; and
- 2 section 15A of that regulation for the interpretation of references relating to fishing operations; and
- 3 schedule 7 of that regulation for the interpretation of references to, or relating to, fish; and

- 4 schedule 8 of that regulation for the interpretation of references to, or relating to, waters or areas; and
- 5 schedule 9 of that regulation for the interpretation of references to, or relating to, boats; and
- 6 schedule 10 of that regulation for the interpretation of references to, or relating to, fishing apparatus.

## **Chapter 2      Commercial fisheries**

### **Part 1            General**

#### **4            Commercial fisheries**

- (1) Each fishery named and described in schedules 2 to 8 is a commercial fishery.
- (2) Schedules 2 to 8 state the following for each commercial fishery—
  - (a) the fishery symbol;
  - (b) the fishery area;
  - (c) matters about what is authorised under a primary commercial fishing licence on which the fishery symbol for the fishery is written, including, for example—
    - (i) fish that may be taken in the fishery; and
    - (ii) the way in which fish may be taken in the fishery; and
    - (iii) persons who may take fish in the fishery; and
    - (iv) any other restrictions on a person's authorisation to take fish in the fishery;

- (d) conditions about carrying out activities in the fishery applying to a licence on which the fishery symbol for the fishery is written.
- (3) A condition mentioned in subsection (2)(d) may restrict the carrying out of an activity, or the way an activity may be carried out, in a commercial fishery that is otherwise authorised under subsection (2)(c).

## **5 Management and operation of commercial fisheries**

- (1) This section states, for information purposes only, some general matters about the management and operation of commercial fisheries.
- (2) A person may take fish for trade or commerce in the fishery area of a commercial fishery only if the person—
  - (a) is acting under a primary commercial fishing licence on which the fishery symbol for the fishery is written; and
  - (b) is a commercial fisher or assistant fisher authorised to take the fish in the fishery under a commercial fisher licence.
- (3) The *Fisheries (General) Regulation 2019* together with this regulation provide for—
  - (a) restrictions on the issue of primary commercial fishing licences and commercial fisher licences; and
  - (b) restrictions on writing fishery symbols on primary commercial fishing licences; and
  - (c) what is authorised under a primary commercial fishing licence on which a fishery symbol is written, including the persons who are authorised to take fish in the fishery under a commercial fisher licence; and
  - (d) conditions applying to a primary commercial fishing licence, or commercial fisher licence, about the taking of fish in a commercial fishery.

## **6 Interpretation of fishery provisions**

- (1) This section states particular matters about the interpretation of a fishery provision about a commercial fishery.
- (2) In a fishery provision about a commercial fishery—
  - (a) a reference to the licence is a reference to a primary commercial fishing licence on which the fishery symbol for the fishery is written; and
  - (b) a reference to a primary boat is a reference to the primary boat for the licence mentioned in paragraph (a); and
  - (c) a reference to a tender boat is a reference to a tender boat for the licence mentioned in paragraph (a); and
  - (d) a reference to a commercial fisher is a reference to a commercial fisher acting under the licence mentioned in paragraph (a); and
  - (e) a reference to an assistant fisher is a reference to an assistant fisher under direction of a commercial fisher mentioned in paragraph (d).

# **Part 2 Authorisation for commercial fisheries**

## **Division 1 Restrictions on authorisation in fishery provisions**

### **7 Purpose of this division**

This division states particular matters about what a person (the *authorised person*) acting under a primary commercial fishing licence on which a fishery symbol for a commercial fishery is written is authorised to do in the fishery under the licence.

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## **8 Where fish may be taken**

- (1) The authorised person may take fish only in a fishery area of the commercial fishery.
- (2) However, if a fishery provision about the commercial fishery states that fish may be taken only in an area stated on the licence and an area is stated on the licence, the authorised person may take fish only in the area stated on the licence.
- (3) Also, if a fishery provision about the commercial fishery states that fish may be taken only in a particular area within the fishery's fishery area, the authorised person may take fish only in the area stated in the fishery provision.

## **9 What fish may be taken**

The authorised person may take only fish that a fishery provision about the commercial fishery states may be taken by the person in the fishery.

## **10 Way fish may be taken**

- (1) If a fishery provision about the commercial fishery states that fish may be taken in the fishery only in a stated way, the authorised person may take fish in the fishery only in the stated way.

*Examples of stated ways—*

- by using only stated fishing apparatus
  - by using stated fishing apparatus only in a stated way
  - by using only a stated number of stated fishing apparatus
- (2) If a particular type of fishing apparatus is authorised to be used to take fish in the commercial fishery and there is no fishery provision about the fishery stating the number of items of that type of fishing apparatus that may be used for taking fish in the fishery, no more than 1 item of the type may be used at the same time for taking fish in the fishery.
  - (3) Subsection (2) applies even if more than 1 person is acting under the licence.

### **10A Restriction on possessing, selling or processing fish**

- (1) This section applies if a fishery provision about the commercial fishery states that fish taken in the fishery area of the fishery may be possessed, sold or processed only in stated circumstances or in a stated way.
- (2) The authorised person may possess, sell or process the fish only in the stated circumstances or stated way.

### **10B Restriction on possessing commercial fishing apparatus**

- (1) This section applies if a fishery provision about the commercial fishery states that commercial fishing apparatus may be possessed in the fishery area of the fishery only in stated circumstances or in a stated way.
- (2) The authorised person may possess the commercial fishing apparatus only in the stated circumstances or stated way.

### **11 Additional restrictions on authorisation**

- (1) This section applies if a fishery provision about the commercial fishery states any of the following (each a *restriction*)—
  - (a) fish may be taken in the fishery only if there is an unused quota entitlement under a quota authority for the fish;
  - (b) a maximum amount of fish that may be taken in the fishery;
  - (c) a period during which fish may be taken in the fishery;
  - (d) a stated activity must not be carried out in a stated area of the fishery.
- (2) The authorised person may take fish in the commercial fishery only in accordance with the restriction.

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## **12 Restriction on authorisation may apply in more than 1 way**

A restriction under this division may apply to the authorised person in more than 1 way.

*Example—*

An authorised person may be authorised to take fish in a commercial fishery only in a particular area within the fishery's fishery area, using only a particular type of fishing apparatus, and only during a particular period.

## **Division 2 Other restrictions on authorisation**

### **13 Restriction on taking fish in more than 1 commercial fishery**

- (1) If a primary commercial fishing licence has more than 1 fishery symbol written on it, a person acting under the licence is not authorised to take fish in more than 1 commercial fishery at the same time.
- (2) However, if the licence has 2 or more fishery symbols written on it and 1 or more of the fishery symbols is 'C1' or 'C2', the person may, at the same time—
  - (a) if only 1 fishery symbol is 'C1' or 'C2'—take crabs under the fishery symbol 'C1' or 'C2' and fish under 1 other fishery symbol written on the licence; or
  - (b) if 2 or more of the fishery symbols are 'C1' or 'C2' and no other fishery symbols are written on the licence—take crabs under all of the fishery symbols 'C1' or 'C2'; or
  - (c) if 2 or more of the fishery symbols are 'C1' or 'C2' and 1 or more other fishery symbols are written on the licence—
    - (i) take crabs under all of the fishery symbols 'C1' or 'C2'; and
    - (ii) fish under 1 other fishery symbol written on the licence.

- (3) Also, subsection (1) does not apply to a person taking any of the following fish at the same time—
  - (a) spanish mackerel under the fishery symbol ‘SM’;
  - (b) regulated coral reef fin fish under the fishery symbol ‘RQ’;
  - (c) fin fish, other than spanish mackerel or regulated coral reef fin fish, under the fishery symbol ‘L1’, ‘L2’, ‘L3’ or ‘L8’.
- (4) Further, subsection (1) does not apply to a person taking fin fish, other than regulated coral reef fin fish and spanish mackerel, under the fishery symbol ‘K1’, ‘K2’, ‘K3’, ‘K4’, ‘K5’, ‘K6’, ‘K7’, ‘K8’, ‘N10’, ‘N15’ or ‘NX’ at the same time.
- (5) In addition, subsection (1) does not apply to a person taking fish under the fishery symbol ‘A1’ and the fishery symbol ‘D’ at the same time.

#### **14 Restriction on taking fish in commercial fisheries having same fishery symbol**

- (1) This section applies if a fishery symbol written on a primary commercial fishing licence is the fishery symbol for more than 1 commercial fishery.
- (2) A person acting under the licence is not authorised to take fish or use fishing apparatus in more than 1 of the fisheries at the same time.

*Example—*

The fishery symbol ‘N10’ is written on a licence authorising use of a tunnel net in the net fishery (east coast no. 4) and use of a general purpose net in the net fishery (east coast no. 15). A person acting under the licence must not use the nets in the fisheries at the same time.

#### **15 Restriction on taking fish in particular Joint Authority fisheries**

- (1) This section applies to a person who is—

- (a) in a Joint Authority fishery managed under Queensland law; and
  - (b) acting under a primary commercial fishing licence.
- (2) The person is not authorised to take fish to which the Joint Authority fishery applies under the licence unless—
- (a) the Joint Authority endorses the licence to extend its operation to activities over which the Joint Authority has powers under the Act; and
  - (b) taking the fish is an activity over which the Joint Authority has powers under the Act.

#### **15A Restriction on retaining fish**

- (1) This section applies to fish other than fish taken under a B1, R, RQ, SM or T4 licence.
- (2) A person acting under a primary commercial fishing licence is not authorised to keep fish on an authorised boat for the licence when the boat leaves a landing place to start a new fishing operation.

#### **15B Restriction on transhipping fish**

- (1) This section applies to fish other than fish taken under a D, L4, N3, N12, N13, R, RQ, SM or T1 licence.
- (2) A person acting under a primary commercial fishing licence is not authorised to transfer fish from an authorised boat for the licence to a transport vessel from or using which the fish are proposed to be unloaded.

## Part 3                      Fishing priority

### Division 1                  Interpretation

#### 16        Definitions for part

In this part—

*ocean beach fishery* means a commercial fishery mentioned in schedule 4, part 1.

*ocean beach fishery flag* means a flag that—

- (a) is orange; and
- (b) has an area of at least 1m<sup>2</sup>; and
- (c) has the following written on it—
  - (i) the boat mark for the boat being used to take fish in the ocean beach net area identified by the flag;
  - (ii) the words ‘fishing priority’.

*ocean beach net area* means an area of an ocean beach fishery that is—

- (a) identified by 2 ocean beach fishery flags placed—
  - (i) no more than 1km apart; and
  - (ii) along, and as near as possible to, the water’s edge; and
- (b) within the boundary formed by the following lines—
  - (i) a straight line, at right angles to the straight line between the ocean beach fishery flags, extending from the point that is 500m seaward of 1 of the flags to the point that is 500m landward of that flag;
  - (ii) another straight line, at right angles to the straight line between the flags, extending from the point

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that is 500m seaward of the other flag to the point that is 500m landward of the other flag;

- (iii) a straight line joining the landward ends of the lines mentioned in subparagraphs (i) and (ii);
- (iv) a straight line joining the seaward ends of the lines mentioned in subparagraphs (i) and (ii).

## 17 Meaning of *ready to fish*

A commercial fisher is *ready to fish* with a net in a fishery area of a commercial fishery if—

- (a) the fisher has, in the area—
  - (i) a commercial fishing boat authorised to be used in the area; and
  - (ii) if a fishery provision about the commercial fishery states that fish may be taken only if a minimum number of assistant fishers is present—the minimum number of assistant fishers present; and
- (b) there is, on the boat, a net authorised to be used to take fish in the area.

## Division 2 Fishing priorities

### 18 Fishing priority—ocean beach fisheries

- (1) This section applies—
  - (a) to each commercial fisher acting under a primary commercial fishing licence; and
  - (b) for using a net in an ocean beach fishery.
- (2) Each of the commercial fishers is authorised under the licence to use a net—
  - (a) in the ocean beach net area identified by the fisher; and

- (b) in the order in which the fishers are ready to fish with the nets in the area.

## **19 Fishing priority—other commercial fisheries**

- (1) This section applies—
  - (a) to each commercial fisher acting under a primary commercial fishing licence; and
  - (b) for using a net in a commercial fishery, other than an ocean beach fishery.
- (2) Each of the commercial fishers is authorised under the licence to use a net—
  - (a) in an area around the fisher’s boat within a radius equal to the length of a net the fisher is authorised to use in the fishery; and
  - (b) in the order in which the fishers are ready to fish with the nets in the area.

## **20 Duration of fishing priority**

An authorisation for a commercial fisher to use nets in an area of a commercial fishery under section 18 or 19 continues—

- (a) for no more than 6 hours from when the fisher is ready to fish with a net in the area; and
- (b) only while the fisher is ready to fish with a net in the area.

## **21 Joint fishers taken to be 1 fisher**

If 2 or more commercial fishers mentioned in section 18 or 19 jointly use nets, they are taken to be 1 commercial fisher.

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## **Division 3                      Offences relating to fishing priorities**

### **22            Interfering with ocean beach fishery flag**

- (1) This section applies if a commercial fisher, or an assistant fisher, acting under a primary commercial fishing licence has placed an ocean beach fishery flag for identifying an ocean beach net area under section 16, definition *ocean beach net area*, paragraph (a).
- (2) A person, other than the commercial fisher or assistant fisher, must not remove, or otherwise interfere with, the ocean beach fishery flag.

Maximum penalty—20 penalty units.

### **23            Obstructing exercise of a fishing priority**

A person must not obstruct a commercial fisher in exercising a fishing priority under division 2, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## **Part 4                              Conditions on authorities relating to boat marks**

### **Division 1                      Preliminary**

#### **24            Application of part**

This part applies to an authority that authorises the use of a boat (an *authorised boat*) in a commercial fishery if—

- (a) the authority states a sequence of letters or numbers for the boat; or

- (b) the chief executive has given the holder of the authority a written notice (a *boat mark notice*) stating a sequence of letters or numbers for the boat.

## **25 Reference to a *boat mark* for a boat**

A reference to a *boat mark* for a boat used under an authority is a reference to—

- (a) for a primary boat or another boat identified in the authority—the sequence of letters or numbers for the boat stated on the authority or boat mark notice issued for the boat; or
- (b) for a tender boat or another boat not identified in the authority—the sequence of letters or numbers for the boat stated on the authority or a boat mark notice followed by—
  - (i) a dash; and
  - (ii) a number, chosen by the holder of the authority, that is not the same as the number for any other boat of a type mentioned in this paragraph that is used under the authority.

## **Division 2 Condition about fixing boat mark**

### **26 Boat mark must be fixed on authorised boat**

- (1) It is a condition of the authority that the holder of the authority must ensure the boat mark for the authorised boat is fixed to the boat in a way that complies with this division.
- (2) It is a condition of the authority that the boat mark must not be removed, or replaced with another boat mark, during a fishing trip on the boat.

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## 27 Colour and placement

- (1) The boat mark must be written in black on a yellow background.
- (2) The boat mark must be—
  - (a) fixed to each side of the boat's hull; and
  - (b) fixed to the following surface in a way that allows the boat mark to be viewed from above—
    - (i) if the boat has a deck or shelter at its front—the deck or shelter or an enclosed cabin or wheelhouse on the deck;
    - (ii) otherwise—a flat surface on the boat.
- (3) The boat mark must not—
  - (a) be fixed below the water line of the boat; or
  - (b) otherwise be obscured from view.

## 28 Size of boat mark

- (1) If the boat has a length of less than 10m—
  - (a) each letter or number in the boat mark must have a height of at least 20cm; and
  - (b) each stroke or serif of the letter or number must have a width of at least 2cm but no more than 2.5cm.
- (2) If the boat has a length of 10m or more but less than 25m—
  - (a) each letter or number in the boat mark must have a height of at least 30cm; and
  - (b) each stroke or serif of the letter or number must have a width of at least 3.5cm but no more than 4cm.
- (3) If the boat has a length of 25m or more—
  - (a) each letter or number in the boat mark must have a height of at least 45cm; and
  - (b) each stroke or serif of the letter or number must have a width of at least 6cm but no more than 6.5cm.

## **Division 3                    Other conditions**

### **29            Authorised boat must not be used without boat mark**

It is a condition of the authority that a person in control of the authorised boat must not use the boat, or allow it to be used, to take fish for trade or commerce, unless a boat mark for the boat has been fixed to, and remains on, the boat in compliance with division 2.

### **30            Requirement to remove boat mark**

(1) It is a condition of the authority that the holder of the authority must remove the boat mark from the authorised boat if—

- (a) the boat is replaced; or
- (b) the authority expires; or
- (c) the authority is surrendered or cancelled.

(2) This section applies whether or not the boat mark has been fixed to the authorised boat, or allowed to remain on the boat, in a way that complies with division 2.

(3) In this section—

*holder*, of an authority that has expired, or has been surrendered or cancelled, means the person who held the authority immediately before the expiry, surrender or cancellation.

## **Part 5                            Miscellaneous**

### **31            Particulars to be legible, visible and in English**

(1) This section applies if a person is required under this regulation to write or mark particulars in or on a document or other thing.

*Examples—*

- markings on floats attached to fishing apparatus
  - markings on boats
- (2) The person must write or mark the particulars in or on the document or thing, legibly, visibly and in English.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not prevent a person writing or marking the particulars in another language in addition to English.

## **Chapter 3      Licences**

### **Part 1            Primary commercial fishing licence**

#### **Division 1        Authorisation**

##### **32      Authorisation—holder**

- (1) The holder of a primary commercial fishing licence may do any of the following under the licence—
- (a) allow a commercial fisher to act under the licence to take fish for trade or commerce, without using a boat, in a hand-harvest only commercial fishery identified in the licence;
  - (b) allow a commercial fisher to use the primary boat identified in the licence to take fish for trade or commerce in a commercial fishery identified in the licence;
  - (c) allow a commercial fisher to use no more than the authorised number of tender boats for a commercial

- fishery identified in the licence, at the same time, to take fish in the fishery;
- (d) allow a commercial fisher to use a tender boat as if it were the primary boat identified in the licence if—
    - (i) there is no primary boat identified in the licence or the primary boat identified in the licence is not also being used to take fish for trade or commerce in a commercial fishery; and
    - (ii) the licence is kept on the tender boat while it is being used as the primary boat;
  - (e) allow a commercial fisher who uses a boat to take fish in a commercial fishery as mentioned in paragraph (b), (c) or (d) to carry the fish;
  - (f) sell fish taken in a commercial fishery by a commercial fisher acting under the licence;
  - (g) process fish taken in a commercial fishery by a commercial fisher acting under the licence;
  - (h) buy, sell and possess commercial fishing apparatus.
- (2) For subsection (1), a commercial fishery is identified in the licence only if the fishery symbol for the fishery is written on the licence.
- (3) For subsection (1)(d)(i), the primary boat is not being used to take fish for trade or commerce in a commercial fishery only because there is fishing apparatus or fish on the boat.
- (4) While a tender boat is being used under subsection (1)(d), the provisions of this regulation apply to the boat as if it were a primary boat.
- (5) The primary boat and any of its tender boats may be used in the N11 fishery to take N11 fish without the fishery symbol 'N11' being written on the licence if—
- (a) the boat and the taking of the fish complies with schedule 4, part 7; and

- (b) a fishery symbol for a fishery other than a hand-harvest only commercial fishery is written on the licence.
- (6) The primary boat and any of its tender boats may be used in the N15 fishery to take N15 fish without the fishery symbol 'N15' being written on the licence if the fishery symbol 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' or 'N10' is written on the licence.

### **33 Authorisation—other persons**

- (1) The holder of a primary commercial fishing licence may authorise someone else to do a thing under the licence that the holder may do under section 32.
- (2) A person authorised under subsection (1) by the holder of a primary commercial fishing licence to do a thing may do the thing under the licence.
- (3) However, the holder of an E licence may authorise a person under subsection (1) to do a thing in the eel fishery only if the chief executive has approved the person as the holder's approved nominee under section 34.

### **34 Chief executive may approve nominee for eel fishery**

- (1) The holder of an E licence may apply in writing to the chief executive for someone else to be the holder's approved nominee.
- (2) The chief executive may grant the approval only if the chief executive is satisfied the holder has become temporarily incapacitated or is otherwise temporarily unable to act under the licence.
- (3) The approval may be granted only for the period during which the chief executive considers the holder will be incapacitated or otherwise temporarily unable to act under the licence.
- (4) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice about the decision.

## **Division 2                      General conditions**

### **35            Purpose of division**

This division prescribes conditions for a primary commercial fishing licence.

### **36            Condition about length of primary boat**

A primary boat may be used in a commercial fishery only if its length is no more than—

- (a) if a fishery provision about the fishery states that a primary boat longer than a stated length must not be used in the fishery—the stated length; or
- (b) otherwise—25m.

### **37            Condition about use of tender boat**

(1) A tender boat may be used in a commercial fishery only if—

- (a) either—
  - (i) the tender boat's primary boat—
    - (A) may be used in the fishery; and
    - (B) is not being used in another commercial fishery; or
  - (ii) there is no primary boat identified in the licence; and
- (b) the tender boat's length is no more than 10m.

(2) Subsection (1)(a)(i)(B) does not apply in relation to the use of a tender boat in a commercial fishery if the other commercial fishery in which the primary boat is being used is a crab fishery.

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**38 Condition about selling N11 fish**

If a primary boat or a tender boat for a primary boat is used to take N11 fish under section 32(5), the N11 fish cannot be sold under the licence unless the fishery symbol 'N11' is written on the licence.

**Division 3 Additional conditions about boat modification and replacement for east coast trawl fishery**

**Subdivision 1 M1, M2, T1 and T2 licences**

**39 Modifying boats**

- (1) This section prescribes a condition for an M1, M2, T1 or T2 licence.
- (2) The holder of the licence may modify the primary boat identified in the licence only if—
  - (a) the modification does not change the number of hull units for the boat; or
  - (b) the modification is of a kind allowed under section 40.

**40 Amending or replacing particular licences to allow boat modification or replacement**

The chief executive may amend or replace an M1, M2, T1 or T2 licence to allow the primary boat identified in the licence to be modified or replaced only if the modification or replacement does not result in the hull units for the boat being more than 120.

## **Subdivision 2      T5, T6, T7, T8 and T9 licences**

### **41      Modifying boats**

- (1) This section prescribes a condition for a T5, T6, T7, T8 or T9 licence.
- (2) The holder of the licence may modify the primary 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 modification is of a kind allowed under section 42.

### **42      Amending or replacing particular licences to allow boat modification or replacement**

The chief executive may amend or replace a T5, T6, T7, T8 or T9 licence to allow the primary boat identified in the licence to be modified or replaced only if the modified or replacement boat is no longer than 14m.

## **Part 2                      Commercial fisher licence**

### **Division 1                  Authorisation**

#### **43      Authorisation—commercial fisher**

- (1) The holder of a commercial fisher licence may do any of the following under the licence—
  - (a) buy commercial fishing apparatus;
  - (b) possess commercial fishing apparatus;
  - (c) use commercial fishing apparatus, but only while acting under a primary commercial fishing licence authorising the use of the apparatus;

- (d) take fish for trade or commerce, but only while acting under a primary commercial fishing licence;
  - (e) possess fish taken as mentioned in paragraph (d);
  - (f) sell fish taken as mentioned in paragraph (d);
  - (g) process fish taken as mentioned in paragraph (d).
- (2) However, a commercial fisher may take fish for trade or commerce without using a boat only in a hand-harvest only commercial fishery.

#### **44 Authorisation—assistant fisher**

- (1) Subject to subsections (2) to (5), the holder of a commercial fisher licence may authorise someone else (an *assistant fisher*) to do a thing under the licence that the commercial fisher may do under section 43.
- (2) An assistant fisher may do a thing mentioned in section 43(1)(b) to (d) under a commercial fisher licence only if the assistant fisher is acting under direction of the commercial fisher.
- (3) An assistant fisher may do a thing mentioned in section 43(1)(e) to (g) under a commercial fisher licence on a boat only if the assistant fisher is acting under direction of the commercial fisher.
- (4) An assistant fisher may do a thing mentioned in section 43(1)(e) or (g) under a commercial fisher licence, other than on a boat, only if the assistant fisher complies with the commercial fisher's instructions.
- (5) An assistant fisher is not authorised to do a thing mentioned in section 43 in a commercial fishery if a fishery provision about the commercial fishery states that only a commercial fisher may do the thing.

**45 Meaning of *under direction*—commercial trawl fishery (fin fish)**

For the commercial trawl fishery (fin fish), an assistant fisher is *under direction* of a commercial fisher only if the assistant fisher and the commercial fisher are—

- (a) on the same boat; or
- (b) on different boats but the assistant fisher is on a tender boat that is not a trawler.

**46 Meaning of *under direction*—east coast trawl fishery**

For the east coast trawl fishery, an assistant fisher is *under direction* of a commercial fisher only if the assistant fisher and the commercial fisher are—

- (a) on the same boat; or
- (b) on different boats but the assistant fisher is on a tender boat.

**47 Meaning of *under direction*—other commercial fisheries**

- (1) This section states when an assistant fisher is *under direction* of a commercial fisher for a commercial fishery other than a commercial fishery mentioned in section 45 or 46.
- (2) The assistant fisher is under direction of the commercial fisher if—
  - (a) the assistant fisher and commercial fisher are engaged in—
    - (i) the same fishing operation in the commercial fishery; or
    - (ii) 2 fishing operations in 2 commercial fisheries, if the 2 commercial fisheries are commercial fisheries that a person is authorised to take fish in at the same time under section 13; and

- (b) the assistant fisher is acting in accordance with the commercial fisher's instructions.

## **Division 2                    Condition**

### **48        Purpose of division**

This division prescribes a condition for a commercial fisher licence.

### **49        Commercial fisher to display notice**

- (1) This section applies to a commercial fisher who is acting under a primary commercial fishing licence to take fish without a boat.
- (2) The commercial fisher must display a notice—
  - (a) adjacent to the place on the land from which the fisher is taking fish under the primary commercial fishing licence; and
  - (b) stating the licence number for the primary commercial fishing licence.
- (3) For the notice—
  - (a) each letter or number must have a height of at least 20cm; and
  - (b) each stroke or serif of the letter or number must have a width of at least 2cm.

## Part 4                      Fishery symbols

### Division 1                      Writing fishery symbols on licences

#### 53                      Fishery symbol may be written only on primary commercial fishing licence

- (1) The chief executive may write a fishery symbol only on a primary commercial fishing licence.
- (2) A reference to a licence in this part is a reference to a primary commercial fishing licence.

#### 54                      General restriction on writing fishery symbols

- (1) The chief executive may write a fishery symbol on a licence only if—
  - (a) the chief executive must move the fishery symbol to the licence under section 63; or
  - (b) the licence is a replacement of a licence on which the symbol was written.
- (2) However, the chief executive may write the fishery symbol ‘E’ on a licence only if the licence is a replacement of a licence on which the symbol was written.

*Note—*

Under the *Fisheries (General) Regulation 2019*, section 34, E licences are not transferable.

- (3) Subsection (1) does not apply to the fishery symbol ‘N15’ until 1 July 2024.
- (4) Also, subsection (1) does not apply to the fishery symbol ‘NX’.

*Note—*

The ‘NX’ symbol stops having effect on 30 June 2027 at the end of the day—see section 180.

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**56 Restriction on writing multiple fishery symbols**

The chief executive must not write the same fishery symbol, other than the fishery symbol ‘C1’, ‘C3’, ‘N3’ or ‘T4’, more than once on a licence.

**57 Restrictions on writing fishery symbols ‘N3’, ‘N12’ and ‘N13’**

- (1) The chief executive must not write the fishery symbol ‘N3’ on a licence on which the fishery symbol ‘N12’ or ‘N13’ is written.
- (2) The chief executive must not write the fishery symbol ‘N12’ on—
  - (a) a licence on which the fishery symbol ‘N3’ or ‘N13’ is written; or
  - (b) more than 3 primary commercial fishing licences.
- (3) The chief executive must not write the fishery symbol ‘N13’ on a licence on which the fishery symbol ‘N3’ or ‘N12’ is written.

**58 Restrictions on writing particular east coast trawl fishery symbols**

- (1) The chief executive must not write—
  - (a) the ‘M2’ fishery symbol on a licence on which the fishery symbol ‘M1’, ‘T1’ or ‘T2’ is written; or
  - (b) the ‘T2’ fishery symbol on a licence on which the fishery symbol ‘M1’ or ‘T1’ is written; or
  - (c) the ‘M1’ fishery symbol on a licence on which the fishery symbol ‘T1’ is not written.

**59 Restrictions on writing particular east coast trawl fishery symbols on licences allowing the use of boats of particular types**

- (1) The chief executive must not—

- (a) write an 'M1', 'T1' or 'T2' fishery symbol on a licence allowing the use of a boat that has more than 120 hull units; or
  - (b) write a 'T5', 'T6', 'T7', 'T8' or 'T9' fishery symbol on a licence allowing the use of a boat longer than 14m; or
  - (c) write an 'M2' fishery symbol on a licence allowing the use of a boat if the hull units of the boat are more than the hull units for a boat that may be used under the licence from which the fishery symbol is being moved.
- (2) Subsection (1)(c) does not apply if the holder of the licence surrenders another M2 licence.

## 60 **Restrictions on writing fishery symbols on licences allowing the use of boats of particular lengths**

- (1) The chief executive may write a fishery symbol on a licence allowing the use of a boat in a commercial fishery only if the boat is no longer than the length permitted under a fishery provision about the fishery.
- (2) However, the chief executive may write a fishery symbol on a licence (other than a licence on which the fishery symbol 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9' is written) (the *second licence*) allowing the use in a commercial fishery of a boat that is longer than the length permitted under the fishery provision about the fishery if—
- (a) a person has applied, under section 62, to move the fishery symbol from another licence (the *first licence*) to the second licence; and
  - (b) the boat to be used under the second licence is no longer than the lesser of the following—
    - (i) 20m;
    - (ii) the length of a boat that is allowed to be used under the first licence.

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## Division 2                      Moving fishery symbols

### 61            Definitions for division

In this division—

*authorised tender boat number*, for a fishery symbol stated on a primary commercial fishing licence, means the authorised number of tender boats for the symbol stated on the licence under the *Fisheries (General) Regulation 2019*, section 32.

*first licence* see section 62(1)(a).

*second licence* see section 62(1)(b).

### 62            Application to move fishery symbol to another licence

- (1) This section applies if—
  - (a) a fishery symbol is written on a primary commercial fishing licence (the *first licence*); and
  - (b) the fishery symbol may, under this part, be written on another primary commercial fishing licence (the *second licence*).
- (2) The holder of the first licence and the holder of the second licence may apply to the chief executive to move the fishery symbol and the authorised tender boat number for the symbol from the first licence to the second licence.
- (3) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by—
    - (i) the fee prescribed under the *Fisheries (General) Regulation 2019*, schedule 6; and
    - (ii) the written approval of each person, other than the holder of the first licence, who has a registered interest in the first licence.

- (4) The application may be made even if the same person holds the first licence and second licence.
- (5) However, an application can not be made by a person who holds a licence because of a temporary transfer.
- (6) Also, an application cannot be made for the 'E' fishery symbol.

### **63 Moving fishery symbol**

- (1) This section applies if—
  - (a) an application to move a fishery symbol to a licence is made under section 62; and
  - (b) the fishery symbol may, under this part, be written on the licence.
- (2) The chief executive must move the fishery symbol and the authorised tender boat number for the symbol from the first licence to the second licence by removing from the first licence, and writing on the second licence—
  - (a) the fishery symbol; and
  - (b) the authorised tender boat number for the fishery symbol and the brackets containing the authorised tender boat number; and
  - (c) any administrative licence conditions applying to the fishery symbol.
- (3) The action required to be taken by the chief executive under subsection (2) may be done automatically by an online system established by the chief executive for that purpose, or purposes including that purpose.
- (4) In this section—

***administrative licence conditions*** means conditions of a licence imposed by the chief executive under section 61 of the Act.

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## Chapter 4 Quota authorities

### Part 1 Effort units

#### Division 1 Interpretation

##### 66 Meaning of *effort year*

*Effort year* means the period from midday on 1 January to midday on 1 January in the next year.

##### 67 Reference to a day

- (1) In this part, a reference to a day is—
  - (a) the period of 24 hours from midday to midday; or
  - (b) if the chief executive is given at least 24 hours notice that a different period is to apply under subsection (2) or (3) for a day—the period of 24 hours stated in the notice.
- (2) The holder of a trawl licence in relation to which effort units for a trawl region are to be used may notify the chief executive that the day is to be the period of 24 hours from midnight to midnight.
- (3) Also, the holder of an M1 licence in relation to which effort units for a trawl region are to be used may notify the chief executive that the day is to be the period of 24 hours from 6p.m. to 6p.m.
- (4) In this section—

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

## Division 2                      Entitlement

### 68            Purpose of this division

This division states the quota entitlement for effort units for a trawl region.

### 69            Entitlement under effort units

- (1) The holder of effort units for a trawl region may, in an effort year, use, or allow someone else to use, the primary boat identified in a trawl licence also held by the holder—
  - (a) until all the effort units for the region for the year have been used; and
  - (b) for 4 additional days (each a *steaming day*).
- (2) The authorisation under this section for an effort year—
  - (a) is the holder's *entitlement* under the holder's effort units for the trawl region for the effort year; and
  - (b) imposes a quota on the entitlement for the effort year.

### 70            When effort units entitlement is *used* for an effort year

- (1) The entitlement under effort units for a trawl region is *used* for an effort year—
  - (a) when the holder of, or a person acting under, the effort units has used all the effort units for the year and used the primary boat identified in a trawl licence for all the steaming days for the units; or
  - (b) section 71 applies.
- (2) Effort units for a trawl region are used when the holder, or anyone else allowed by the holder, has used the primary boat identified in a trawl licence in the region on a day.
- (3) The number of effort units used on the day is worked out by applying the following formula—

$$EU = 1 \times EUCF$$

where—

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

*EUCF* means the effort unit conversion factor for the primary boat used stated in schedule 10 opposite the number of hull units for the boat.

- (4) If the primary boat is used in any part of a day, the boat is taken to have been used for the whole of the day.
- (5) If because of a notice given under section 67, the period of a day changes, the use of the primary boat at any time must not be counted twice in working out whether the boat has been used on a day.

*Example—*

The day applying to the holder of effort units, under section 67, is midday to midday (the *existing 24-hour period*). The holder gives the chief executive 24 hours notice, under section 67(2), to change the day applying to the holder to be midnight to midnight (the *new 24-hour period*). The primary boat is used in the 24 hours leading up to the first midnight of the new 24-hour period. The use of the boat during those 24 hours may be counted only for the existing 24-hour period, even if the primary boat is used after midday.

- (6) The *unused entitlement* under effort units for a trawl region for an effort year is the number of effort units for the trawl region and the steaming days that have not been used for the effort year under any trawl licence held by the holder of the effort units.

## 71 No carrying forward of unused entitlement

- (1) This section applies if, in an effort year, the holder of effort units for a trawl region uses the primary boat identified in a trawl licence in the trawl region for a number of days that is less than the entitlement under the holder's effort units.

- (2) The holder is taken, at the end of the effort year, to have used all the entitlement under the effort units for the trawl region held by the holder for the effort year.

## **Division 3                      Usage notices for effort units**

### **72            Chief executive to give usage notice**

- (1) This section applies if the chief executive becomes aware that the total entitlement under all the effort units for a trawl region for a particular effort year—
  - (a) has been used; or
  - (b) is likely to be used in the next month.
- (2) The chief executive must immediately give each holder of a trawl licence a written notice (a *usage notice*) stating—
  - (a) if the total entitlement has been used—
    - (i) the day the total entitlement was used; and
    - (ii) the day the regulated period starts under the *Fisheries Declaration 2019*, section 92(3); or
  - (b) if the total entitlement is likely to be used in the next month—that the total entitlement is likely to be used in the next month.

### **73            Obligations of licence holders under usage notice**

- (1) This section prescribes a condition for a trawl licence that applies if the holder of the licence is given a usage notice.
- (2) The holder of the licence must ensure that every person acting under the licence is aware of the matters mentioned in the usage notice.
- (3) Subsection (4) applies if the usage notice states that the total entitlement is likely to be used in the next month.

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- (4) A person in control of a relevant boat under the 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 using the boat to take fish on that day—
- (a) whether the total entitlement has been used;
  - (b) if the person finds out by using the AIVR system that the total entitlement has been used on that day or an earlier day—the day the regulated period will start under the *Fisheries Declaration 2019*, section 92(3).
- (5) A person in control of a relevant boat under the licence complies with subsection (4) if another person obtains the information, in compliance with that subsection, for the person in control of the boat.
- (6) In this section—
- relevant boat***, under a trawl licence, means a boat that is to be used to take fish under the licence from the reef world heritage area regulated waters.

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

### **Subdivision 1                Evidentiary aids for when location detected or reported**

#### **74                      Location detected or reported**

- (1) This section applies if the primary boat identified in a trawl licence is detected by vessel tracking equipment or manually reported at any time during a day (the ***relevant day***) within a trawl region.
- (2) The detection or manual report is evidence the holder of the licence has used the boat for a whole day for effort units for the trawl region.

- (3) However, subsection (2) does not apply if—
  - (a) an exception stated in this subdivision applies for the relevant day; or
  - (b) the chief executive decides on information provided by the holder of the licence that the boat was not used on the relevant day.
- (4) As soon as practicable after making a decision under subsection (3)(b), the chief executive must give each person to whom the decision relates an information notice about the decision.

## **75 Exception—movement only at travelling speed**

- (1) It is an exception if, during the whole of the relevant 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.

## **76 Exception—minimum boat movement**

It is an exception if, during the whole of the relevant 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.

## **77 Exception—moving boat without fishing**

- (1) It is an exception if—
  - (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant 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 fishery area of the east coast trawl fishery;
    - (iii) from a place outside the fishery area of the east coast trawl fishery to a defined port area;
    - (iv) from a place outside the fishery area of the east coast trawl fishery to another place outside the fishery area of the east coast trawl fishery;
  - (b) the holder of the licence 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 the journey will start;
    - (ii) the place the journey will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;

- (v) if the movement involves entering or leaving the fishery area of the east coast trawl fishery—each entry or leaving;
- (vi) the reason for the journey;
- (c) if any fish taken outside the fishery area of the east coast trawl fishery are on board the boat—the holder of the licence 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 fishery area of the east coast trawl fishery 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) Subsection (2)(e)(iii) does not apply if the journey is from a defined port area to the nearest northerly or southerly defined port area.
- (4) Also—
  - (a) the holder of the licence 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); and
  - (b) from the giving of the amendment notice, the condition mentioned in subsection (2)(d) 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.

(5) In this section—

*permitted fish* see schedule 2, section 4.

## **78 Exception—moving boat to test fishing apparatus**

(1) It is an exception if—

- (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant 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 destination for the journey is no more than 1n mile from where the journey started;
- (c) the holder of the licence 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 the journey will start;
  - (ii) the place the journey will start;
  - (iii) the proposed destination;
  - (iv) the estimated date and time of arrival at the destination;
  - (v) the reason for the journey;
- (d) the journey complies, or substantially complies, with the journey stated in the notice;
- (e) during the whole of the journey—
  - (i) no fish are taken by the use of a trawl net in the fishery area of the east coast trawl fishery; 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.

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

- (1) It is an exception if—
- (a) the boat is detected by vessel tracking equipment or manually reported as having moved during the relevant 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 boat is being used during the journey other than under an ‘M1’, ‘T1’ or ‘T2’ fishery symbol;
  - (b) the movement is, or is part of, a journey that started from a defined port area;
  - (c) the holder of the licence 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 the journey will start;
    - (ii) where the journey will start;
    - (iii) the proposed destination;
    - (iv) the estimated date and time of arrival at the destination;
    - (v) each authority or 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 authority or fishery symbol mentioned in subparagraph (v) will stop;

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- (d) the journey complies, or substantially complies, with the journey stated in the notice;
- (e) 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 fishery area of the east coast trawl fishery—there are no trawl nets, or fish taken by the use of a trawl net in the fishery area of the east coast trawl fishery, on board the boat.
- (3) Also—
- (a) the holder of the licence 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); and
  - (b) 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.

## 80 Exception—detection in particular regulated waters

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

- (a) the southern offshore trawl region A, the southern offshore trawl region B, or the southern inshore trawl region, in a period mentioned in the *Fisheries Declaration 2019*, section 110A;
- (b) the Swain Reefs and Hydrographers Passage regulated waters in the regulated period under the *Fisheries Declaration 2019*, section 87(2);
- (c) the following regulated waters—
  - Currumbin Beach

- Moreton Bay outside the Moreton Bay trawl region
- 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
- latitude 13°08.91' south to Thorpe Point.

## **81 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.

## **Subdivision 2      Other evidentiary aids**

### **82      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, in a trawl region, of the primary boat identified in a trawl 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 at the relevant time for effort units for the trawl region.

*Note—*

Under section 70(4), a boat used in any part of a day is taken to be used for the whole of the day for working out usage of effort units.

- (3) However, subsection (2) does not apply if the chief executive decides on information provided by the holder of the licence that the boat was not used in the trawl region at the relevant time.

- (4) As soon as practicable after making a decision under subsection (3), the chief executive must give each person to whom the decision relates an information notice about the decision.

## Part 2 SM units

### Division 1 Interpretation

#### 83 Meaning of *SM year*

*SM year* means a period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

#### 84 Meaning of *whole weight of spanish mackerel*

- (1) The *whole weight* of whole spanish mackerel is the weight, in kilograms, of the spanish mackerel.
- (2) The *whole weight* of spanish mackerel that is filleted, gilled and gutted, or trunked is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

*WW* is the whole weight, in kilograms, of the spanish mackerel.

*W* is the weight, in kilograms, of the spanish mackerel.

*CF* is—

- (a) for filleted spanish mackerel—1.61; or
- (b) for gilled and gutted spanish mackerel—1.05; or
- (c) for trunked spanish mackerel—1.18.

- (3) The *whole weight* of a number of the spanish mackerel mentioned in subsection (2) is the weight worked out by using the following formula—

$$WW = N \times 7.25$$

where—

*WW* is the whole weight, in kilograms, of the spanish mackerel, worked out under subsection (2).

*N* is the number of spanish mackerel.

## Division 2                      Entitlement

### 85            Purpose of division

This division states the quota entitlement for SM units.

### 86            Entitlement under SM unit

- (1) The holder of, or a person acting under, an SM unit may take, in an SM year, the weight of spanish mackerel worked out by dividing the total quota entitlement for spanish mackerel for the SM year by the total number of SM units that have been issued.
- (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.
- (3) However, the entitlement applies only while the holder holds an SM licence that is in force.
- (4) In this section—
- total quota entitlement*, for spanish mackerel, for an SM year, means the total quota entitlement stated for spanish mackerel

in the quota declaration for the spanish mackerel commercial fishery for the SM year.

*Note—*

For the SM year starting on 1 July 2025, see section 181.

## **87 When SM unit entitlement is *used* for an SM year**

- (1) The entitlement under an SM unit is *used* for an SM year—
  - (a) when the holder of, or a person acting under, the SM unit, has taken, in the SM year under any SM licence held by the holder, an amount of (whole weight) spanish mackerel for the SM unit equalling the entitlement under the SM unit; or
  - (b) if section 88 applies.
- (2) The *unused entitlement* under an SM unit for an SM year is the amount of (whole weight) spanish mackerel for the SM unit that has not been taken, for the SM year, under any SM licence held by the holder of the SM unit.

## **88 No carrying forward of unused entitlement**

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

## **Division 3 Evidentiary aids for use of entitlement**

### **89 Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for spanish mackerel taken under SM units.

- (2) The notice is evidence that the holder of the SM units has taken, under the SM units, the whole weight equivalent of the amount of spanish mackerel stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of spanish mackerel stated in the notice is—
  - (a) for an amount stated for whole spanish mackerel—the amount stated; or
  - (b) for an amount stated for spanish mackerel that is not whole—the amount worked out in the way stated in section 84(2).

## Part 3 Line units

### Division 1 Interpretation

#### 90 Meaning of *line year*

*Line year* means a period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

#### 91 Meaning of *whole weight of regulated coral reef fin fish*

- (1) The *whole weight* of regulated coral reef fin fish that is filleted is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

*WW* is the whole weight, in kilograms, of the fish.

*W* is the weight, in kilograms, of the filleted fish.

*CF* is—

- 
- (a) for filleted regulated coral trout—2; or
  - (b) for filleted regulated cod or grouper—2.1; or
  - (c) for filleted goldband snapper—2.3; or
  - (d) for filleted rosy snapper or lavender snapper—2.1; or
  - (e) for filleted regulated tropical snapper or seaperch not mentioned in paragraph (c) or (d)—2.6; or
  - (f) for filleted regulated emperor—2.5; or
  - (g) for any other regulated coral reef fin fish or fish not identified as a particular species—2.
- (2) The **whole weight** of regulated coral reef fin fish that is gilled and gutted is the weight worked out using the following formula—

$$WW = W \times 1.1$$

where—

**WW** is the whole weight, in kilograms, of the fish.

**W** is the weight, in kilograms, of the gilled and gutted fish.

- (3) The **whole weight**, in kilograms, of a number of regulated coral reef fin fish is the number of the fish.
- (4) The **whole weight** of regulated coral reef fin fish to which subsections (1) to (3) do not apply is the weight, in kilograms, of the fish.

## 91A References to prescribed coral reef fin fish

A reference to prescribed coral reef fin fish in relation to a line unit is a reference to the regulated coral reef fin fish stated for the line unit in schedule 9, part 1.

## Division 2                      Entitlement

### 92            Purpose of division

This division states the quota entitlement for line units.

### 93            Entitlement under line unit

- (1) The holder of, or a person acting under, a line unit may take, in a line year, the weight of prescribed coral reef fin fish worked out by dividing the total quota entitlement for the fish for the line year by the total number of line units of that type that have been issued.
- (2) The authorisation for a line year under subsection (1)—
  - (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) However, the entitlement applies only while the holder holds an RQ licence that is in force.
- (4) In this section—

*total quota entitlement*, for prescribed 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.

### 94            When line unit entitlement is *used* for a line year

- (1) The entitlement under a line unit held by a person is *used* for a line year—
  - (a) when the holder of, or a person acting under, the line unit has taken in the line year, under any RQ licence held by the holder, an amount of (whole weight) prescribed coral reef fin fish for the line unit equalling the holder's entitlement under the line unit; or

(b) if section 95 applies.

- (2) The *unused entitlement* under a line unit for a line year is the amount of (whole weight) prescribed coral reef fin fish for the line unit that has not been taken, for the line year, under any RQ licence held by the holder of the line unit.

## **95 No carrying forward of unused entitlement**

- (1) This section applies if, in a line year, the holder of, or a person acting under, line units takes an amount of prescribed coral reef fin fish that is less than the total entitlements under the holder's line units.
- (2) The holder of the line units is taken, at the end of the line year, to have used all the entitlements under the line units held by the holder for the line year.

## **Division 3 Evidentiary aids for use of entitlement**

### **96 Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed coral reef fin fish taken under line units.
- (2) The notice is evidence that the holder of the line units has taken, under the line units, the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of regulated coral reef fin fish stated in the notice is—
- (a) for an amount stated for whole regulated coral reef fin fish—the amount stated; or
  - (b) for an amount stated for regulated coral reef fin fish that is not whole—the amount calculated in the way stated in section 91(1), (2) or (4) that applies to the fish.

## Part 4 C2-ITQ units

### Division 1 Interpretation

#### 97 Meaning of *C2-ITQ year*

*C2-ITQ year* means a period of 1 year starting on 1 July of a year and ending on 30 June in the next year.

*Note—*

See, however, section 167.

### Division 2 Entitlement

#### 98 Purpose of division

This division states the quota entitlement for C2-ITQ units.

#### 99 Entitlement under C2-ITQ unit

- (1) The holder of, or a person acting under, a C2-ITQ unit may take in a C2-ITQ year the weight of spanner crabs worked out by dividing the total quota entitlement for the year by the total number of C2-ITQ units that have been issued.
- (2) The authorisation for a C2-ITQ year under subsection (1)—
  - (a) is the holder's *entitlement* under the C2-ITQ unit for the C2-ITQ year; and
  - (b) imposes a quota on the entitlement for the C2-ITQ year.
- (3) However, the entitlement applies only while the holder holds a C2 licence.
- (4) In this section—

*total quota entitlement*, for spanner crabs, for a C2-ITQ year, means the total quota entitlement stated for spanner crabs in

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the quota declaration for the commercial spanner crab fishery (managed area A) for the C2-ITQ year.

### **100 When C2-ITQ unit entitlement is *used* for a C2-ITQ year**

- (1) The entitlement under a C2-ITQ unit is *used* for a C2-ITQ year—
  - (a) when the holder of, or a person acting under, the unit has taken in the year under any C2 licence held by the holder an amount of (whole weight) spanner crab equalling the holder's entitlement under the C2-ITQ unit; or
  - (b) if section 101 applies.
- (2) The *unused entitlement* under a C2-ITQ unit for a C2-ITQ year is the amount of (whole weight) spanner crab for the C2-ITQ unit that has not been taken for the C2-ITQ year under any C2 licence held by the holder of the C2-ITQ units.

### **101 No carrying forward of unused entitlement**

- (1) This section applies if, in a C2-ITQ year, the holder of, or a person acting under, C2-ITQ units takes an amount of spanner crab under the C2-ITQ units that is less than the total entitlements under the C2-ITQ units.
- (2) The holder of the C2-ITQ units is taken at the end of the C2-ITQ year to have used all the entitlements under the C2-ITQ units held by the holder for the C2-ITQ year.

## **Division 3 Evidentiary aids for use of entitlement**

### **101A Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for spanner crab taken under C2-ITQ units.

- (2) The notice is evidence that the holder of the C2-ITQ units has taken, under the C2-ITQ units, the whole weight equivalent of the amount of spanner crab stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of spanner crab stated in the notice is the weight, for each spanner crab the subject of the notice, of an entire intact spanner crab.

## Part 5 T4-ITQ units

### Division 1 Interpretation

#### 102 Meaning of *T4-ITQ year*

*T4-ITQ year* means the period from 1 January to 31 December.

### Division 2 Entitlement

#### 103 Purpose of division

This division states the quota entitlement for T4-ITQ units.

#### 104 Entitlement under T4-ITQ unit

- (1) The holder of, or a person acting under, a T4-ITQ unit may take in a T4-ITQ year the weight of prescribed whiting worked out by dividing the total quota entitlement for the year by the total number of T4-ITQ units that have been issued.
- (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) However, the entitlement applies only while the holder holds a T4 licence.

*Note—*

See section 106 in relation to carrying forward unused entitlements under T4-ITQ units for a T4-ITQ year to the following T4-ITQ year.

- (4) In this section—

***total quota entitlement***, for prescribed whiting, for a T4-ITQ year, means the total quota entitlement stated for prescribed whiting in the quota declaration for the commercial trawl fishery (fin fish) for the T4-ITQ year.

## **105 When T4-ITQ unit entitlement is *used* for a T4-ITQ year**

- (1) The entitlement under a T4-ITQ unit is ***used*** for a T4-ITQ year—
- (a) when the holder of, or a person acting under, the unit has taken in the year under any T4 licence held by the holder an amount of (whole weight) prescribed whiting equalling the holder's entitlement under the unit; or
  - (b) if section 106 applies.
- (2) The ***unused entitlement*** under a T4-ITQ unit for a T4-ITQ year is the amount of (whole weight) prescribed whiting for the T4-ITQ unit that has not been taken for the T4-ITQ year under any T4 licence held by the holder of the T4-ITQ unit.

## **106 Carrying forward of unused entitlement**

- (1) This section applies if, in a T4-ITQ year, the holder of, or a person acting under, T4-ITQ units takes an amount of prescribed whiting under the T4-ITQ unit that is less than the total entitlements under the holder's T4-ITQ units.
- (2) The holder of the T4-ITQ units is taken at the end of the T4-ITQ year to have used all the entitlements under the T4-ITQ units held by the holder for the T4-ITQ year, other than an unused entitlement to which subsection (3) applies.

- (3) If the holder's unused entitlement under the T4-ITQ units for the T4-ITQ year is 20t or less, the unused entitlement is carried forward to the following T4-ITQ year (the *relevant T4-ITQ year*).
- (4) The holder of, or a person acting under, the holder's T4-ITQ units may take in the relevant T4-ITQ year up to the amount of (whole weight) whiting carried forward under subsection (3).
- (5) The authorisation under subsection (4)—
  - (a) applies in addition to the holder's entitlement under the holder's T4-ITQ units for the relevant T4-ITQ year under section 104; and
  - (b) does not form part of the holder's entitlement under the holder's T4-ITQ units for the relevant T4-ITQ year under section 104.

## **Division 3                      Evidentiary aids for use of entitlement**

### **106A Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed whiting taken under T4-ITQ units.
- (2) The notice is evidence that the holder of the T4-ITQ units has taken, under the T4-ITQ units, the whole weight equivalent of the amount of prescribed whiting stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed whiting stated in the notice is the amount, in kilograms, of the fish.

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## Part 5A ENL-ITQ units

### Division 1 Interpretation

#### 106B Meaning of *ENL-ITQ year*

*ENL-ITQ year* means the period of 1 year starting on 1 January in a year and ending on 31 December in the year.

*Note—*

See, however, section 173.

#### 106C References to prescribed ENL-ITQ fish, prescribed ENL management region and ENL-ITQ licences

- (1) A reference to prescribed ENL-ITQ fish in relation to an ENL-ITQ unit is a reference to the fish stated for the ENL-ITQ unit in schedule 9, part 2.
- (2) A reference to a prescribed ENL management region in relation to an ENL-ITQ unit is a reference to the management region stated for the ENL-ITQ unit in schedule 9, part 2.

*Note—*

The management regions are described in schedule 4, part 10.

- (3) A reference to an ENL-ITQ licence in relation to an ENL-ITQ unit is a reference to a primary commercial fishing licence on which is written a fishery symbol stated for the ENL-ITQ unit in schedule 9, part 2.

### Division 2 Entitlement

#### 106D Purpose of division

This division states the quota entitlement for ENL-ITQ units.

### **106E Entitlement under ENL-ITQ unit**

- (1) The holder of, or a person acting under, an ENL-ITQ unit may take in a prescribed ENL management region in an ENL-ITQ year the weight of prescribed ENL-ITQ fish worked out by dividing the total quota entitlement for the fish for the region for the year by the total number of ENL-ITQ units of the same type that have been issued.
- (2) The authorisation for an ENL-ITQ year under subsection (1)—
  - (a) is the holder's *entitlement* under the ENL-ITQ unit for the ENL-ITQ year; and
  - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds an ENL-ITQ licence that is in effect.
- (4) In this section—

*total quota entitlement*, for prescribed ENL-ITQ fish for a prescribed ENL management region, for an ENL-ITQ year, means the total quota entitlement stated for the fish for the region in the quota declaration for commercial net fisheries for the ENL-ITQ year.

### **106F When ENL-ITQ unit entitlement is *used* for an ENL-ITQ year**

- (1) The entitlement under an ENL-ITQ unit is *used* for an ENL-ITQ year—
  - (a) when the holder of, or a person acting under, the ENL-ITQ unit has taken in the ENL-ITQ year, under any ENL-ITQ licence held by the holder, an amount of (whole weight) prescribed ENL-ITQ fish in the prescribed ENL management region equalling the holder's entitlement under the ENL-ITQ unit; or
  - (b) if section 106G applies.

- (2) The *unused entitlement* under an ENL-ITQ unit for an ENL-ITQ year is the amount of (whole weight) prescribed ENL-ITQ fish that has not been taken in the prescribed ENL management region, for the ENL-ITQ year, under any ENL-ITQ licence held by the holder of the ENL-ITQ unit.

### **106G No carrying forward of unused entitlement**

- (1) This section applies if, in an ENL-ITQ year, the holder of, or a person acting under, ENL-ITQ units takes an amount of prescribed ENL-ITQ fish in a prescribed ENL management region that is less than the total entitlements under the holder's ENL-ITQ units.
- (2) The holder of the ENL-ITQ units is taken, at the end of the ENL-ITQ year, to have used all the entitlements under the ENL-ITQ units held by the holder for the ENL-ITQ year.

## **Division 3                      Evidentiary aids for use of entitlement**

### **106H Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed ENL-ITQ fish taken under ENL-ITQ units.
- (2) The notice is evidence that the holder of the ENL-ITQ units has taken, under the ENL-ITQ units, the whole weight equivalent of the amount of prescribed ENL-ITQ fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed ENL-ITQ fish stated in the notice is the amount, in kilograms, of the fish.

## **Part 5B**                      **C1-ITQ units**

### **Division 1**                      **Interpretation**

#### **106I**    **Meaning of *C1-ITQ year***

*C1-ITQ year* means the period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

*Note—*

See, however, section 174.

#### **106J**    **References to prescribed crab and prescribed crab management region**

- (1) A reference to prescribed crab in relation to a C1-ITQ unit is a reference to the crab stated for the C1-ITQ unit in schedule 9, part 3.
- (2) A reference to a prescribed crab management region in relation to a C1-ITQ unit is a reference to the management region stated for the C1-ITQ unit in schedule 9, part 3.

*Note—*

The management regions are described in schedule 7, part 1, division 4.

### **Division 2**                      **Entitlement**

#### **106K**    **Purpose of division**

This division states the quota entitlement for C1-ITQ units.

#### **106L**    **Entitlement under C1-ITQ unit**

- (1) The holder of, or a person acting under, a C1-ITQ unit may take in the prescribed crab management region in a C1-ITQ year the weight of prescribed crab worked out by dividing the

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total quota entitlement for the crab for the region for the year by the total number of C1-ITQ units of the same type that have been issued.

- (2) The authorisation for a C1-ITQ year under subsection (1)—
  - (a) is the holder's *entitlement* under the C1-ITQ unit for the C1-ITQ year; and
  - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds a C1 licence that is in effect.
- (4) In this section—

*total quota entitlement*, for prescribed crab for a prescribed crab management region, for a C1-ITQ year, means the total quota entitlement stated for the crab for the region in the quota declaration for the commercial crab fishery for the C1-ITQ year.

### **106M When C1-ITQ unit entitlement is *used* for a C1-ITQ year**

- (1) The entitlement under a C1-ITQ unit is *used* for a C1-ITQ year—
  - (a) when the holder of, or a person acting under, the C1-ITQ unit has taken in the C1-ITQ year, under any C1 licence held by the holder, an amount of (whole weight) prescribed crab in the prescribed crab management region equalling the holder's entitlement under the C1-ITQ unit; or
  - (b) if section 106N applies.
- (2) The *unused entitlement* under a C1-ITQ unit for a C1-ITQ year is the amount of (whole weight) prescribed crab that has not been taken in the prescribed crab management region, for the C1-ITQ year, under any C1 licence held by the holder of the C1-ITQ unit.

### **106N No carrying forward of unused entitlement**

- (1) This section applies if, in a C1-ITQ year, the holder of, or a person acting under, C1-ITQ units takes an amount of prescribed crab in a prescribed crab management region that is less than the total entitlements under the holder's C1-ITQ units.
- (2) The holder of the C1-ITQ units is taken, at the end of the C1-ITQ year, to have used all the entitlements under the C1-ITQ units held by the holder for the C1-ITQ year.

## **Division 3 Evidentiary aids for use of entitlement**

### **106O Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed crab taken under C1-ITQ units.
- (2) The notice is evidence that the holder of the C1-ITQ units has taken, under the C1-ITQ units, the whole weight equivalent of the amount of prescribed crab stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed crab stated in the notice is the weight, for each prescribed crab of that species the subject of the notice, of an entire intact crab of the species.

## **Part 5C Hand-harvest ITQ units**

### **Division 1 Interpretation**

#### **106P Meaning of *hand-harvest ITQ year***

*Hand-harvest ITQ year* means—

- (a) for R-ITQ units—the period of 9 months starting on 1 January in a year and ending on 30 September in the year; or
- (b) for other hand-harvest ITQ units—the period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

*Note—*

See, however, section 175.

### **106Q Meaning of *whole weight* of red champagne lobster and tropical rocklobster**

- (1) The *whole weight* of red champagne lobster or tropical rocklobster that is in whole form and dead is the weight, in kilograms, of the lobster or rocklobster.
- (2) The *whole weight* of red champagne lobster or tropical rocklobster that is in whole form and alive is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

**WW** is the whole weight, in kilograms, of the red champagne lobster or tropical rocklobster.

**W** is the weight, in kilograms, of the live red champagne lobster or tropical rocklobster.

**CF** is 0.987.

- (3) The *whole weight* of red champagne lobster or tropical rocklobster in the form of tails only is the weight worked out using the following formula—

$$WW = W \times CF$$

where—

*WW* is the whole weight, in kilograms, of the red champagne lobster or tropical rocklobster.

*W* is the weight, in kilograms, of the tails of the red champagne lobster or tropical rocklobster.

*CF* is 2.7.

### **106R References to prescribed hand-harvest ITQ fish and hand-harvest ITQ licence**

- (1) A reference to prescribed hand-harvest ITQ fish in relation to a hand-harvest ITQ unit is a reference to the fish stated for the hand-harvest ITQ unit in schedule 9, part 4.
- (2) A reference to a hand-harvest ITQ licence in relation to a hand-harvest ITQ unit is a reference to a primary commercial fishing licence for a commercial fishery in which the prescribed hand-harvest ITQ fish may be taken.

## **Division 2 Entitlement**

### **106S Purpose of division**

This division states the quota entitlement for hand-harvest ITQ units.

### **106T Entitlement under hand-harvest ITQ unit**

- (1) The holder of, or a person acting under, a hand-harvest ITQ unit may take in a hand-harvest ITQ year the weight of prescribed hand-harvest ITQ fish worked out by dividing the total quota entitlement for the fish for the year by the total number of hand-harvest ITQ units of the same type that have been issued.
- (2) The authorisation for a hand-harvest ITQ year under subsection (1)—

- 
- (a) is the holder's *entitlement* under the hand-harvest ITQ unit for the hand-harvest ITQ year; and
  - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds a hand-harvest ITQ licence that is in effect.
- (4) In this section—

*total quota entitlement*, for prescribed hand-harvest ITQ fish, for a hand-harvest ITQ year, means the total quota entitlement stated for the fish in the quota declaration for commercial hand-harvest fisheries for the hand-harvest ITQ year.

#### **106U When hand-harvest ITQ unit entitlement is *used* for a hand-harvest ITQ year**

- (1) The entitlement under a hand-harvest ITQ unit is *used* for a hand-harvest ITQ year—
- (a) when the holder of, or a person acting under, the hand-harvest ITQ unit has taken in the hand-harvest ITQ year, under any hand-harvest ITQ licence held by the holder, an amount of (whole weight) prescribed hand-harvest ITQ fish equalling the holder's entitlement under the hand-harvest ITQ unit; or
  - (b) if section 106V applies.
- (2) The *unused entitlement* under a hand-harvest ITQ unit for a hand-harvest ITQ year is the amount of (whole weight) prescribed hand-harvest ITQ fish that has not been taken, for the hand-harvest ITQ year, under any hand-harvest ITQ licence held by the holder of the hand-harvest ITQ unit.

#### **106V No carrying forward of unused entitlement**

- (1) This section applies if, in a hand-harvest ITQ year, the holder of, or a person acting under, hand-harvest ITQ units takes an amount of prescribed hand-harvest ITQ fish that is less than the total entitlements under the holder's hand-harvest ITQ units.

- (2) The holder of the hand-harvest ITQ units is taken, at the end of the hand-harvest ITQ year, to have used all the entitlements under the hand-harvest ITQ units held by the holder for the hand-harvest ITQ year.

## **Division 3                    Evidentiary aids for use of entitlement**

### **106W Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed hand-harvest ITQ fish taken under hand-harvest ITQ units.
- (2) The notice is evidence that the holder of the hand-harvest ITQ units has taken, under the hand-harvest ITQ units, the whole weight equivalent of the amount of prescribed hand-harvest ITQ fish stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed hand-harvest ITQ fish stated in the notice is—
  - (a) for red champagne lobster or tropical rocklobster—the amount worked out under section 106Q; or
  - (b) otherwise—the weight, in kilograms, of the fish.

## **Part 5D                    Select coral ITQ units**

### **Division 1                    Interpretation**

#### **106X Meaning of select coral ITQ year**

*Select coral ITQ year* means the period of 1 year starting on 1 July in a year and ending on 30 June in the next year.

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## 106Y References to prescribed select coral and hand-harvest ITQ licence

- (1) A reference to prescribed select coral in relation to a select coral ITQ unit is a reference to the fish of the species of select coral stated for the select coral ITQ unit in schedule 9, part 5.
- (2) A reference to a hand-harvest ITQ licence in relation to a select coral ITQ unit is a reference to a primary commercial fishing licence for a commercial fishery in which the prescribed select coral may be taken.

## Division 2 Entitlement

### 106Z Purpose of division

This division states the quota entitlement for select coral ITQ units.

### 106ZA Entitlement under select coral ITQ unit

- (1) The holder of, or a person acting under, a select coral ITQ unit may take in a select coral ITQ year the weight of prescribed select coral worked out by dividing the total quota entitlement for the fish for the year by the total number of select coral ITQ units of the same type that have been issued.
- (2) The authorisation for a select coral ITQ year under subsection (1)—
  - (a) is the holder's entitlement under the select coral ITQ unit for the select coral ITQ year; and
  - (b) imposes a quota on the entitlement for the year.
- (3) However, the entitlement applies only while the holder holds a hand-harvest ITQ licence for taking prescribed select coral that is in effect.
- (4) In this section—

*total quota entitlement*, for prescribed select coral, for a select coral ITQ year, means the total quota entitlement stated for

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the fish in the quota declaration for commercial hand-harvest fisheries for the select coral ITQ year.

### **106ZB When select coral ITQ unit entitlement is *used* for a select coral ITQ year**

- (1) The entitlement under a select coral ITQ unit is used for a select coral ITQ year—
  - (a) when the holder of, or a person acting under, the select coral ITQ unit has taken in the select coral ITQ year, under any hand-harvest ITQ licence held by the holder, an amount of (whole weight) prescribed select coral equalling the holder's entitlement under the select coral ITQ unit; or
  - (b) if section 106ZC applies.
- (2) The *unused entitlement* under a select coral ITQ unit for a select coral ITQ year is the amount of (whole weight) prescribed select coral that has not been taken, for the select coral ITQ year, under any hand-harvest ITQ licence held by the holder of the select coral ITQ unit.

### **106ZC No carrying forward of unused entitlement**

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

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## **Division 3                      Evidentiary aids for use of entitlement**

### **106ZD Weight notice is evidence of use of entitlement**

- (1) This section applies if a commercial fisher in control of a fishing operation gives the chief executive a weight notice for prescribed select coral taken under select coral ITQ units.
- (2) The notice is evidence that the holder of the select coral ITQ units has taken, under the select coral ITQ units, the whole weight equivalent of the amount of prescribed select coral stated in the notice.
- (3) For subsection (2), the whole weight equivalent of the amount of prescribed select coral stated in the notice is the weight, in kilograms, of the fish.

## **Part 6                              Common provisions about quota authorities**

### **Division 1                      Interpretation**

#### **107      Definitions for part**

In this part—

*quota units* means—

- (a) effort units for a trawl region; or
- (b) SM units; or
- (c) line units; or
- (d) C2-ITQ units; or
- (e) T4-ITQ units; or
- (f) ENL-ITQ units; or
- (g) C1-ITQ units; or

- (h) hand-harvest ITQ units; or
- (i) select coral ITQ units.

**quota year** means—

- (a) for effort units for a trawl region—an effort year; or
- (b) for SM units—an SM year; or
- (c) for line units—a line year; or
- (d) for C2-ITQ units—a C2-ITQ year; or
- (e) for T4-ITQ units—a T4-ITQ year; or
- (f) for ENL-ITQ units—an ENL-ITQ year; or
- (g) for C1-ITQ units—a C1-ITQ year; or
- (h) for hand-harvest ITQ units—a hand-harvest ITQ year;  
or
- (i) for select coral ITQ units—a select coral ITQ year.

## **Division 2                      Unused entitlement notices**

### **108      Particular notice is evidence of unused entitlement**

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

## **Division 3                      Quota authority certificates**

### **109      Application of division**

- (1) This division applies to—

- 
- (a) a certificate issued by the chief executive under the Act to a person who holds quota units; or
  - (b) if a certificate mentioned in paragraph (a) has been changed or replaced by the chief executive under the Act—the certificate as changed or the replacement certificate.
- (2) A certificate mentioned in subsection (1) for quota units is commonly called—
- (a) for effort units for a trawl region—an effort unit certificate; or
  - (b) for SM units—an SM unit certificate; or
  - (c) for line units—a line unit certificate; or
  - (d) for C2-ITQ units—a C2-ITQ unit certificate; or
  - (e) for T4-ITQ units—a T4-ITQ unit certificate; or
  - (f) for ENL-ITQ units—an ENL-ITQ unit certificate; or
  - (g) for C1-ITQ units—a C1-ITQ unit certificate; or
  - (h) for hand-harvest ITQ units—a hand-harvest ITQ unit certificate; or
  - (i) for select coral ITQ units—a select coral ITQ certificate.
- (3) For this division, each certificate mentioned in subsection (1) for quota units is a *quota authority certificate*.

## 110 Content of quota authority certificates generally

A quota authority certificate must state each of the following—

- (a) the certificate number;
- (b) the name of the person who holds the quota units mentioned in the certificate;
- (c) the number of quota units held by the person;
- (d) if the chief executive has imposed conditions on the quota units—the conditions;

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- (e) if the chief executive or a court has suspended any of the quota units—
  - (i) the number of quota units suspended; and
  - (ii) the period of the suspension.

### **111 Quota authority certificates for more than 1 type of particular quota units**

- (1) This section applies if a person holds more than 1 type of the following quota units (each a *prescribed quota unit*)—
  - (a) line units;
  - (b) ENL-ITQ units;
  - (c) C1-ITQ units;
  - (d) hand-harvest ITQ units;
  - (e) select coral ITQ units.
- (2) Only 1 quota authority certificate may be issued to the person for all of the prescribed quota units held by the person.
- (3) The quota authority certificate for the prescribed quota units must state, for each type of prescribed quota units for which the certificate is issued—
  - (a) the fish that may be taken under the units; and
  - (b) if applicable, the region in which the fish may be taken under the units.

### **112 Evidentiary provision for quota authority certificates**

- (1) A quota authority certificate is evidence of the following matters stated in the certificate—
  - (a) the number of quota units held by the holder of the units at the relevant time;
  - (b) the conditions, if any, imposed on the quota units.
- (2) In this section—

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*relevant time*, for a quota authority certificate, means—

- (a) when the certificate was issued; or
- (b) if the certificate has been changed or replaced—when the certificate was changed or replaced.

## **Division 4                      Unit PINS**

### **113      Change of unit PIN**

- (1) The holder of line units, SM units or T4-ITQ units may, by written notice, ask the chief executive to change the unit PIN for the line units, SM units or T4-ITQ units.
- (2) On receiving the notice, the chief executive must—
  - (a) change the unit PIN for the units to another 4-digit identity number (the *new unit PIN*) decided by the chief executive; and
  - (b) give the holder a written notice stating the new unit PIN.
- (3) The change of unit PIN takes effect when the notice mentioned in subsection (2) is given to the holder.

## **Division 5                      Fisher PINS**

### **114      Change of fisher PIN**

- (1) The holder of line units, SM units or T4-ITQ units may, by using the AIVR system, change the fisher PIN for the line units, SM units or T4-ITQ units.
- (2) The change of the fisher PIN for the line units, SM units or T4-ITQ units takes effect when the holder is given a transaction number by the AIVR system for the change.

## **Division 6                      Transfers of quota authorities**

### **Subdivision 1                When quota authority not transferable**

#### **115      Purpose of subdivision**

This subdivision states, for section 65(1) of the Act, the circumstances in which particular quota authorities may or may not be transferred.

#### **116      Only whole quota units may be transferred**

A part of a quota unit may not be transferred.

#### **117      Eligibility of transferee for quota units**

A quota unit may be transferred only to a person, other than the transferor, who holds a primary commercial fishing licence for the commercial fishery in relation to which the quota unit is issued.

### **Subdivision 2                Requirements after transfer**

#### **118      Quota authority certificate changes required**

- (1) This section applies if, under section 65B of the Act, the chief executive registers the transfer of quota units.
- (2) The chief executive must give effect to the transfer by doing any of the following—
  - (a) changing, cancelling or replacing the transferor's and transferee's current quota authority certificates for the quota units transferred;
  - (b) issuing the transferee a new quota authority certificate for the quota units transferred.

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## 119 Entitlement of transferee

- (1) The entitlement of the transferee under quota units transferred in a quota year is as follows—
  - (a) for that part of the quota year after registration of the transfer—the entitlement of the transferor under the quota units immediately before the registration;
  - (b) for a later quota year—the entitlement the transferor would have had under the quota units at the beginning of the quota year, as if the quota units had not been transferred.
- (2) For subsection (1)(a), if part of the entitlement of the transferor under a transferred quota unit has been used, the whole entitlement of the transferee under the transferred quota unit is taken to have been used.
- (3) However, the transfer of effort units for a trawl region only includes an entitlement of the transferor to use a boat in the trawl region on a steaming day if the transferor's former licence to which the effort units for a trawl region related was also transferred to the transferee.
- (4) Subsection (3) does not affect the transferee's entitlement to use a boat in the trawl region on a steaming day under other effort units.

## 120 Issue of fisher PIN for particular transferees

- (1) This section applies if—
  - (a) the chief executive registers the transfer of line units, SM units or T4-ITQ units; and
  - (b) the transferee did not hold any units of the same type immediately before the transfer.
- (2) The chief executive must, immediately after the transfer is registered, issue the transferee a 4-digit identity number (a *fisher PIN*) for the line units, SM units or T4-ITQ units.

## Chapter 5 Logbook requirements

### Part 1 Preliminary

#### 121 Purpose of chapter

This chapter prescribes conditions for the following licences—

- (a) a primary commercial fishing licence;
- (b) a commercial fisher licence.

#### 122 Definitions for chapter

In this chapter—

***approved logbook***, for a primary commercial fishing licence, means—

- (a) an approved logbook (commercial fishing) for the licence; or
- (b) an approved logbook (TEP animal interaction) for the licence.

***approved logbook (commercial fishing)***, for a primary commercial fishing licence, means an electronic or paper logbook—

- (a) provided by the chief executive to the holder of the licence for recording information under part 3; or
- (b) approved by the chief executive under section 123(3)(a) for the licence for recording information under part 3.

***approved logbook (TEP animal interaction)***, for a primary commercial fishing licence, means an electronic or paper logbook—

- (a) provided by the chief executive to the holder of the licence for recording information under part 4; or

- (b) approved by the chief executive under section 123(3)(a) for the licence for recording information under part 4.

**TEP animal** means a protected animal within the meaning of section 118 of the Act that is—

- (a) designated by the chief executive for the purpose of recording particular information about particular interactions with the animal; and
- (b) published on the department's website.

### **123 Approving logbooks**

- (1) The holder of a primary commercial fishing licence may apply to the chief executive for approval of a logbook for the licence for recording information under part 3 or 4.
- (2) The application must be in the approved form.
- (3) The chief executive may—
  - (a) approve the logbook for the licence; or
  - (b) refuse to approve the logbook for the licence.
- (4) If the chief executive refuses to approve the logbook, the chief executive must give the applicant an information notice about the decision.

## **Part 2 Requirements for approved logbooks**

### **124 Logbooks must be held before fishing operation starts**

- (1) The commercial fisher in control of a fishing operation must not start the fishing operation if the commercial fisher does not hold each approved logbook for the primary commercial fishing licence under which fish will be taken in the fishing operation.

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- (2) For subsection (1), a commercial fisher in control of a fishing operation **holds** an approved logbook if the commercial fisher—
  - (a) physically possesses the logbook; or
  - (b) for an approved logbook that is an electronic logbook—has access to the logbook in a way that allows the commercial fisher to—
    - (i) make an entry in the logbook; and
    - (ii) keep the entry in the logbook available for immediate inspection.

## **125 Exchange of logbooks between holder and commercial fisher in control**

- (1) This section applies if the holder of a primary commercial fishing licence under which fish will be taken in a fishing operation is not the commercial fisher in control of the fishing operation.
- (2) The holder of the licence must give each approved logbook for the licence to the commercial fisher in control of the fishing operation—
  - (a) before the fishing operation starts; and
  - (b) in the prescribed way.
- (3) The commercial fisher in control of the fishing operation must give each approved logbook for the licence to the holder of the licence—
  - (a) when the fishing operation ends; and
  - (b) in the prescribed way.
- (4) In this section—

**prescribed way**, for giving an approved logbook for a primary commercial fishing licence to a person, means—

  - (a) giving the logbook personally to the person; or



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- (c) be accompanied by a declaration by the commercial fisher that the entry is complete and accurate.
- (3) The entry must be made—
- (a) at the end of the day; or
  - (b) if the fishing operation ends before the end of the day—before the fishing operation ends.

## **127 Making logbook entries for outside fishing operation days**

- (1) The holder, or a person authorised by the holder, of a primary commercial fishing licence must make an entry in the approved logbook (commercial fishing) for the licence for each outside fishing operation day for the licence.
- (2) The entry must—
- (a) state that no fishing operation was conducted under the licence on the day; and
  - (b) include information required in the approved logbook (commercial fishing); and
  - (c) be accompanied by a declaration by the person who makes the entry that the entry is complete and accurate.
- (3) The entry may relate to 1 day or a continuous period of more than 1 day.

*Example for an entry for a continuous period—*

No fishing operation was conducted during the period 6 to 12 October 2021.

- (4) The entry must be made before the approved logbook (commercial fishing) is given to the chief executive under section 130.

## **128 Logbook entries to be available for inspection**

- (1) This section applies if fish taken in a fishing operation are in the physical possession of the commercial fisher in control of the fishing operation.

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- (2) The commercial fisher in control must ensure the following is available for immediate inspection—
- (a) if the fishing operation has not ended—the approved logbook (commercial fishing) for the primary commercial fishing licence under which the fish were taken;
  - (b) if the fishing operation has ended—a copy of the entry relating to the fish from the approved logbook (commercial fishing) for the primary commercial fishing licence under which the fish were taken.

### **129 Logbook entries to be given to chief executive**

The commercial fisher in control of a fishing operation must give to the chief executive the original or a copy of each entry for a day of the fishing operation made in the approved logbook (commercial fishing) for the primary commercial fishing licence under which the commercial fisher is acting—

- (a) if the approved logbook (commercial fishing) is electronic—within 24 hours after the fishing operation ends; or
- (b) if the approved logbook (commercial fishing) is in paper form—within 7 days after the fishing operation ends.

### **130 Logbooks to be given to chief executive**

- (1) The holder of a primary commercial fishing licence must, for each month, give the part of the approved logbook (commercial fishing) for the licence relating to the month to the chief executive.
- (2) The part of the approved logbook (commercial fishing) given under subsection (1) must be received by the chief executive no more than 15 days after the end of the month to which the part relates.
- (3) This section does not require the holder to give the chief executive an entry in the part of the approved logbook (commercial fishing) mentioned in subsection (1) if the

original of the entry was given to the chief executive under section 129.

## **Part 4**

# **Requirements for approved logbooks (TEP animal interaction)**

### **131 Making logbook entries during fishing operations**

- (1) The commercial fisher in control of a fishing operation must make an entry in the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting for each interaction with a TEP animal during the fishing operation.
- (2) The entry must—
  - (a) state the following information for the interaction—
    - (i) the date of the interaction;
    - (ii) the species of the TEP animal involved in the interaction;
    - (iii) the number of TEP animals involved in the interaction;
    - (iv) the release condition of each TEP animal involved in the interaction;
    - (v) the location of the interaction;
    - (vi) if fish were being taken at the time of the interaction—how the fish were being taken; and
  - (b) include information required in the approved logbook (TEP animal interaction); and
  - (c) be accompanied by a declaration by the commercial fisher that the entry is complete and accurate.
- (3) The entry must be made—

- 
- (a) before the end of the day of the interaction with the TEP animal; or
  - (b) if the fishing operation ends before the end of the day of the interaction with the TEP animal—before the fishing operation ends.

(4) In this section—

*interaction*, with a TEP animal, means physical contact between a person, boat or fishing apparatus involved in a fishing operation and the animal.

*release condition*, for a TEP animal, means the condition of the animal after an interaction, including whether the animal is—

- (a) dead; or
- (b) alive and injured; or
- (c) alive and not injured.

### **132 Logbook to be available for inspection**

The commercial fisher in control of a fishing operation must ensure the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting is available for immediate inspection during the fishing operation.

### **133 Logbook entries to be given to chief executive**

The commercial fisher in control of a fishing operation must give to the chief executive the original or a copy of each entry for the fishing operation made in the approved logbook (TEP animal interaction) for the primary commercial fishing licence under which the commercial fisher is acting—

- (a) if the approved logbook (TEP animal interaction) is electronic—within 24 hours after the fishing operation ends; or

- (b) if the approved logbook (TEP animal interaction) is in paper form—within 7 days after the fishing operation ends.

### **134 Logbooks to be given to chief executive**

- (1) This section applies if 1 or more interactions with a TEP animal mentioned in section 131 happen in a month during a fishing operation conducted under a primary commercial fishing licence.
- (2) The holder of the licence must give the part of the approved logbook (TEP animal interaction) for the licence relating to the month to the chief executive.
- (3) The part of the approved logbook (TEP animal interaction) given under subsection (2) must be received by the chief executive no more than 15 days after the end of the month to which the part relates.
- (4) This section does not require the holder to give the chief executive an entry in the part of the approved logbook (TEP animal interaction) mentioned in subsection (2) if the original of the entry was given to the chief executive under section 133.

## **Chapter 6 Notice requirements**

### **Part 1 Pre-trip notices**

#### **Division 1 Preliminary**

#### **135 Purpose and application of part**

- (1) This part prescribes conditions for the following licences—

- 
- (a) a primary commercial fishing licence;
  - (b) a commercial fisher licence.
- (2) Division 2 prescribes conditions for the commercial fisher licence of the commercial fisher in control of a fishing operation for taking fish under a primary commercial fishing licence.
- (3) However, division 2 does not apply to a fishing operation conducted under a primary commercial fishing licence if—
- (a) 1 or more of the fishery symbols ‘L4’, ‘N3’, ‘N12’ or ‘N13’ is written on the licence; and
  - (b) the commercial fisher in control of the fishing operation intends to take fish in the fishing operation only under 1 or more of those symbols.
- (4) Division 3 prescribes conditions for the primary commercial fishing licence that identifies an authorised boat that is to be used by a commercial fisher to conduct a recreational fishing operation.

## 136 Definitions for part

In this part—

*earlier pre-trip notice* see section 139(1)(a).

*limited pre-trip notice* see section 139(2).

*pre-trip notice*—

- (a) for division 2—see section 138(2); or
- (b) for division 3—see section 145(2).

*pre-trip particulars*—

- (a) for division 2—see section 138(3); or
- (b) for division 3—see section 145(3).

*proposed landing place* means—

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- (a) for a fishing operation for taking fish using a boat but not using a seine net—the landing place at which the boat will be landed at the end of the fishing operation; or
- (b) for a fishing operation for taking fish using a boat and a seine net—the beach or foreshore at which the boat will be used to carry out fishing; or
- (c) for a fishing operation for taking fish without a boat—the landing place at which the fish will be landed at the end of the fishing operation.

***recreational fishing operation*** means a fishing operation to carry out recreational fishing.

### **137 Notices to chief executive**

- (1) A notice given to the chief executive under this part must be given—
  - (a) by using the AIVR system; or
  - (b) in another way approved by the chief executive, including, for example, another communication system.
- (2) If a notice is required to be given under this part and a person uses the AIVR system to give the notice, the person does not comply with the requirement until the person receives, in response, a transaction number from the system.

## **Division 2 Commercial fishing**

### **138 Requirement to give pre-trip notice**

- (1) This section applies if fish are proposed to be taken in a fishing operation under a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation must give a notice (a ***pre-trip notice***) to the chief executive before the fishing operation starts.
- (3) The pre-trip notice must state each of the following (the ***pre-trip particulars***)—

- 
- (a) the licence number of the primary commercial fishing licence;
  - (b) the licence number of the commercial fisher licence held by the commercial fisher in control of the fishing operation;
  - (c) that the purpose of the fishing operation is to take fish under the primary commercial fishing licence;
  - (d) the prescribed numerical code or the latitude and longitude coordinates for the proposed landing place for the fishing operation.
- (4) For subsection (3)(d), the proposed landing place must be—
- (a) a public place; or
  - (b) a place, other than a public place, that is used for trade or commerce but is not a residence.

### 139 When limited pre-trip notice may be given

- (1) This section applies if—
- (a) a pre-trip notice (the *earlier pre-trip notice*) has previously been given to the chief executive under section 138 in relation to a primary commercial fishing licence; and
  - (b) the earlier pre-trip notice is the most recently given pre-trip notice in relation to the licence; and
  - (c) 1 or more pre-trip particulars of the fishing operation are the same as the pre-trip particulars stated in the earlier pre-trip notice (the *equivalent pre-trip particulars*).
- (2) The commercial fisher in control may give a notice (a *limited pre-trip notice*) to the chief executive before the fishing operation starts.
- (3) A limited pre-trip notice must state the pre-trip particulars for the fishing operation other than the equivalent pre-trip particulars.

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- (4) If a limited pre-trip notice is given under this section by the commercial fisher in control of a fishing operation, a pre-trip notice is not required to be given under section 138 for the fishing operation.

#### **140 When no pre-trip notice required to be given**

- (1) The commercial fisher in control of a fishing operation to be conducted under a primary commercial fishing licence is not required to give a pre-trip notice if—
  - (a) an earlier pre-trip notice was previously given to the chief executive under section 138 in relation to the licence; and
  - (b) the earlier pre-trip notice is the most recently given pre-trip notice in relation to the licence; and
  - (c) the pre-trip particulars of the fishing operation have not changed from the pre-trip particulars stated in the earlier pre-trip notice.
- (2) Also, the commercial fisher in control of a fishing operation to be conducted under a primary commercial fishing licence is not required to give a pre-trip notice if—
  - (a) the chief executive was previously given an earlier pre-trip notice in relation to the licence; and
  - (b) the chief executive was subsequently given a limited pre-trip notice in relation to the licence; and
  - (c) the earlier pre-trip notice and limited pre-trip notice are the most recently given of those types of notices in relation to the licence; and
  - (d) the pre-trip particulars of the fishing operation have not changed from the pre-trip particulars for the fishing operation stated in the earlier pre-trip notice and limited pre-trip notice.

*Example for subsection (2)—*

A pre-trip notice is given for fishing operation 1. One pre-trip particular changes for fishing operation 2, so a limited pre-trip notice for that

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particular is given. If no changes are made between fishing operation 2 and 3, no notice is required to be given for fishing operation 3.

## **141 New proposed landing place**

- (1) This section applies if—
  - (a) a fishing operation has started; and
  - (b) the commercial fisher in control of the fishing operation decides to change the proposed landing place for the fishing operation.
- (2) The commercial fisher in control must give the chief executive a notice (an *amending notice*) stating the new proposed landing place for the fishing operation.
- (3) An amending notice must be given at least 1 hour before—
  - (a) for a fishing operation for taking fish using a boat but not using a seine net—the boat lands at the new proposed landing place; or
  - (b) for a fishing operation for taking fish using a boat and a seine net—fishing is carried out at the new proposed landing place; or
  - (c) for a fishing operation for taking fish without a boat—the fish taken in the fishing operation land at the new proposed landing place.

## **142 Where boat used without seine net must be landed**

- (1) This section applies if an authorised boat for a primary commercial fishing licence but no seine net is used to take fish in a fishing operation.
- (2) The commercial fisher in control of the fishing operation must ensure the boat lands at the following place—
  - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;

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- (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
- (3) If more than 1 authorised boat is used to take fish in the fishing operation, the commercial fisher in control must ensure all of the boats are landed together and in compliance with subsection (2).
- (4) This section does not apply if, because of a medical emergency or extreme weather event, the authorised boat was required to land at another landing place.

*Note—*

See section 161 for the requirement to give the chief executive an emergency notice.

### **143 Where boat used with seine net must be used to carry out fishing**

- (1) This section applies if an authorised boat for a primary commercial fishing licence and a seine net are used to take fish in a fishing operation.
- (2) The commercial fisher in control of the fishing operation must ensure the boat is used to carry out fishing only at the following place—
  - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;
  - (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
- (3) If more than 1 authorised boat is used to take fish in the fishing operation, the commercial fisher in control must ensure all of the boats are used to carry out fishing together and in compliance with subsection (2).

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## 144 Where fish taken without using a boat must be landed

- (1) This section applies if no boat is used to take fish in a fishing operation conducted under a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation must ensure the fish are landed at the following place—
  - (a) if an amending notice is given under section 141 for the fishing operation—the new proposed landing place stated in the amending notice;
  - (b) otherwise—the proposed landing place for the fishing operation stated in a pre-trip notice given for the fishing operation.
- (3) Subsection (2) does not apply if, because of a medical emergency or extreme weather event, the fish were required to be landed at another landing place.

*Note—*

See section 161 for the requirement to give the chief executive an emergency notice.

## Division 3 Other fishing

### 145 Requirement to give pre-trip notice

- (1) This section applies if an authorised boat for a primary commercial fishing licence is proposed to be used, by a commercial fisher, to conduct a charter fishing trip or recreational fishing operation.
- (2) The commercial fisher must give a notice (a *pre-trip notice*) to the chief executive before the charter fishing trip or recreational fishing operation starts.
- (3) The pre-trip notice must state each of the following (the *pre-trip particulars*)—
  - (a) the licence number of the primary commercial fishing licence;

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- (b) the licence number of the commercial fisher licence held by the commercial fisher;
- (c) whether the authorised boat is to be used to conduct—
  - (i) a charter fishing trip; or
  - (ii) a recreational fishing operation.

#### **146 When no pre-trip notice required to be given**

A person is not required to give a pre-trip notice under section 145 for the use of an authorised boat for a primary commercial fishing licence if—

- (a) a pre-trip notice (the *earlier pre-trip notice*) was previously given to the chief executive under section 145 for the use of the boat; and
- (b) the earlier notice is the most recently given pre-trip notice for the use of the boat; and
- (c) the pre-trip particulars for the use of the boat have not changed from the pre-trip particulars stated in the earlier pre-trip notice.

## **Part 2 Other notices**

### **Division 1 Preliminary**

#### **147 Purpose of part**

This part prescribes conditions for a commercial fisher licence.

#### **148 Notices to chief executive**

- (1) A notice given to the chief executive under this part must be given—
  - (a) by using the AIVR system; or

- (b) in another way approved by the chief executive, including, for example, another communication system.
- (2) If a notice is required to be given under this part and a person uses the AIVR system to give the notice, the person does not comply with the requirement until the person receives, in response, a transaction number from the system.

## **149 Particulars to be stated in notices**

A notice given under this part must—

- (a) state the numerical part of the licence number of the primary commercial fishing licence under which the fish the subject of the notice were taken; and
- (b) if the person giving the notice is prompted, by the way used to give the notice, to state particular information—state that information.

## **Division 2 Prior notices**

### **150 Application of division**

This division applies in relation to—

- (a) fish taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*, other than the east coast trawl fishery; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*.

### **151 Requirement to give prior notice—boat to be landed**

- (1) This section applies if—
- (a) fish are on an authorised boat for a primary commercial fishing licence; and
  - (b) it is proposed to land the boat; and

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- (c) the fish are not proposed to be transferred, at sea, to a transport vessel.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must give a notice (a *prior notice*) to the chief executive—
  - (a) if the fish are a species to which a regulated period applies under the *Fisheries Declaration 2019* and the period has not started—before the period starts; or
  - (b) otherwise—before the authorised boat lands.

## **152 Requirement to give prior notice—fish loaded onto vehicle**

- (1) This section applies if—
  - (a) either—
    - (i) fish are taken in a commercial fishery mentioned in schedule 4, part 1; or
    - (ii) fish are taken under a fishery symbol without using a boat; and
  - (b) the fish are loaded onto a vehicle.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must give a notice (a *prior notice*) to the chief executive before the vehicle onto which the fish are loaded leaves the place at which the fish are loaded.

## **153 No prior notice required to be given in emergency**

A prior notice is not required to be given under this division if, because of a medical emergency or extreme weather event, before a prior notice could be given—

- (a) the authorised boat was landed; or
- (b) the vehicle onto which the fish are loaded leaves the place at which the fish are loaded.

*Note—*

See section 161 for the requirement to give the chief executive an emergency notice.

## **Division 3                      Transhipment**

### **154      Requirement to give transhipment notice and label fish**

- (1) This section applies if—
  - (a) any of the following fish are proposed to be transferred, at sea, to a transport vessel—
    - (i) fish taken under a D, R, RQ, SM or T1 licence;
    - (ii) black jewfish taken under an N3, N12 or N13 licence; and
  - (b) the fish are proposed to be unloaded from, or using, the transport vessel to which the fish are to be transferred.

*Note—*

See section 15B for a restriction about the transhipment of fish to a transport vessel.

- (2) The commercial fisher in control of the fishing operation in which the fish were taken must—
  - (a) give a notice (a *transhipment notice*) to the chief executive before the fish are transferred to the transport vessel; and
  - (b) label the fish in a way that identifies the numerical part of the licence number of the primary commercial fishing licence under which the fish were taken.

### **155      Requirement to keep transferred fish separate**

- (1) This section applies if fish taken under a D, L4, N3, N12, N13 or R licence are transferred to a primary boat being used under another D, L4, N3, N12, N13 or R licence.

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- (2) The commercial fisher in control of the fishing operation in which the primary boat is being used must ensure the fish, while on board the boat—
  - (a) are kept separate from other fish on board the boat; and
  - (b) remain labelled in the way the fish were labelled under section 154(2)(b).

## Division 4                      Retained fish notices

### 156      Retained fish notice

- (1) This section applies in relation to fish taken under an RQ, R, B1, SM or T4 licence that are on an authorised boat for the licence that has landed.

*Note—*

See section 15A for a restriction about keeping fish on a boat that has landed when the boat leaves the landing place for a new fishing operation.

- (2) The commercial fisher in control of the fishing operation in which the fish were taken must not allow the authorised boat to leave the boat's landing place to start a new fishing operation with any of the fish, unless the commercial fisher has given the chief executive a notice (a ***retained fish notice***).
- (3) The commercial fisher in control must give the retained fish notice before the earlier of the following—
  - (a) 24 hours after the fishing operation ends;
  - (b) the start of the next fishing operation.
- (4) Also, the commercial fisher in control must ensure the fish that are to be retained remain on the authorised boat.

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## **Division 5                      Unloading fish**

### **157      Application of division**

This division applies in relation to—

- (a) fish taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*, other than the east coast trawl fishery; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*.

### **158      Unloading fish from authorised boats**

- (1) This section applies if fish are on an authorised boat for a primary commercial fishing licence.
- (2) The commercial fisher in control of the fishing operation in which the fish were taken must not unload the fish, or allow the fish to be unloaded, unless—
  - (a) the commercial fisher has given a prior notice about the fish to the chief executive under division 2; or
  - (b) the commercial fisher has given a transhipment notice to the chief executive under section 154; or
  - (c) the commercial fisher has given an emergency notice to the chief executive under section 161.
- (3) Also, the commercial fisher in control may unload the fish, or allow the fish to be unloaded, only if the fish are unloaded at a place that is open for entry under the Act.

### **159      Weighing fish**

- (1) This section applies if—
  - (a) an authorised boat for a primary commercial fishing licence used to take fish lands; or
  - (b) fish taken without using a boat are loaded onto a vehicle.

- (2) The commercial fisher in control of the fishing operation in which the fish were taken must weigh the fish, or allow the fish to be weighed, at a place that is open for entry under the Act.
- (3) The fish must be weighed in the form in which the fish were in—
  - (a) when the authorised boat landed; or
  - (b) when the fish were loaded onto the vehicle.
- (4) The fish must be weighed—
  - (a) for fish taken under the fishery symbol ‘B1’ using an authorised boat—within 7 days after the fishing operation ends; or
  - (b) for fish taken in a commercial fishery mentioned in schedule 4, part 1, or under the fishery symbol ‘T4’, using an authorised boat—before the fish leave the possession of the commercial fisher in control, but no later than 24 hours after the fishing operation ends; or
  - (c) for fish taken under the fishery symbol ‘R’ or ‘D’ using an authorised boat—before the commercial fisher in control leaves the place where the boat is landed; or
  - (d) for other fish taken using an authorised boat—before the fish leave the physical possession of the commercial fisher in control, but no later than 24 hours after the fishing operation ends; or
  - (e) for fish taken without using a boat—before the fish leave the possession of the commercial fisher in control, but no later than 24 hours after the fishing operation ends.
- (5) The weight of the fish must be worked out using a scale that is verified or certified under the *National Measurement Act 1960* (Cwlth).
- (6) The weight of the fish must be given to the chief executive in a notice (a ***weight notice***).
- (7) The weight notice must be given—

- (a) immediately after the fish have been weighed; and
- (b) before the fish leave the possession of the commercial fisher in control of the fishing operation in which the fish were taken.

## 160 Taking fish after leaving landing place

- (1) This section applies if—
  - (a) a fishing operation conducted under a primary commercial fishing licence ends (the *first fishing operation*); and
  - (b) a new fishing operation conducted under the licence starts (the *second fishing operation*).
- (2) The commercial fisher in control of the second fishing operation must ensure fish are not taken under the primary commercial fishing licence unless a weight notice has been given for any fish taken in the first fishing operation.
- (3) Also, if fish taken in the first fishing operation were taken using an authorised boat for the primary commercial fishing licence, the commercial fisher in control of the second fishing operation must ensure fish are not taken under the licence unless all the fish taken in the first fishing operation have been unloaded from the boat.
- (4) Subsection (3) does not apply in relation to fish for which the commercial fisher in control of the first fishing operation has given the chief executive a retained fish notice under section 156.

## Division 6 Emergency notices

### 161 Emergency notice

- (1) This section applies if, because of a medical emergency or extreme weather event—

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- (a) an authorised boat for a primary commercial fishing licence landed other than at the place where a commercial fisher in control of a fishing operation was required to ensure the boat landed under section 142; or
  - (b) fish taken under a primary commercial fishing licence were landed at a place other than the place where a commercial fisher in control of a fishing operation was required to ensure the fish landed under section 144; or
  - (c) the commercial fisher in control of a fishing operation did not give a prior notice under division 2.
- (2) The commercial fisher in control of the fishing operation must give a notice about the medical emergency or extreme weather event (an ***emergency notice***) to the chief executive.
- (3) The emergency notice must be given as soon as practicable, but before the start of the next fishing operation under the primary commercial fishing licence.

## **Division 7                      Catch disposal records**

### **162      Application of division**

This division applies in relation to—

- (a) fish, other than coral, taken under a primary commercial fishing licence in a commercial fishery for which a total quota entitlement is stated in the *Fisheries Quota Declaration 2019*; or
- (b) a fish that is a regulated fish in relation to a prescribed commercial catch under the *Fisheries Declaration 2019*; or
- (c) fish taken by a trawl net other than fish taken under a T5, T6, T7, T8 or T9 licence.

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## 162A Approving record books

- (1) The holder of a primary commercial fishing licence may apply to the chief executive for approval of a record book for the licence for making a record under this division.
- (2) The application must be in the approved form.
- (3) The chief executive may—
  - (a) approve the record book for the licence; or
  - (b) refuse to approve the record book for the licence.
- (4) If the chief executive refuses to approve the record book, the chief executive must give the applicant an information notice about the decision.

## 163 Requirement to make catch disposal record

- (1) The commercial fisher in control of a fishing operation in which fish are taken must make a record (a *catch disposal record*) in the approved catch disposal record book.
- (2) The catch disposal record must—
  - (a) be made before the earliest of the following—
    - (i) the day that is 7 days after the end of the fishing operation;
    - (ii) the start of the next fishing operation;
    - (iii) for fish that are disposed of—when the fish are disposed of; and  
*Examples of ways fish are disposed of—*  
sale by wholesale, sale by retail, throwing away spoilt fish, personal consumption
  - (b) state—
    - (i) the number of individual fish or containers containing fish; and
    - (ii) the weight of the fish; and
    - (iii) the form of the fish; and

- (iv) the species of the fish; and
  - (v) whether the fish have been disposed of or kept by a relevant person; and
  - (vi) if some or all of the fish were disposed of—details of the fish that were disposed of and how the fish were disposed of; and
  - (vii) if some or all of the fish were kept by a relevant person—details of the fish that were kept; and
- (c) include information required in the approved catch disposal record book for the primary commercial fishing licence under which the fish are taken; and
- (d) be accompanied by a declaration by the commercial fisher that the record is complete and accurate.
- (3) If the fish are consigned or transhipped, a copy of the catch disposal record must accompany the fish.

(4) In this section—

***approved catch disposal record book***, for a primary commercial fishing licence, means an electronic or paper record book—

- (a) in the approved form for making a record under this division; or
- (b) approved by the chief executive under section 162A(3)(a) for the licence.

***relevant person*** means—

- (a) the commercial fisher in control of the fishing operation;  
or
- (b) another person who was fishing in the fishing operation;  
or
- (c) the holder of the primary commercial fishing licence under which the fish were taken.

## **164 Catch disposal record available for inspection**

A commercial fisher who makes a catch disposal record must ensure the record, or a copy of the record, is available for immediate inspection while the fish the subject of the record are in the physical possession of the commercial fisher or an assistant fisher who is under direction of the commercial fisher.

## **165 Requirement to give catch disposal record**

- (1) A commercial fisher who makes a catch disposal record must give the record to the chief executive—
  - (a) if the record is made electronically—within 24 hours after the record is made; or
  - (b) if the record is made in paper form—within 7 days after the record is made.
- (2) The catch disposal record must be received by the chief executive no more than 15 days after the end of the month in which the record is made.

# **Chapter 7 Transitional provisions**

*Note—*

This chapter, and former sections 121 and 122, were renumbered by the *Fisheries Legislation Amendment Regulation 2020*.

## **Part 1 Provisions for SL No. 178 of 2019**

### **166 Nominees under particular authorities continue**

- (1) This section applies if—

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- (a) the holder of a licence gave the chief executive a notice nominating a person to act under the licence under the expired *Fisheries Regulation 2008*; and
  - (b) the notice is still in effect.
- (2) The notice is taken to have been given to the chief executive under this regulation.

### **167 C2-ITQ year before 1 July 2021**

The C2-ITQ years leading up to 1 July 2021 are as follows—

- (a) 1 June 2019 to 31 May 2020;
- (b) 1 June 2020 to 30 June 2021.

*Note—*

ITQ units were renamed as C2-ITQ units by the *Fisheries Legislation Amendment Regulation 2020*. See also the *Fisheries (General) Regulation 2019*, section 153.

## **Part 2 Provisions for Fisheries Legislation Amendment Regulation 2020**

### **Division 1 Amendments commencing on notification of amendment regulation**

#### **168 Existing primary boats for commercial fishing boat licences**

- (1) This section applies in relation to a commercial fishing boat licence for a commercial fishery, in effect immediately before the commencement, if the primary boat for the licence is longer than the maximum length permitted to be used in the fishery under section 42(4).

- (2) Section 42(4) does not apply to the use of the primary boat under the licence in the commercial fishery until the primary boat identified in the licence is modified or replaced.

### **169 Bigeyes that are recognised BRDs**

- (1) This section applies in relation to trawling in a fishing operation that started before, but has not ended, on the commencement.
- (2) During trawling in the fishing operation—
  - (a) schedule 2, section 153(4), as in force immediately before the commencement, continues to apply in relation to an opening, commonly known as a bigeye, on an otter trawl net used to trawl for prawns; and
  - (b) schedule 2, section 161(4), as in force immediately before the commencement, continues to apply in relation to an opening, commonly known as a bigeye, on a beam trawl net.

### **170 Requirement to check crab apparatus**

- (1) This section applies to a requirement to check crab apparatus under schedule 7, section 12A if the crab apparatus was set before the commencement.
- (2) The requirement applies in relation to the crab apparatus as if the apparatus was set on the commencement.

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

### **171 Existing primary boats for primary commercial fishing licences**

- (1) This section applies in relation to a primary commercial fishing licence for a commercial fishery, in effect immediately before the commencement, if the primary boat for the licence

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is longer than the maximum length permitted to be used in the fishery under section 36.

- (2) Section 36 does not apply to the use of the primary boat under the licence in the commercial fishery until the primary boat identified in the licence is modified or replaced.

*Note—*

Under the *Fisheries (General) Regulation 2019*, sections 154 and 155, commercial fishing boat licences and commercial harvest fishery licences in effect on the commencement are taken to be primary commercial fishing licences.

## **Division 3                      Amendments commencing on 1 September 2021**

### **172      Entitlement under effort units for 2021 effort year**

For the effort year from midday on 1 January 2021 to midday on 1 January 2022, the entitlement of the holder of effort units is the entitlement worked out by—

- (a) adding the entitlement under the holder's effort units immediately before the commencement and the entitlement under the holder's effort units on the commencement; and
- (b) dividing that number by 2.

### **172A    Effort unit conversion factor for particular boats identified in T1 or T2 licence on commencement**

- (1) This section applies in relation to a boat that on the commencement—
  - (a) is identified in a T1 or T2 licence; and
  - (b) has 70 or more hull units.
- (2) Despite schedule 10, the effort unit conversion factor for the boat is 62.

- (3) This section applies in relation to the boat until the boat is no longer identified in the T1 or T2 licence.

### **173 First ENL-ITQ year**

- (1) The first ENL-ITQ year is the period starting on 1 September 2021 and ending on 31 December 2021.
- (2) The entitlement under an ENL-ITQ unit under section 106E applies to the period mentioned in subsection (1).

### **174 First C1-ITQ year**

- (1) The first C1-ITQ year is the period starting on 1 September 2021 and ending on 30 June 2022.
- (2) The entitlement under a C1-ITQ unit under section 106L applies to the period mentioned in subsection (1).

### **175 First hand-harvest ITQ year for R-ITQ units**

- (1) The first hand-harvest ITQ year for R-ITQ units is the period starting on 1 January 2021 and ending on 30 September 2021.
- (2) The entitlement under an R-ITQ unit under section 106T applies to the period mentioned in subsection (1).
- (3) Any red champagne lobster or tropical rocklobster taken in the commercial crayfish and rocklobster fishery under the primary commercial fishing licence held by the holder of R-ITQ units between 1 January 2021 and the commencement is taken to have been taken under the holder's R-ITQ units.

### **176 First hand-harvest ITQ year for hand-harvest ITQ units other than R-ITQ units**

- (1) This section applies in relation to hand-harvest ITQ units other than R-ITQ units.
- (2) The first hand-harvest ITQ year for hand-harvest ITQ units is the period starting on 1 July 2021 and ending on 30 June 2022.

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- (3) The entitlement under a hand-harvest ITQ unit under section 106T applies to the period mentioned in subsection (2).
- (4) Any prescribed hand-harvest ITQ fish taken in a hand-harvest fishery under the primary commercial fishing licence held by the holder of hand-harvest ITQ units between 1 July 2021 and the commencement is taken to have been taken under the holder's hand-harvest ITQ units.

## 177 Logbooks

- (1) Chapter 5 applies only in relation to a fishing operation that starts after the commencement.
- (2) Any requirement about logbooks (however called) applying to a licence under the Act immediately before the commencement continues to apply—
  - (a) in relation to a fishing operation conducted under the licence that started before the commencement; and
  - (b) whether or not the fishing operation has ended on the commencement.
- (3) An approved form under the *Fisheries (General) Regulation 2019*, chapter 5, part 2 or 3, as in force before the commencement, held by the holder of a primary commercial fishing licence immediately before the commencement is taken to be, for chapter 5—
  - (a) if the approved form is for recording information about taking fish during fishing operations—an approved logbook (commercial fishing) for the licence; or
  - (b) if the approved form is for recording information about interactions with particular animals during fishing operations—an approved logbook (TEP animal interaction) for the licence.

*Note—*

See also the *Fisheries (General) Regulation 2019*, sections 161 and 162.

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## 178 Reporting requirements

- (1) Chapter 6 applies in relation to a fishing operation, and fish taken in a fishing operation, that starts after the commencement.
- (2) The relevant provisions continue to apply—
  - (a) in relation to a fishing operation, and fish taken in a fishing operation, started before the commencement; and
  - (b) whether or not the fishing operation has ended on the commencement.

- (3) In this section—

*relevant provisions* means the following provisions as in force immediately before the commencement—

- (a) for a fishing operation for taking fish under the fishery symbol ‘SM’—schedule 5, parts 4 and 5;
- (b) for a fishing operation for taking fish under the fishery symbol ‘RQ’—schedule 6, part 5;
- (c) for a fishing operation for taking fish under the fishery symbol ‘T4’—schedule 8, part 3, division 3.

## 179 Requirements to check fishing apparatus

- (1) This section applies to a requirement to check fishing apparatus under either of the following provisions if the fishing apparatus was set before the commencement—
  - (a) schedule 7A, section 48;
  - (b) schedule 7A, section 97.
- (2) The requirement applies in relation to the fishing apparatus as if the apparatus was set on the commencement.

### **Part 3**

## **Transitional provision for Fisheries and Other Legislation (Structural Reform) Amendment Regulation 2023**

#### **180 Ending of net fishery ‘NX’**

- (1) The net fishery (NX) ends on 30 June 2027 at the end of the day.
- (2) From 1 July 2027—
  - (a) any provision of this regulation providing for NX fish to be taken in the net fishery (no. NX) is of no effect; and
  - (b) any reference to the fishery symbol ‘NX’ on a primary commercial fishing boat licence or any other document is of no effect.

### **Part 4**

## **Transitional provision for Fisheries Legislation (Spanish Mackerel) Amendment Regulation 2026**

#### **181 Application of increased total quota entitlement for 2025–2026 SM year**

- (1) This section applies to each SM unit held by the holder of an SM licence on 1 February 2026.
- (2) The holder’s entitlement under the SM unit for the SM year starting on 1 July 2025 must be worked out under section 86 using the increased total quota entitlement for spanish mackerel.

*Example—*

The total number of SM units that have been issued is 577,984. The increased total quota entitlement for spanish mackerel for the SM year starting on 1 July 2025 is 250t.

Under subsection (2), the entitlement under each SM unit held by the holder of an SM licence on 1 February 2026 for the SM year is 0.43253792492kg, being 250t divided by 577,984.

If the holder holds 1,000 SM units on 1 February 2026, the holder's total entitlement under the SM units is 432.53792492kg, being 1,000 times 0.43253792492kg.

(3) In this section—

***increased total quota entitlement***, for spanish mackerel, means the total quota entitlement for spanish mackerel for the SM year starting on 1 July 2025, as increased by the *Fisheries Legislation (Spanish Mackerel) Amendment Regulation 2026*.

***total quota entitlement***, for spanish mackerel, for an SM year, means the total quota entitlement stated for spanish mackerel in the quota declaration for the spanish mackerel commercial fishery for the SM year.

## Schedule 2 East coast trawl fishery

section 4

### Part 1 Fishery, fishery symbols and fishery area

#### 1 East coast trawl fishery

The east coast trawl fishery is the activity of fishing using trawl nets (*trawling*) for the fish mentioned in section 4 in the fishery area, as provided under this schedule.

#### 2 Fishery symbols

The fishery symbols for the fishery are 'M1', 'M2', 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' and 'T9'.

#### 3 Fishery area

The fishery area consists of the area of the tidal waters east of longitude 142°31.89' east.

### Part 2 Authorisation

#### Division 1 General

#### 4 What fish may be taken

Only the following fish (each a *permitted fish*) may be taken under the licence—

- (a) any of the following fish (each a *principal fish*)—
  - (i) prawns;

- 
- (ii) bugs other than Balmain bugs (each a *principal bug*);
  - (iii) scallops;
  - (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.

## **5 Who may take fish**

Permitted fish may be taken by trawling, and permitted fish taken by trawling may be possessed, only by a commercial fisher.

## **6 Fish may be taken only with unused effort unit entitlements**

Permitted fish may be taken in a trawl region in an effort year only if the fish are taken under effort units for the trawl region with unused entitlements for the effort year.

## **7 Possessing particular fishing apparatus**

- (1) A person may possess, on a boat in the fishery area, a beam, otter board or trawl sled used with a net only if—

Schedule 2

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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—*

- a trawl sled that has spikes attached to its trawl shoe
  - 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, on a boat in the fishery area, a beam, otter board or trawl sled with a thing that—
    - (a) is designed to attach to the beam, otter board or trawl sled; and
    - (b) if attached, would extend below the trawl shoe of the beam, otter board or trawl sled.

## **Division 2                    M1 licences and M2 licences**

### **8            Application of division**

This division states where and in what way permitted fish may be taken under an M1 or M2 licence.

### **9            Where permitted fish may be taken**

Permitted fish may be taken only in the Moreton Bay trawl region.

### **10          Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets or otter trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

**11 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.

**12 Net mesh size**

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

**13 Length of sweeps of net**

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

**14 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.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

**15 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.

**16 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 11.

**17 Use of crab bag**

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

**18 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—*

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

**19 Use of BRD**

A net, other than a try net, must achieve the purpose of a BRD.

**20 Use of TED**

A net, other than a try net, must achieve the purpose of a TED.

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## **Division 3                    T1 licences**

### **21        Application of division**

This division states where and in what way permitted fish may be taken under a T1 licence.

### **22        Where permitted fish may be taken**

Permitted fish may be taken only in the T1 area.

### **23        Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets or otter trawl nets.
- (2) However, scallops may be taken only by using otter trawl nets.
- (3) Permitted fish may be taken by a net only if—
  - (a) the net is used for the primary purpose of taking principal fish; and
  - (b) the net and its use comply with this division.

### **24        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 Hervey Bay area;
  - (b) the Facing Island area;
  - (c) the Keppel Bay area;
  - (d) the Repulse Bay area;
  - (e) the Cleveland Bay area.
- (2) An otter trawl net used in the Laguna Bay area must be no longer than 18.6m and have a head rope that is no longer than 8m.

- (3) An otter trawl 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)
  - 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) An otter trawl net used in the deep water net area must be no longer than 184m.
- (5) A beam trawl net used in an area other than an area mentioned in subsection (1) must be no longer than 10m.

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- (6) An otter trawl net used in an area other than an area mentioned in subsection (1), (2), (3) or (4) must be no longer than—
- (a) if the net is used for the primary purpose of taking principal bugs or scallops—109m; or
  - (b) if the net is used for the primary purpose of taking principal fish other than principal bugs or scallops—88m.

## 25 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 Hervey Bay area;
    - (ii) the Facing Island area;
    - (iii) the Keppel Bay area;
    - (iv) the Repulse Bay area;
    - (v) the Cleveland Bay area;
    - (vi) 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 an area, other than 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.

**26 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.

**27 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.
- (2) The bottom half of a net, other than within 150 rows of mesh from its drawstring, must not be completely covered.

**28 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.

**29 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

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head ropes is no longer than the length for that type of net or head rope permitted under section 24.

**30 Use of crab bag**

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

**31 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—*

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

**32 Use of BRD**

A net, other than a try net, must achieve the purpose of a BRD.

**33 Use of TED**

A net, other than a try net, must achieve the purpose of a TED.

## **Division 4                    T2 licences**

### **34        Application of division**

This division states where and in what way permitted fish may be taken under a T2 licence.

### **35        Where permitted fish may be taken**

Permitted fish may be taken only in the southern offshore trawl region B.

### **36        Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using otter trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

### **37        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 must be no longer than—
  - (a) if the net is used for the primary purpose of taking principal bugs or scallops—109m; or
  - (b) if the net is used for the primary purpose of taking permitted fish other than principal bugs or scallops—88m.

### **38        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.

### **39 Length of sweeps of net**

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

### **40 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 principal bugs or scallops—at least 75mm; or
  - (b) if the net is used for the primary purpose of taking permitted fish other than principal bugs or scallops—at least 38mm.
- (2) The bottom half of a net, other than any part within 150 rows of mesh from its drawstring, must not be completely covered.

### **41 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.

#### **42 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 37 for a net.

#### **43 Use of crab bag**

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

#### **44 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—*

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

#### **45 Use of BRD**

A net, other than a try net, must achieve the purpose of a BRD.

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**46 Use of TED**

A net, other than a try net, must achieve the purpose of a TED.

**Division 5 T5 licences****47 Application of division**

This division states where and in what way permitted fish may be taken under a T5 licence.

**48 Where permitted fish may be taken**

Permitted fish may be taken only in the T5 area.

**49 Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using—
  - (a) in the Laguna Bay area—otter trawl nets; or
  - (b) in any other waters—beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

**50 Net and head rope lengths**

- (1) 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.
- (2) A beam trawl net used in waters other than in the Laguna Bay area must be no longer than 5m.

**51 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.

**52 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 any part within 100 rows of mesh from its drawstring, must not be completely covered.

**53 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 50.

**54 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—*

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

**55 Use of BRD**

A net must achieve the purpose of a BRD.

**56 Use of TED in Laguna Bay area**

A net used in the Laguna Bay area must achieve the purpose of a TED.

**Division 6 T6 licences****57 Application of division**

This division states where and in what way permitted fish may be taken under a T6 licence.

**58 Where permitted fish may be taken**

Permitted fish may be taken only in the T6 area.

**59 Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

**60 Net length**

- (1) A net used in the Hervey Bay area must be no longer than 10m.
- (2) A net used in waters other than the Hervey Bay area must be no longer than 5m.

**61 Net mesh size**

- (1) A net used in the Hervey Bay area must have a mesh size of at least 38mm but no more than 60mm.
- (2) A net used in waters other than the Hervey Bay area must have—
  - (a) a mesh size of at least 28mm; and

- (b) a cod end with a mesh size of at least 25mm and no more than 100 rows of mesh.

## **62 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 Hervey Bay area—at least 38mm; or
- (b) if the net is used in waters other than the Hervey Bay area—at least 28mm.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

## **63 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 60 for a net.

## **64 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—*

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

**65 Use of BRD**

A net used must achieve the purpose of a BRD.

**66 Use of TED other than in river or creek**

A net, other than a net used in a river or creek, must achieve the purpose of a TED.

**Division 7 T7 licences****67 Application of division**

This division states where and in what way permitted fish may be taken under a T7 licence.

**68 Where permitted fish may be taken**

Permitted fish may be taken only in the T7 area.

**69 Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use comply with this division.

**70 Net length**

A net must be no longer than 5m.

**71 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.

**72 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 any part within 100 rows of mesh from its drawstring, must not be completely covered.

**73 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.

**74 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—*

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

**75 Use of BRD**

A net must achieve the purpose of a BRD.

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## **Division 8                    T8 licences**

### **76        Application of division**

This division states where and in what way permitted fish may be taken under a T8 licence.

### **77        Where permitted fish may be taken**

Permitted fish may be taken only in the T8 area.

### **78        Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken by a net only if the net and its use complies with this division.

### **79        Net length**

A net must not be longer than—

- (a) for a net used in the Facing Island area or the Keppel Bay area—10m; or
- (b) for a net used in another part of the fishery area—5m.

### **80        Net mesh size**

- (1) A net used in a river or creek, other than in the Fitzroy River mouth area, 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.

**81 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, other than in the Fitzroy River mouth area—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.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

**82 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 79 for a net.

**83 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—*

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

**84 Use of BRD**

A net must achieve the purpose of a BRD.

**85 Use of TED other than in river or creek**

A net, other than a net used in a river or creek, must achieve the purpose of a TED.

**Division 9 T9 licences****86 Application of division**

This division states where and in what way permitted fish may be taken under a T9 licence.

**87 Where permitted fish may be taken**

Permitted fish may be taken only in the T9 area.

**88 Way permitted fish may be taken**

- (1) Permitted fish may be taken only by using beam trawl nets.
- (2) Permitted fish may be taken with a net only if the net and its use comply with this division.

**89 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.

**90 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 than 100 rows of mesh.

## **91 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.
- (2) The bottom half of a net, other than any part within 100 rows of mesh from its drawstring, must not be completely covered.

## **92 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 89 for a net.

## **93 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—*

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

**94 Use of BRD**

A net used must achieve the purpose of a BRD.

**95 Use of TED other than in river or creek**

- (1) A net, other than a net used in a river or creek, must achieve the purpose of a TED.
- (2) However, a net used under this division is not required to achieve the purpose of 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.

**Division 10 Use of BRDs****Subdivision 1 General****96 Meaning of *BRD* and *purpose of a BRD***

- (1) A *BRD* is a bycatch reduction device.
- (2) 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 fishery area's ecological systems.

**97 Achieving purpose of BRD**

A net is taken to achieve the purpose of a BRD if the net includes or is used with a device (a *recognised BRD*) that complies with—

- (a) for an otter trawl net used to trawl for prawns—subdivision 2; or
- (b) for an otter trawl net used to trawl for principal bugs or scallops—subdivision 3; or
- (c) for a beam trawl net—subdivision 4.

**Subdivision 2 Recognised BRDs for otter trawl nets used to trawl for prawns**

**98 Application of subdivision**

This subdivision applies to an otter trawl net used to trawl for prawns.

**99 Square mesh cod end—northern trawl region or central trawl region**

- (1) The cod end of a net used in the northern trawl region or central trawl region 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.

**100 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.

**101 Square mesh cod end—outside of northern trawl region, central trawl region and deep water net area**

- (1) The cod end of a net used outside of the northern trawl region, central trawl region 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—
    - (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.

**102 Square mesh panel—outside of central trawl region**

- (1) A panel of a net used outside of the central trawl region 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 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.

**103 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 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—
    - (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.

### **103A Tom's fisheye**

- (1) An opening, commonly known as a Tom's 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 hexagon-shaped external frame; and
    - (ii) a V-shaped external frame; and
    - (iii) a cone-shaped insert; and
  - (b) no more than 70 meshes from the cod end drawstrings of the net.
- (3) The rigid frame must be installed so that the apex of the V-shaped external frame points towards the mouth of the net.
- (4) The hexagon-shaped external frame must be—
  - (a) at least—
    - (i) 360mm wide; and
    - (ii) 200mm high; and
  - (b) attached—
    - (i) by a rigid bar from the top midpoint of the hexagon-shaped external frame to the top midpoint of the cone-shaped insert; and
    - (ii) by a rigid bar from the bottom midpoint of the hexagon-shaped external frame to the bottom midpoint of the cone-shaped insert.
- (5) The widest point of the V-shaped external frame must be—
  - (a) equal to the width of the hexagon-shaped external frame; and
  - (b) attached, perpendicularly, to the widest part of the hexagon-shaped external frame.
- (6) The cone-shaped insert must be—
  - (a) at least—
    - (i) 340mm wide; and

- (ii) 185mm high; and
- (iii) 290mm long; and
- (b) attached—
  - (i) by a rigid bar from a point on the left side of the cone-shaped insert, no more than 100mm from the open end of the insert, to the left arm of the V-shaped external frame with a gap of at least 20mm between the insert and the frame; and
  - (ii) by a rigid bar from a point on the right side of the cone-shaped insert, no more than 100mm from the open end of the insert, to the right arm of the V-shaped external frame with a gap of at least 20mm between the insert and the frame; and
  - (iii) by a rigid bar from the midpoint of the back of the cone-shaped insert to the apex of the V-shaped external frame with a gap of at least 29mm between the insert and the frame.
- (7) There must be a gap of at least 94mm between the top side of the hexagon-shaped frame and the top side of the cone-shaped insert.
- (8) During trawling, nothing must cover any part of the opening.

#### **104 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 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 an approved chain or 300g of 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.
- (5) In this section—

***approved chain*** means a chain that—

- (a) weighs at least 300g; and
- (b) contains at least the following number of links—
  - (i) for a chain with links 4mm in diameter—42;
  - (ii) for a chain with links 6mm in diameter—12;
  - (iii) for a chain with links 8mm in diameter—6;
  - (iv) for a chain with links 10mm in diameter—3.

### **105 V-cut and bell cod end—outside of central trawl region 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 trawl region 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
  - (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.

### **Subdivision 3      Recognised BRDs for otter trawl nets used to trawl for principal bugs or scallops**

#### **106      Application of subdivision**

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

#### **107      Scallop 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 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.

## **Subdivision 4      Recognised BRDs for beam trawl nets**

### **108      Application of subdivision**

This subdivision applies to a beam trawl net.

### **109      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 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.

### **110 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.

## **111 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—
    - (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.

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**112 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 an approved chain or 300g of 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.
- (5) In this section—

***approved chain*** means a chain that—

  - (a) weighs at least 300g; and
  - (b) contains at least the following number of links—
    - (i) for a chain with links 4mm in diameter—42;
    - (ii) for a chain with links 6mm in diameter—12;
    - (iii) for a chain with links 8mm in diameter—6;
    - (iv) for a chain with links 10mm in diameter—3.

### **113 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;
    - (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.

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## Division 11 Use of TEDs

### Subdivision 1 General

#### 114 Meaning of *TED* and *purpose of a TED*

- (1) A *TED* is a turtle excluder device.
- (2) The *purpose of a TED* is to allow turtles to escape immediately after being taken in a net.

#### 115 Achieving purpose of TED

- (1) A net is taken to achieve the purpose of a TED if—
  - (a) the net includes or is used with a device (a *recognised TED*) that complies with this division; and
  - (b) if an accelerator funnel is attached to a recognised TED—the accelerator funnel complies with section 120.
- (2) A device is a recognised TED if it consists of—
  - (a) a grid that complies with section 116(1) and (2); and
  - (b) an opening (the *escape hole*) in the net that complies with section 117; and
  - (c) if the escape hole is in the bottom of the net—
    - (i) a grid that complies with section 116(3); or
    - (ii) floats that comply with section 119; and
  - (d) a flap covering the escape hole that complies with section 118.

### Subdivision 2 Requirements for recognised TEDs

#### 116 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.

### **117 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) if the escape hole is covered with a single flap—1,810mm; or
      - (ii) if the escape hole is covered with a double flap—1,420mm.
  - (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 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 the cuts 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.

## 118 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—
    - (i) 3,380mm wide; and
    - (ii) 1,320mm long; 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—
    - (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.

## 119 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;

- (b) 2 medium plastic floats;
  - (c) 1 large plastic float.
- (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—

- (a) at least 180mm, but less than 222mm, long; and
- (b) at least 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.

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**120 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
  - (d) for an accelerator funnel with a mesh size of at least 50mm—80 meshes.

## **Part 3                      Conditions**

### **Division 1                      General conditions**

#### **121      Use of primary boats**

- (1) It is a condition of the following licences that a primary boat longer than 14m must not be used—
  - (a) M1 licence;
  - (b) M2 licence.
- (2) It is a condition of the following licences that a primary boat longer than 20m must not be used—
  - (a) T1 licence;
  - (b) T2 licence.
- (3) It is a condition of the following licences that a primary boat longer than 9m must not be used—
  - (a) T5 licence;
  - (b) T6 licence;
  - (c) T7 licence;
  - (d) T8 licence;
  - (e) T9 licence.

### **Division 2                      Communication conditions**

#### **122      Purpose of division**

This division prescribes conditions for an M1, M2, T1 or T2 licence.

#### **123      Obligation to nominate communication mode for boat**

- (1) The holder of the licence must, by notice to the chief executive, nominate a mode by which the chief executive or

an inspector may communicate with the person in control of the primary boat identified in the licence whenever the person is on the boat.

- (2) The mode—
- (a) can not be by the use of a radio or vessel tracking equipment; and
  - (b) must be able to be received on the boat instantaneously after the communication is sent by the chief executive or inspector.

*Examples of modes that may be nominated—*

a facsimile, mobile phone, radiophone or satellite phone

- (3) More than 1 mode may be nominated.
- (4) The holder may change the nominated mode by giving notice of a new nominated mode to the chief executive.
- (5) However, the new nominated mode must not be used until the chief executive has advised the holder that the notice of the change has been received by the chief executive.

## **124 Obligation to ensure communication with person in control**

The holder of the licence and the person in control of the primary 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 mode of communication nominated for the boat under section 123.

## **Division 3 Conditions about processing scallops**

### **125 Restriction on processing scallops on commercial fishing boat**

- (1) This section prescribes conditions for an M1, M2, T1 or T2 licence.

- (2) A person may process a scallop on a commercial fishing boat used under the licence—
  - (a) only if the person in control of the boat is a commercial fisher; and
  - (b) only to the extent of removing the whole of 1 shell from the scallop.

## Part 4 Areas

### Division 1 Trawl regions

#### 137 Purpose of division

- (1) This division describes trawl regions for effort units.
- (2) Some trawl regions also form the part of the fishery area within which fish may be taken by trawling, or may be or must not be taken in a particular way, under particular licences.

#### 138 Northern trawl region

The *northern trawl region* consists of the area of the tidal waters within the following boundary—

- from latitude 10°41.25' south, longitude 142°31.88' east
- to latitude 12°59.91' south, longitude 145°00.06' east
- to latitude 10°41.25' south, longitude 145°00.06' east
- to latitude 14°59.94' south, longitude 146°00.45' east
- to latitude 18°00.00' south, longitude 148°06.12' east
- to latitude 18°00.00' south, longitude 146°04.15' 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)
- to latitude 10°41.25' south, longitude 142°31.88' east.

### 139 Central trawl region

The *central trawl region* consists of the area of tidal waters within the following boundary—

- from latitude 18°00.00' south, longitude 146°04.15' east
- to latitude 18°00.00' south, longitude 148°06.12' east
- to latitude 18°19.88' south, longitude 148°20.04' east
- to latitude 18°44.89' south, longitude 152°35.04' east
- to latitude 21°09.05' south, longitude 154°00.87' east
- to latitude 21°08.97' south, longitude 152°48.00' east
- to latitude 21°08.04' south, longitude 152°33.12' east
- to latitude 22°00.00' south, longitude 152°46.87' east
- to latitude 22°00.00' south, longitude 149°29.83' east
- along the shore to latitude 22°00.00' south, longitude 149°29.68' east

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- 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
- 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 18°00.00' south, longitude 146°04.15' east.

#### 140 Southern inshore trawl region

The *southern inshore trawl region* consists of the area of tidal waters within the following boundary—

- from latitude 22°00.00' south, longitude 149°29.83' east
- to latitude 22°00.00' south, longitude 152°46.87' east
- to latitude 22°26.57' south, longitude 152°53.90' east
- to latitude 22°32.00' south, longitude 152°17.11' east
- to latitude 23°12.76' south, longitude 151°50.85' east
- to latitude 24°13.68' south, longitude 152°45.45' east
- to latitude 24°15.16' south, longitude 152°58.10' east
- to latitude 24°17.69' south, longitude 153°02.83' east
- to latitude 24°17.69' south, longitude 153°03.04' east
- to latitude 24°41.81' south, longitude 153°15.95' east
- along the western 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)

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- 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
- 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)
- 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°29.83' east.

#### 141 Southern offshore trawl region A

The *southern offshore trawl region A* consists of the area of tidal waters within the following boundary—

- from 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°23.64' south, longitude 153°26.40' east (Amity Point)

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- 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 the southern tip of the sand spit between Kings Beach and Bulcock Beach, Caloundra
- 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 24°41.81' south, longitude 153°15.95' east
- to latitude 24°17.69' south, longitude 153°02.83' east
- to latitude 24°15.16' south, longitude 152°58.10' east
- to latitude 24°13.68' south, longitude 152°45.45' east
- to latitude 23°12.76' south, longitude 151°50.85' east
- to latitude 22°32.00' south, longitude 152°17.11' east
- to latitude 22°26.57' south, longitude 152°53.90' east
- to latitude 22°00.00' south, longitude 152°46.87' east
- to latitude 21°08.04' south, longitude 152°33.12' east
- to latitude 21°08.97' south, longitude 152°48.00' east
- to latitude 21°09.05' south, longitude 154°00.87' east
- to latitude 22°14.89' south, longitude 154°40.08' east
- to latitude 27°47.32' south, longitude 154°40.08' east
- to latitude 27°47.89' south, longitude 154°22.08' east
- to 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).

**142 Southern offshore trawl region B**

The *southern offshore trawl region B* consists of the area of tidal 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°17.69' south, longitude 153°03.04' 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.

### 143 Moreton Bay trawl region

The *Moreton Bay trawl region* consists of the area of the tidal waters 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)
- 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

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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)

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- 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)
- 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
- to latitude 27°15.90' south, longitude 153°23.61' east (Moreton Island's western shore)
- to latitude 26°48.53' south, longitude 153°07.99' east)
- along the shore 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.

## Division 2                      Particular areas

### 144      Purpose of division

This division describes particular areas within the fishery area for either or both of the following purposes—

- (a) to identify the part of the fishery area within which fish may be taken by trawling under particular licences;
- (b) for the application of particular restrictions or conditions about the use of nets to take fish by trawling under particular licences.

### 145      Meaning of *Cleveland Bay area*

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

## 146 Meaning of *deep water net area*

The *deep water net area* means tidal 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
- 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
- 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

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- 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
- 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.

#### 147 **Meaning of *Facing Island area***

*Facing Island area* means tidal 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))
- 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.

#### 148 **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.

**149 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).

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

**151 Meaning of *Laguna Bay area***

*Laguna Bay area* means tidal 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.

## 152 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.

## 153 Meaning of *T1 area*

The *T1 area* means tidal 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°23.64' south, longitude 153°26.40' east (Amity Point)
- to latitude 27°21.82' south, longitude 153°25.68' east (Reeders Point)

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- 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)
- 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
- 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

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- 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)
- 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
- to latitude 20°09.54' south, longitude 148°25.36' east

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

#### 154 Meaning of *T5 area*

- (1) The *T5 area* means all tidal waters of the following—
  - (a) the Brisbane River–Victoria Bridge to Juno Point area described in subsection (2);
  - (b) the Brisbane River mouth area described in subsection (3);
  - (c) the Noosa River and lakes connected to the Noosa River;
  - (d) the Laguna Bay area;
  - (e) the Logan River area described in subsection (4);
  - (f) other rivers or creeks south of Double Island Point.
- (2) The *Brisbane River–Victoria Bridge to Juno Point area* means Brisbane River between the Victoria Bridge and a line from the F<sup>↑</sup>B sign at Juno Point to the tip of the eastern bank of the river.
- (3) The *Brisbane River mouth area* means tidal waters 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°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°11.63' east (the Eastern Coffee Pot beacon)
  - to latitude 27°21.74' south on the mainland shore.
- (4) The ***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).

## 155 Meaning of ***T6 area***

- (1) The ***T6 area*** means all tidal waters of the following—
- (a) the Great Sandy Strait area described in subsection (2);
  - (b) the Hervey Bay area;

- (c) rivers and creeks between Double Island Point and the northern bank of the Burrum River.
- (2) The ***Great Sandy Strait area*** means the Great Sandy Strait between the following lines—
- a line from the F↑B sign at the mouth of Pulgul Creek to the F↑B sign at the southern tip of Big Woody Island, and then to the F↑B sign at Blackfellow Point, Fraser Island
  - a line from the F↑B sign at North Head, Mary River to the F↑B sign at North White Cliffs, Fraser Island.

### 156 Meaning of ***T7 area***

- (1) The ***T7 area*** means all tidal waters of the following—
- (a) the Moore Park beach area described in subsection (2);
- (b) rivers and creeks between the northern bank of the Burrum River and Richards Point (Rodds Peninsula).
- (2) The ***Moore Park beach area*** means tidal waters within the following boundary—
- from latitude 24°44'11" south, longitude 152°22'00" east on the mainland shore
  - to latitude 24°40'52" south, longitude 152°22'00" east
  - to latitude 24°40'58" south, longitude 152°19'10" east
  - to latitude 24°36'47" south, longitude 152°13'43" east
  - to latitude 24°35'28" south, longitude 152°10'44" east
  - to latitude 24°30'00" south, longitude 152°06'31" east
  - to latitude 24°30'01" south, longitude 152°02'33" east
  - along the mainland shore to latitude 24°44'11" south, longitude 152°22'00" east.

### 157 Meaning of ***T8 area***

The ***T8 area*** means 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.

### 158 Meaning of *T9 area*

- (1) The *T9 area* means all tidal waters of the following—
  - (a) the Llewellyn Bay area described in subsection (2);
  - (b) the Repulse Bay area;
  - (c) the Sinclair Bay area described in subsection (3);
  - (d) the Cleveland Bay area;
  - (e) rivers and creeks that are part of the fishery area of the east coast trawl fishery between Reef Point, south of Townshend Island, and the northern tip of Cape York Peninsula.
- (2) The *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).
- (3) The *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.

## **Schedule 3      Commercial line fisheries**

section 4

### **Part 1                      Line fishery (other than Great Barrier Reef region)**

#### **Division 1                  Fishery, fishery symbol and fishery area**

##### **1                      Line fishery (other than Great Barrier Reef region)**

The line fishery (other than Great Barrier Reef region) is the activity of fishing for the fish mentioned in section 4 in the fishery area, as provided under this part.

##### **2                      Fishery symbol**

The fishery symbol for the fishery is 'L1'.

##### **3                      Fishery area**

The fishery area consists of the area of tidal waters south of latitude 24°30' south.

#### **Division 2                  Authorisation**

##### **4                      What fish may be taken**

Fin fish, other than spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

##### **5                      Way fish may be taken**

(1) Fin fish may be taken only by using fishing lines.

- (2) A person must not use more than 3 fishing lines at the same time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

*Example—*

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

## **Part 2                      Line fishery (reef)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **10            Line fishery (reef)**

The line fishery (reef) is the activity of fishing for the fish mentioned in section 13 in the fishery area, as provided under this part.

#### **11            Fishery symbols**

The fishery symbols for the fishery are ‘L2’ and ‘L3’.

#### **12            Fishery area**

The fishery area consists of the area of all tidal waters within the following boundary—

- (a) from the northern tip of Cape York along latitude 10°41' south to longitude 145° east;
- (b) to latitude 13° south, longitude 145° east;
- (c) to latitude 15° south, longitude 146° east;
- (d) to latitude 17°30' south, longitude 147° east;

- (e) to latitude 21° south, longitude 152°55' east;
- (f) to latitude 24°30' south, longitude 154° east;
- (g) along latitude 24°30' south to the mainland shore;
- (h) along the shore to the northern tip of Cape York at latitude 10°41' south.

## **Division 2                      Authorisation**

### **13            What fish may be taken**

Fin fish, other than spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

### **14            Way fish may be taken**

- (1) Fish may be taken only by using fishing lines.
- (2) A person must not use more than 3 fishing lines at the same time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

*Example—*

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

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## **Part 3**                      **Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)**

### **Division 1**                **Fishery, fishery symbol and fishery area**

#### **19**      **Line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish)**

The line fishery (Gulf of Carpentaria—spanish mackerel and other fin fish) is the activity of fishing for the fish mentioned in section 22 in the fishery area, as provided under this part.

#### **20**      **Fishery symbol**

The fishery symbol for the fishery is ‘L4’.

#### **21**      **Fishery area**

The fishery area consists of the area of all tidal waters in the Gulf of Carpentaria south of latitude 10°48' south.

### **Division 2**                **Authorisation**

#### **22**      **What fish may be taken**

Fin fish, other than the following fish, may be taken under the licence—

- (a) barramundi;
- (b) black jewfish;
- (c) blue threadfin;
- (d) giant queenfish;
- (e) king threadfin;

- (f) scaly jewfish;
- (g) silver javelin.

### **23 Way fish may be taken**

- (1) Fish may be taken only by using fishing lines.
- (2) A person must not use more than 3 fishing lines at the same time.
- (3) The total number of hooks or lures attached to the lines must not be more than 6.

*Example—*

A person might use—

- (a) 1 fishing line with 6 hooks attached to it; or
- (b) 3 fishing lines with 1 lure attached to 2 of the lines and 4 hooks attached to the other line.

## **Part 4 Line fishery (multiple hook—east coast)**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **28 Line fishery (multiple hook—east coast)**

The line fishery (multiple hook—east coast) is the activity of fishing for the fish mentioned in section 31 in the fishery area, as provided under this part.

#### **29 Fishery symbol**

The fishery symbol for the fishery is ‘L8’.

**30 Fishery area**

The fishery area consists of the area of all tidal waters deeper than 200m that are east of longitude 142°31'49" east and the 200m bathometric line.

**Division 2 Authorisation****31 What fish may be taken**

Fin fish, other than barramundi, snapper, spanish mackerel or regulated coral reef fin fish, may be taken under the licence.

**32 Way fish may be taken**

- (1) Fish may be taken only by using—
  - (a) a line that is weighted so the line is vertical while it is being used in water (a *drop line*); or
  - (b) a bottom set line.
- (2) A person must be within 100m of a line or group of lines while they are in use.
- (3) A bottom set line and a drop line must not be used at the same time.

**33 Use of drop lines**

- (1) A drop line must not have more than 50 hooks attached to it.
- (2) No more than 6 drop lines may be used at the same time.
- (3) Each drop line must have attached to it a solid, light-coloured float that is no less than 30cm in any dimension.

**34 Use of bottom set lines**

- (1) A bottom set line must not have more than 300 hooks attached to it.
- (2) No more than 3 bottom set lines may be used at the same time.

Schedule 3

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- (3) However, if more than 1 bottom set line is used, the combined number of hooks on the lines must not be more than 300.
- (4) Each end of a bottom set line must have attached to it a solid, light-coloured float that is no less than 30cm in any dimension.

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## **Schedule 4      Commercial net fisheries**

section 4

### **Part 1                      General netting and ocean beach fisheries**

#### **Division 1                Net fishery (general netting and ocean beach—area 1)**

##### **1            Net fishery (general netting and ocean beach—area 1)**

The net fishery (general netting and ocean beach—area 1) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

##### **2            Fishery symbol**

The fishery symbol for the fishery is ‘K1’.

##### **3            Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line—

- (a) from a point on the shore at the State’s border with New South Wales along the shore to the seaward tip of the southern breakwater wall of the Gold Coast Seaway; and
- (b) then to the seaward tip of the northern breakwater wall of the Gold Coast Seaway; and
- (c) then along South Stradbroke Island’s eastern shore to 1km north of the northern breakwater wall of the Gold Coast Seaway on South Stradbroke Island.

## **Division 2                      Net fishery (general netting and ocean beach—area 2)**

### **4                      Net fishery (general netting and ocean beach—area 2)**

The net fishery (general netting and ocean beach—area 2) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

### **5                      Fishery symbol**

The fishery symbol for the fishery is ‘K2’.

### **6                      Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line—

- (a) from a point on the shore 1km south of the southern breakwater wall of the Gold Coast Seaway along the shore to the seaward tip of the breakwater wall; and
- (b) then to the seaward tip of the northern breakwater wall of the Gold Coast Seaway; and
- (c) then along South Stradbroke Island’s eastern shore to the island’s north-eastern tip.

## **Division 3                      Net fishery (general netting and ocean beach—area 3)**

### **7                      Net fishery (general netting and ocean beach—area 3)**

The net fishery (general netting and ocean beach—area 3) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

### **8                      Fishery symbol**

The fishery symbol for the fishery is ‘K3’.

**9 Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line—

- (a) from North Stradbroke Island's south-eastern tip; and
- (b) then along North Stradbroke Island's eastern and northern shores to the island's north-western tip.

**Division 4 Net fishery (general netting and ocean beach—area 4)****10 Net fishery (general netting and ocean beach—area 4)**

The net fishery (general netting and ocean beach—area 4) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**11 Fishery symbol**

The fishery symbol for the fishery is 'K4'.

**12 Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line from the southern tip of Moreton Island along the island's eastern and northern shores to Comboyuro Point.

**Division 5 Net fishery (general netting and ocean beach—area 5)****13 Net fishery (general netting and ocean beach—area 5)**

The net fishery (general netting and ocean beach—area 5) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**14 Fishery symbol**

The fishery symbol for the fishery is 'K5'.

**15 Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line—

- (a) from the F↑B sign at the southern end of South Esplanade, Bongaree, Bribie Island; and
- (b) then along Bribie Island's western, southern and eastern shores to latitude 26°49.5' south where it intersects the eastern shore of Bribie Island.

**Division 6 Net fishery (general netting and ocean beach—area 6)**

**16 Net fishery (general netting and ocean beach—area 6)**

The net fishery (general netting and ocean beach—area 6) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**17 Fishery symbol**

The fishery symbol for the fishery is 'K6'.

**18 Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line—

- (a) from latitude 26°48.38' south, longitude 153°08.36' east (the groyne at the southern end of Kings Beach); and
- (b) then along the shore to the eastern tip of Point Cartwright.

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**Division 7**                      **Net fishery (general netting and ocean beach—area 7)****19**      **Net fishery (general netting and ocean beach—area 7)**

The net fishery (general netting and ocean beach—area 7) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**20**      **Fishery symbol**

The fishery symbol for the fishery is ‘K7’.

**21**      **Fishery area**

The fishery area consists of the area of all tidal waters within 400m of a line from the eastern tip of Point Cartwright along the shore to the eastern tip of Noosa Heads.

**Division 8**                      **Net fishery (general netting and ocean beach—area 8)****22**      **Net fishery (general netting and ocean beach—area 8)**

The net fishery (general netting and ocean beach—area 8) is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under division 9.

**23**      **Fishery symbol**

The fishery symbol for the fishery is ‘K8’.

**24**      **Fishery area**

The fishery area consists of the area of all tidal waters within 400m of—

- (a) a line—

- (i) from the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point; and
  - (ii) then to the southern tip of Fraser Island; and
  - (iii) then along Fraser Island's eastern shore to the island's northern tip; and
- (b) the shore of Breaksea Spit.

## **Division 9                      Authorisation**

### **25        What fish may be taken**

Any fish, other than crabs, regulated coral reef fin fish and snapper, may be taken under the licence.

### **26        Way fish may be taken**

Fish may be taken only by using seine nets.

### **27        Use of seine nets**

A seine net may be used only if the net—

- (a) is no longer than 500m; and
- (b) has—
  - (i) a mesh size of at least 12mm but no more than 70mm; and
  - (ii) a drop of at least 150 meshes for at least half of its length.

### **28        Who may take fish**

- (1) Subject to subsections (2) and (3), fish may be taken only by—
- (a) a commercial fisher; and
  - (b) at least 2, but no more than 4, assistant fishers.

- 
- (2) Subsection (3) applies, if—
- (a) fish are taken by 2 or more commercial fishers jointly using 1 or more primary boats and seine nets; and
  - (b) each of the primary boats may be used in the fishery under a primary commercial fishing licence.
- (3) The maximum number of assistant fishers is 4 for each commercial fisher.

**29 Prescribed ENL-ITQ fish may be taken only with unused entitlements**

Prescribed ENL-ITQ fish may be taken in a prescribed ENL management region in an ENL-ITQ year only if the fish are taken under ENL-ITQ units with unused entitlements for the ENL-ITQ year.

**30 When fish may be taken**

Fish may be taken only from 1 April to 31 August.

## **Part 5 Net fishery (east coast no. 4)**

### **Division 1 Fishery, fishery symbol and fishery area**

**87 Net fishery (east coast no. 4)**

The net fishery (east coast no. 4) is the activity of fishing for the fish mentioned in section 90 in the fishery area, as provided under this part.

**88 Fishery symbol**

The fishery symbol for the fishery is ‘N10’.

## **89 Fishery area**

The fishery area consists of the area of foreshore waters, other than foreshore waters of a river or creek, in the area of the following—

- (a) foreshores of Moreton Bay on the mainland between F<sup>↑</sup>B signs at each of the following places—
  - (i) Little Rocky Point and about 800m south of Point Talburpin;
  - (ii) about 800m either side of Moogurrupum Creek, Redland Bay;
  - (iii) Point Halloran and about 700m south of Oyster Point;
  - (iv) about 800m south of the southern bank of Hilliards Creek and about 1km south of Wellington Point;
  - (v) the eastern shore of Fisherman Island and about 800m north of Wynnum Creek (including the Boat Passage foreshore but not the Brisbane River foreshore);
  - (vi) the western end of Sunnyside Road, Scarborough and about 100m south of the seaward end of Seaview Parade, Deception Bay;
  - (vii) the boat ramp at the department's Fisheries Research Laboratory at Deception Bay and the southern bank of the Caboolture River;
- (b) within the boundary—
  - (i) from latitude 27°22'37" south, longitude 153°9'35" east; and
  - (ii) along the mainland shore to latitude 27°21'38" south, longitude 153°8'35" east; and
  - (iii) to latitude 27°21'32" south, longitude 153°8'38" east; and
  - (iv) to latitude 27°21'26" south, longitude 153°8'59" east; and

- (v) to latitude 27°21'13" south, longitude 153°9'10" east; and
  - (vi) to latitude 27°21'37" south, longitude 153°10'15" east; and
  - (vii) to latitude 27°22'37" south, longitude 153°9'35" east;
- (c) foreshores of Moreton Bay islands, other than the western foreshore of Cassim Island and the southern foreshore of King Island, north of the following lines—
- (i) from Little Rocky Point;
  - (ii) to the southern tip of Russell Island;
  - (iii) to the nearest point on the western shore of North Stradbroke Island;
- (d) Tin Can Inlet, Pelican Bay and Tin Can Bay between the following lines—
- (i) a line from the northern bank of Snapper Creek to the southern bank of Carlo Creek;
  - (ii) a line from the southern bank of Kauri Creek to Inskip Point;
- (e) Great Sandy Strait and Wide Bay Harbour between the following lines—
- (i) a line from the northern bank of Kauri Creek to Hook Point;
  - (ii) a line from the northern bank of Pulgul Creek (also known as Arangarandin Creek) to the southern tip of Big Woody Island, and then to McKenzie's Jetty, Fraser Island.

## Division 2                      Authorisation

### 90            What fish may be taken

Any fish, other than crabs, regulated coral reef fin fish or snapper, may be taken under the licence.

**91 Way fish may be taken**

- (1) Fish may be taken only by using a tunnel net.
- (2) A commercial fisher and at least 1 other fisher must be within 100m of the net while it is in use.

**92 Use of tunnel nets**

- (1) A tunnel net must be no longer than 1,700m, excluding its tunnel length.
- (2) A tunnel net must have—
  - (a) a tunnel length of no more than 200m; and
  - (b) a tunnel entrance width of between 1.5m and 4m; and
  - (c) a mesh size of—
    - (i) for the tunnel—no more than 50mm; and
    - (ii) for the part of the net within 400m adjacent to each side of the tunnel—at least 25mm; and
    - (iii) for the rest of the net—at least 44mm.
- (3) The tunnel of a tunnel net must—
  - (a) extend out to sea beyond low water for at least 30m in water at least 30cm deep; and
  - (b) be in place before the rest of the net is deployed.
- (4) A bycatch reduction grid must be installed at the mouth of a tunnel net.
- (5) In this section—

***bycatch reduction grid*** means a grid that—

  - (a) is constructed as a single solid unit without any hinged or collapsible components; and
  - (b) is constructed of rigid material; and
  - (c) has vertical bars, spaced no more than 200mm apart, extending from the top to the bottom of the net on which it is installed.

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**Division 3                      Condition****94      Purpose of division**

This division prescribes a condition for the licence.

**97      Marking nets**

A tunnel net set at night must be marked by a white light—

- (a) at both ends of the net and at the end of the tunnel farthest from the shore; and
- (b) visible at least 400m in all directions from the light.

**Part 6                              Net fishery (Gulf of Carpentaria no. 1)****Division 1                      Fishery, fishery symbol and fishery area****98      Net fishery (Gulf of Carpentaria no. 1)**

The net fishery (Gulf of Carpentaria no. 1) is the activity of fishing for the fish mentioned in section 101 in the fishery area, as provided under this part.

**99      Fishery symbol**

The fishery symbol for the fishery is 'N3'.

**100     Fishery area**

The fishery area consists of the area of the tidal waters—

- (a) in the Gulf of Carpentaria west of longitude 142°31'49" east that are within 7n miles of—
  - (i) the mainland shore; or

- (ii) the shore of an island; and
- (b) of waterways that join the waters mentioned in paragraph (a).

## **Division 2                      Authorisation**

### **101      What fish may be taken**

The following fish may be taken under the licence—

- (a) barramundi;
- (b) barred javelin;
- (c) black jewfish;
- (d) blue threadfin;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) other fin fish, excluding regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (g).

### **102      Way fish may be taken**

Fish may be taken only by using a set mesh net.

### **103      Prohibition on use of bottom set nets in offshore waters**

A bottom set net must not be used in offshore waters.

### **104      Use of set mesh nets**

- (1) A set mesh net must not be used—
  - (a) in a marked navigation channel; or
  - (b) within 400m of a jetty or wharf; or

- 
- (c) across a waterway or navigation channel so that—
    - (i) its ropes make the waterway or navigation channel impassable to a boat; or
    - (ii) the net extends to more than one-half of the width of the waterway or navigation channel where the net is used.
  - (2) A reference in subsection (1) to using a set mesh net across a waterway or navigation channel includes using more than 1 set mesh net in a line across the waterway or navigation channel, regardless of the distance between the nets.
  - (3) A set mesh net must not be used within 100m of any other net that is in use.
  - (4) Despite subsection (3), a person using more than 1 set mesh net other than in a river or creek may set the nets within 100m of each other.
  - (5) If a set mesh net is used in a river or creek, no other net may be used at the same time other than in a river or creek.

### **105 Use of set mesh nets in rivers and creeks**

- (1) A set mesh net may be used in a river or creek only if the set mesh net—
  - (a) is no longer than 120m; and
  - (b) has a mesh size of at least 160mm but no more than 215mm; and
  - (c) has a drop of no more than 50 meshes.
- (2) No more than 6 nets may be set in the river or creek, regardless of the number of fishery symbols 'N3' written on the licence.
- (3) The nets may be set if—
  - (a) their combined length is no longer than 360m; and
  - (b) the distance between the first and last net is no longer than 5n miles.

- (4) A person using a net must be no more than 5n miles from any net the person is using.
- (5) If a power assisted device is on a boat, no more than 360m of the net may be attached to the device.
- (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

### **106 Use of set mesh nets in nearshore waters**

- (1) A set mesh net may be used in nearshore waters only if the set mesh net—
  - (a) is no longer than 600m; and
  - (b) has a mesh size of at least 160mm but no more than 215mm.
- (2) No more than 6 nets may be set in nearshore waters, regardless of the number of fishery symbols ‘N3’ written on the licence.
- (3) The nets may be set if—
  - (a) their combined length is no longer than 600m; and
  - (b) the distance between the first and last net is no longer than 6n miles.
- (4) A person using a net must be no more than 6n miles from any net the person is using.
- (5) If a power assisted device is on a boat, no more than 600m of the net may be attached to the device.
- (6) If a power assisted device is used, all nets on the boat, other than the net on the device, must be stowed and secured.

### **107 Use of set mesh nets in offshore waters if ‘N3’ written on licence only once**

- (1) This section applies if the licence has the fishery symbol ‘N3’ written on it only once.
- (2) A set mesh net may be used in offshore waters only if—

- 
- (a) the net is no longer than 300m, whether or not a power assisted device is used; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is not more than 50 meshes; and
  - (d) there are no other nets on the boat; and
  - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and
  - (f) the net is not used as a bottom set net.

**108 Use of set mesh nets in offshore waters if 'N3' written on licence more than once**

- (1) This section applies if the licence has the fishery symbol 'N3' written on it more than once.
- (2) A set mesh net may be used in offshore waters only if—
  - (a) the net is no longer than 600m, whether or not a power assisted device is used; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is not more than 50 meshes; and
  - (d) all other nets on the boat are stowed and secured; and
  - (e) the person using the net remains on a boat floating on the water and within 100m of the net while the net is being used; and
  - (f) the net is not used as a bottom set net.

**110 When fish may be taken**

A set mesh net must not be used in the period from 7 October to 31 January.

## **Division 3                      Conditions**

### **111      Purpose of division**

This division prescribes conditions for the licence.

### **112      Use of primary boats**

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

### **113      Marking nets**

- (1) A set mesh net being used during the day must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with the primary boat mark for the net written on it at the end of the net that is the farthest from the primary boat; and
    - (iii) with a radar reflector attached to it.
- (2) Also, if a set mesh net is used at night, the net must be marked by—
  - (a) if the combined length of the net and equipment used to set it is no more than 50m—
    - (i) a white light, visible at least 400m in all directions, at its end farthest from the shore; and
    - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at its end nearest the shore; or
  - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in all directions, at both ends of the net.
- (3) Also, if the net is being used in offshore waters, it must be marked by—

- (a) 6 solid floats along its length, each not less than 15cm in any dimension; and
- (b) a pole with an orange flag on it at least 2m above the water attached to its end farthest from the shore.

## Part 7                      Net fishery (no. 11)

### Division 1                Fishery, fishery symbol and fishery area

#### 114    Net fishery (no. 11)

The net fishery (no. 11) is the activity of fishing for the fish mentioned in section 117 in the fishery area, as provided under this part.

#### 115    Fishery symbol

The fishery symbol for the fishery is 'N11'.

#### 116    Fishery area

- (1) The fishery area consists of the area of the eastern N11 area and the Gulf N11 area.
- (2) The *eastern N11 area* is the area of the tidal waters east of longitude 142°31'49" east.
- (3) The *Gulf N11 area* is the area of the tidal waters—
  - (a) in the Gulf of Carpentaria west of longitude 142°31'49" east between—
    - (i) the 25n mile line; and
    - (ii) the mainland shore or the shore of an island; and
  - (b) of waterways that join the waters mentioned in paragraph (a).

## **Division 2                      Authorisation**

### **117      What fish may be taken**

- (1) Any fin fish, other than the following fish, may be taken in the eastern N11 area—
  - (a) barramundi;
  - (b) black jewfish;
  - (c) dusky flathead;
  - (d) grey mackerel;
  - (e) king threadfin;
  - (f) regulated coral reef fin fish;
  - (g) school mackerel;
  - (h) snapper;
  - (i) spanish mackerel;
  - (j) spotted mackerel;
  - (k) tailor;
  - (l) yellowfin bream.
- (2) The following fish may be taken in the Gulf N11 area—
  - (a) garfish;
  - (b) mullet;
  - (c) other fin fish, excluding barramundi, regulated coral reef fin fish and snapper, but only if the fish are taken while taking garfish or mullet.

### **118      Way fish may be taken**

- (1) Fish may be taken only—
  - (a) in the eastern N11 area—by using cast nets, mesh nets or scoop nets; or
  - (b) in the Gulf N11 area—by using cast nets, mesh nets, scoop nets or seine nets.

- (2) However, a power assisted device must not be used with a net.
- (3) A person using a net must be within 100m of it.
- (4) Only 1 end of a net may be fixed while the net is in use.
- (5) However, for taking fish in the eastern N11 area, both ends of a net may be fixed for no more than 2 hours if each end is in nearshore waters.

### **119 Use of cast nets**

A cast net may be used only if the net—

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

### **120 Use of scoop nets**

A scoop net may be used only if the net—

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

### **121 Use of mesh nets in particular offshore and nearshore waters in eastern N11 area**

- (1) A mesh net may be used in the following offshore and nearshore waters in the eastern N11 area only if the net is no longer than 400m and has a mesh size of at least 12mm but no more than 45mm—
  - (a) waters east of longitude 142°31'49" east and north of the northern bank of Baffle Creek;
  - (b) Moreton Bay (whole) waters;
  - (c) the waters of Hervey Bay, Great Sandy Strait, Wide Bay Harbour, Pelican Bay, Tin Can Bay and Tin Can Inlet between the following lines—
    - (i) a line from the southern bank of Theodolite Creek to Arch Cliff, Fraser Island;

- (ii) a line from the eastern tip of Inskip Point to Hook Point, Fraser Island.
- (2) A back net may be used with a mesh net in nearshore waters south of the northern bank of Baffle Creek.

**122 Use of mesh nets in other offshore and nearshore waters in eastern N11 area**

- (1) This section applies for using a mesh net in offshore and nearshore waters in the eastern N11 area south of the northern bank of Baffle Creek, other than the waters mentioned in section 121(1)(b) or (c).
- (2) The net may be used in the waters only if the net—
  - (a) is no longer than 600m; and
  - (b) has a mesh size of at least 12mm but no more than 45mm.
- (3) A mesh net may be used in the fishery area of a fishery under part 1 from 1 April to 31 August only if the net—
  - (a) is no longer than 200m; and
  - (b) has a mesh size of at least 12mm but no more than 25mm.
- (4) A back net may be used with a mesh net in nearshore waters.

**123 Use of mesh nets in offshore and nearshore waters in Gulf N11 area**

- (1) This section applies to using a mesh net in the Gulf N11 area.
- (2) A mesh net may be used—
  - (a) in offshore waters, only if the net—
    - (i) is no longer than 400m; and
    - (ii) has a mesh size of at least 25mm but no more than 45mm; and
  - (b) in nearshore waters, only if the net—
    - (i) is no longer than 200m; and

- (ii) has a mesh size of at least 25mm but no more than 45mm.

#### **124 Use of mesh nets in rivers and creeks**

A mesh net may be used in a river or creek only if the net—

- (a) is no longer than 200m; and
- (b) has a mesh size of at least 25mm but no more than 45mm.

### **Division 3 Conditions**

#### **126 Purpose of division**

This division prescribes conditions for the licence.

#### **127 Use of primary boats**

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

#### **129 Marking nets**

- (1) A mesh net must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the float farthest from the shore; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it.
- (2) Also, a mesh net used at night must be marked by—
  - (a) if the combined length of the net and equipment used to set it is no more than 50m—

- (i) a white light, visible at least 400m in all directions from the light, at one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; and
  - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at one end of the net or if the net is used in nearshore waters, the end of the net farthest from the shore; or
- (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in all directions from the light, at both ends of the net.

## **Part 8                      Net fishery (Gulf of Carpentaria no. 3)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **130    Net fishery (Gulf of Carpentaria no. 3)**

The net fishery (Gulf of Carpentaria no. 3) is the activity of fishing for the fish mentioned in section 133 in the fishery area, as provided under this part.

#### **131    Fishery symbol**

The fishery symbol for the fishery is 'N12'.

#### **132    Fishery area**

- (1) The fishery area consists of the area of all tidal waters in the Gulf of Carpentaria west of longitude 142°31'49" east that are beyond the 7n mile line and within the following boundary—
- (a) from latitude 16°23.6' south, longitude 138°4.56' east to latitude 16°12.17' south, longitude 138°16.03' east;

- (b) to latitude 16°12.18' south, longitude 138°16.04' east;
  - (c) to latitude 16°8.09' south, longitude 138°19.36' east;
  - (d) to latitude 16°7.45' south, longitude 138°19.89' east;
  - (e) to latitude 15°54.91' south, longitude 138°30.07' east;
  - (f) to latitude 15°52.26' south, longitude 138°30.07' east;
  - (g) to latitude 14°29.91' south, longitude 138°30.07' east;
  - (h) to latitude 14°29.91' south, longitude 139°15.07' east;
  - (i) to latitude 13°34.33' south, longitude 139°15.07' east;
  - (j) to latitude 10°59.91' south, longitude 139°15.07' east;
  - (k) to latitude 10°50.91' south, longitude 139°12.57' east;
  - (l) to latitude 10°49.91' south, longitude 139°12.07' east;
  - (m) to latitude 11°8.91' south, longitude 139°23.07' east;
  - (n) to latitude 10°58.91' south, longitude 140°0.07' east;
  - (o) to latitude 10°58.41' south, longitude 140°0.89' east;
  - (p) to latitude 10°10.24' south, longitude 141°20.07' east;
  - (q) to latitude 10°27.91' south, longitude 141°20.07' east;
  - (r) to latitude 10°27.91' south, longitude 141°51' east.
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 7n miles of an island.

## Division 2                      Authorisation

### 133      What fish may be taken

The following fish may be taken under the licence—

- (a) barred javelin;
- (b) black jewfish;
- (c) blue threadfin;
- (d) grey mackerel;

- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than hammerhead shark, sandtiger shark, speartooth shark or white shark;
- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

### **134 Way fish may be taken**

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with a set mesh net only if—
  - (a) the net is no longer than 1,800m; and
  - (b) all other nets on board the boat from which the net is being used are stowed and secured.

### **135 Use of nets**

- (1) A net may be used only if—
  - (a) the net is no longer than 1,800m; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is no more than 85 meshes; and
  - (d) one end of the net is anchored or fixed to a place; and
  - (e) the other end of the net is fixed to a boat; and
  - (f) the net is not used as a bottom set net; and
  - (g) the line thickness of the net is at least 0.9mm.
- (2) A person using a net must be within 100m of it.

**136 When fish may be taken**

A net must not be used in the period from 7 October to 31 January.

**Division 3 Condition****138 Purpose of division**

This division prescribes a condition for the licence.

**141 Marking nets**

- (1) A net must be marked by—
  - (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float with the primary boat mark for the net written on it at the end of the net farthest from the primary boat.
- (2) The white float must—
  - (a) be no less than 15cm in any dimension; and
  - (b) have a radar reflector attached to it.

**Part 9 Net fishery (Gulf of Carpentaria no. 4)****Division 1 Fishery, fishery symbol and fishery area****142 Net fishery (Gulf of Carpentaria no. 4)**

The net fishery (Gulf of Carpentaria no. 4) is the activity of fishing for the fish mentioned in section 145 in the fishery area, as provided under this part.

**143 Fishery symbol**

The fishery symbol for the fishery is 'N13'.

**144 Fishery area**

- (1) The fishery area consists of the area of the tidal waters in the Gulf of Carpentaria west of longitude 142°31'49" east that are beyond the 25n mile line and within the following boundary—
  - (a) from latitude 16°12.18' south, longitude 138°16.04' east to latitude 16°8.09' south, longitude 138°19.36' east;
  - (b) to latitude 16°7.45' south, longitude 138°19.89' east;
  - (c) to latitude 15°54.91' south, longitude 138°30.07' east;
  - (d) to latitude 15°52.26' south, longitude 138°30.07' east;
  - (e) to latitude 14°29.91' south, longitude 138°30.07' east;
  - (f) to latitude 14°29.91' south, longitude 139°15.07' east;
  - (g) to latitude 13°34.33' south, longitude 139°15.07' east;
  - (h) to latitude 10°59.91' south, longitude 139°15.07' east;
  - (i) to latitude 10°50.91' south, longitude 139°12.57' east;
  - (j) to latitude 10°49.91' south, longitude 139°12.07' east;
  - (k) to latitude 11°8.91' south, longitude 139°23.07' east;
  - (l) to latitude 10°58.91' south, longitude 140°0.07' east;
  - (m) to latitude 10°58.41' south, longitude 140°0.89' east;
  - (n) to latitude 10°10.24' south, longitude 141°20.07' east;
  - (o) to latitude 10°27.91' south, longitude 141°20.07' east;
  - (p) to latitude 10°27.91' south, longitude 141°30.85' east.
- (2) However, the fishery area does not include the area of tidal waters within the area mentioned in subsection (1) that are within 25n miles of an island.

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## **Division 2                      Authorisation**

### **145      What fish may be taken**

The following fish may be taken under the licence—

- (a) barred javelin;
- (b) black jewfish;
- (c) blue threadfin;
- (d) grey mackerel;
- (e) king threadfin;
- (f) queenfish;
- (g) scaly jewfish;
- (h) shark, other than hammerhead shark, sandtiger shark, speartooth shark or white shark;
- (i) other fin fish, excluding barramundi and regulated coral reef fin fish, if the fish are taken while taking fish mentioned in paragraphs (a) to (h).

### **146      Way fish may be taken**

- (1) Fish may be taken only by using a set mesh net.
- (2) A power assisted device may be used with the net only if—
  - (a) the net is no longer than 1,800m; and
  - (b) all other nets on board the boat from which the net is being used are stowed and secured.

### **147      Use of nets**

- (1) A net may be used only if—
  - (a) the net is no longer than 1,800m; and
  - (b) the net has a mesh size of at least 160mm but no more than 165mm; and
  - (c) the net's drop is no more than 85 meshes; and

- (d) one end of the net is anchored or fixed to a place; and
  - (e) the other end of the net is fixed to a boat; and
  - (f) it is not used as a bottom set net.
- (2) The line thickness of a net must be at least 0.9mm.
- (3) A person using a net must be within 100m of it.

#### **148 When fish may be taken**

A net must not be used in the period from 7 October to 31 January.

### **Division 3 Condition**

#### **150 Purpose of division**

This division prescribes a condition for the licence.

#### **153 Marking nets**

- (1) A net must be marked by—
- (a) solid, light coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float with the primary boat mark for the net written on it at the end of the net farthest from the primary boat.
- (2) The white float must—
- (a) be no less than 15cm in any dimension; and
  - (b) have a radar reflector attached to it.

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## **Part 9A                      Net fishery (no. 15)**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **153A   Net fishery (no. 15)**

The net fishery (no. 15) is the activity of fishing for the fish mentioned in section 153D in the fishery area, as provided under this part.

#### **153B   Fishery symbols**

The fishery symbols for the fishery are 'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8', 'N10' and 'N15'.

#### **153C   Fishery area**

The fishery area is the east coast inshore management region 5.

### **Division 2                      Authorisation**

#### **Subdivision 1                General**

#### **153D   What fish may be taken**

Any fish, other than crabs, regulated coral reef fin fish and snapper, may be taken under the licence.

#### **153E   Way fish may be taken**

- (1) Fish may be taken only by using—
  - (a) mesh nets in the way stated in subdivision 2; or
  - (b) set pocket nets in the way stated in subdivision 3.

Schedule 4

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- (2) Unless otherwise stated in this part, a mesh net that is neither fixed nor hauled must not be used—
  - (a) in a marked navigation channel; or
  - (b) within—
    - (i) 400m of a jetty or wharf; or
    - (ii) 100m of another net that is being used.
- (3) Only 1 mesh net may be used at the same time to take fish.
- (4) Despite subsection (3), a single mesh net may be split into 2 or more pieces after the fish are taken, to remove the fish from the mesh net.
- (5) Only 1 part of a general purpose mesh net may be fixed while it is being used in offshore waters.
- (6) One end of a mesh net may be fixed temporarily while shooting or hauling the net.
- (7) Unless otherwise stated in this part, a person using a mesh net must remain on a boat floating on the water within 100m of the net unless the person is setting or retrieving the net.

## **Subdivision 2 Use of mesh nets**

### **153F Use of seine nets to take prawns in Lake Weyba**

- (1) A seine net may be used in Lake Weyba only if it is no longer than 25m and has a mesh size of at least 25mm.
- (2) However, a seine net may be used to take only prawns in the lake.

### **153G Use of mesh nets in Lakes Cootharaba, Cooroibah and Weyba**

A mesh net may be used in Lake Cootharaba, Lake Cooroibah or Lake Weyba only if it is no longer than 1,500m and has a mesh size of at least 50mm but no more than 175mm.

**153H Use of seine nets to take prawns north of the Mary River**

- (1) A seine net may be used in waters north of the northern bank of the Mary River only if the net—
  - (a) is no longer than 100m; and
  - (b) has a pocket extending over no more than one-quarter of the length of the net; and
  - (c) has a mesh size of at least 31mm in the pocket and at least 45mm in the rest of the net.
- (2) However, a seine net may be used to take only prawns in the waters.

**153I Use of general purpose mesh nets south of Baffle Creek**

- (1) This section applies for using a general purpose mesh net in waters, other than waters in a river or creek, south of the northern bank of Baffle Creek.
- (2) A general purpose mesh net may be used in the waters only if the net—
  - (a) is no longer than 800m; and
  - (b) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm; and
  - (c) is made of monofilament that is no more than 1.85mm in diameter.
- (3) A back net may be used with a general purpose mesh net if the back net—
  - (a) has a mesh size of at least 25mm but no more than 50mm; and
  - (b) is made of monofilament that is no more than 1.85mm in diameter.
- (4) However, a general purpose mesh net must not be used in the fishery area of a fishery under part 1 from 1 April to 31 August.

**153J Use of mesh nets and seine nets south of Baffle Creek**

- (1) A mesh net may be used in a river or creek south of the northern bank of Baffle Creek only if—
  - (a) for a seine net, the net—
    - (i) is no longer than 200m; and
    - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm; or
  - (b) for another mesh net, the net—
    - (i) is no longer than 400m; and
    - (ii) has a mesh size of at least 50mm (other than in a back net), but no more than 165mm.
- (2) However, a mesh net must not be used in a river or creek in the fishery area of a fishery under part 1 from 1 April to 31 August.

**153K Use of nets that are neither fixed nor hauled in offshore waters**

- (1) This section applies for using a mesh net that is neither fixed nor hauled in offshore waters.
- (2) If all of the mesh net is used within the waters, the net must—
  - (a) be no longer than 600m; and
  - (b) have a mesh size of at least 160mm but no more than 165mm; and
  - (c) be made of monofilament that is no more than 1.25mm in diameter.
- (3) However, a mesh net must not be used in the fishery area of a fishery under part 1 from 1 April to 31 August.

**153L Use of general purpose mesh nets in nearshore waters**

Both ends of a general purpose mesh net may be fixed for no more than 2 hours if—

- (a) the net—

- (i) has a mesh size of at least 50mm but no more than 115mm; and
- (ii) is made of monofilament that is no more than 1.85mm in diameter; and
- (b) each end of the net remains in nearshore waters or on a foreshore while the net is being used; and
- (c) the commercial fisher using the net remains on a boat floating on the water and within 100m of the net while the net is being used.

### **153M Use of set mesh nets in rivers and creeks between Kauri and Baffle Creeks**

- (1) A set mesh net may be used in a river or creek between the northern bank of Baffle Creek and the southern bank of Kauri Creek, upstream of the shortest line between its banks, only if the net—
  - (a) is no longer than 120m; and
  - (b) has a mesh size of at least 100mm but no more than 165mm; and
  - (c) has a drop of no more than 50 meshes.
- (2) No more than 3 set mesh nets may be used in the river or creek.
- (3) The set mesh nets may be used in the river or creek only if—
  - (a) the combined length of the nets is no more than 360m; and
  - (b) the distance between the first and last net is no more than 1n mile.

### **153N Use of set mesh nets in offshore waters south of Baffle Creek**

- (1) A set mesh net may be used in offshore waters south of the northern bank of Baffle Creek only if—
  - (a) the net—

- (i) is no longer than 600m; and
    - (ii) has a mesh size of at least 100mm but no more than 165mm; and
    - (iii) is made of monofilament that is no more than 1.25mm in diameter; and
  - (b) the commercial fisher using the net remains on a boat floating on the water and within 200m of the net while the net is being used.
- (2) However, a set mesh net must not be used in the fishery area of a fishery under part 1 from 1 April to 31 August.

### **Subdivision 3 Use of set pocket nets**

#### **1530 Use of set pocket nets in rivers**

- (1) This section applies to the following waters—
- (a) the Kolan River, Burnett River, Albert River and Logan River;
  - (b) the waters of the Mary River between longitude 152°46.22' east and the Old Bruce Highway Bridge;
  - (c) the waters of the Mary River between the lines between the following places marked by F↑B signs—
    - (i) longitude 152°46.67' east on the northern bank and longitude 152°46.83' east on the southern bank;
    - (ii) longitude 152°51.74' east on the northern bank (near 'Tandora') and longitude 152°51.71' east on the shore of Crab Island (Meteor Point);
    - (iii) longitude 152°51.62' east on the shore of Crab Island and longitude 152°51.95' east on the southern bank.
- (2) A set pocket net may be used only if the net is no longer than 10m and has a mesh size of at least 25mm.
- (3) However, a set pocket net may be used only to take prawns in the waters.

- (4) A set pocket net must not be set within 20m of a jetty or wharf or 100m of another net that is in use.
- (5) More than 1 set pocket net may be attached to a head rope if the combined length of the nets is no more than 10m.
- (6) The closed end of the pocket of a set pocket net must be marked on the surface of the water by a solid, yellow-coloured float that is no less than 8cm in any dimension.
- (7) Anything used to set a set pocket net must be removed from the water after the net is taken from the water.
- (8) However, subsection (7) does not apply for using a set pocket net in the waters mentioned in subsection (1)(b).
- (9) In this section—  
*head rope* means that part of a set pocket net from which the meshes of the net are suspended.

## Division 3                      Condition

### 153P Purpose of division

This division prescribes a condition for the licence.

### 153Q Marking nets

- (1) A mesh net must be marked by—
  - (a) light-coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on it at one end of the net.
- (2) A set mesh net or a net that is neither fixed nor hauled used in offshore waters must also be marked by—

- (a) a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
  - (b) solid, light-coloured floats, no less than 15cm in any dimension, no more than 100m apart along the length of the net.
- (3) Despite subsections (1)(a) and (2)(b), floats are not required along the length of a set mesh net used in offshore waters deeper than its drop if no part of the net is on the surface at any time.
- (4) Also, if a set mesh net or a net that is neither fixed nor hauled is used at night, the net must be marked by—
- (a) if the combined length of the net and equipment used to set it is no more than 50m—
    - (i) a white light, visible at least 400m in all directions from the light, at one end of the net; and
    - (ii) a solid, reflectorised float, no less than 15cm in any dimension, at the other end of the net; or
  - (b) if the combined length of the net and equipment used to set it is more than 50m—a white light, visible at least 400m in all directions from the light, at both ends of the net.

## **Part 9B                      Net fishery (no. NX)**

### **Division 1                      Application of part**

#### **153R    Application of part**

This part stops having effect on 30 June 2027 at the end of the day.

*Note—*

See section 180.

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**Division 2                      Fishery, fishery symbols and fishery area****153S    Net fishery (no. NX)**

The net fishery (no. NX) is the activity of fishing for the fish mentioned in section 153V in the fishery area, as provided under this part.

**153T    Fishery symbol**

The fishery symbol for the fishery is 'NX'.

**153U    Fishery area**

The fishery area consists of—

- (a) the east coast inshore management region 2; and
- (b) the east coast inshore management region 3; and
- (c) the east coast inshore management region 4.

**Division 3                      Authorisation****153V    What fish may be taken**

Any fish, other than crabs, regulated coral reef fin fish and snapper, may be taken under the licence.

**153W    Way fish may be taken**

Fish may be taken only by using mesh nets and tunnel nets.

**Division 4                      Condition****153X    Purpose of division**

This division prescribes a condition for the licence.

### **153Y Marking nets**

- (1) A set mesh net used during the day must be marked by—
  - (a) light-coloured floats no more than 20m apart along its length; and
  - (b) a solid, white float—
    - (i) no less than 15cm in any dimension; and
    - (ii) with either the commercial fisher's name or the primary boat mark for the net written on both ends of the net.
- (2) A set mesh net used at night must be marked by a white light, visible at least 400m in all directions from the light, at both ends of the net.
- (3) A mesh net that is neither fixed nor hauled used in offshore waters during the day must be marked by—
  - (a) a pole, with an orange flag on it at least 2m above the water, attached to one end of the net; and
  - (b) solid, light-coloured floats, no less than 15cm in any dimension, no more than 100m apart along the length of the net.
- (4) A mesh net that is neither fixed nor hauled used in offshore waters at night must be marked by a white light, visible at least 400m in all directions from the light, at both ends of the net.

## **Part 10 Management regions**

### **154 Purpose of part**

This part describes management regions for—

- (a) ENL-ITQ units; and
- (b) other quotas for taking particular fish applying to a commercial fishery mentioned in this schedule.

**155 East coast inshore management region 1**

The *east coast inshore management region 1* consists of tidal waters in the fishery area between the top of the fishery area (just north of Cape York) and latitude 15°13.56' south (at Cape Bedford).

**156 East coast inshore management region 2**

The *east coast inshore management region 2* consists of tidal waters in the fishery area between latitude 15°13.56' south (at Cape Bedford) and latitude 19°00' south (near Balgal Beach).

**157 East coast inshore management region 3**

The *east coast inshore management region 3* consists of tidal waters in the fishery area between latitude 19°00' south (near Balgal Beach) and latitude 22°00' south (near Clairview).

**158 East coast inshore management region 4**

The *east coast inshore management region 4* consists of tidal waters in the fishery area between latitude 22°00' south (near Clairview) and latitude 24°30' south (Baffle Creek).

**159 East coast inshore management region 5**

The *east coast inshore management region 5* consists of tidal waters in the fishery area between latitude 24°30' south (Baffle Creek) and the bottom of the fishery area (Queensland–New South Wales border).

## **Schedule 5**      **Spanish mackerel commercial fishery**

section 4

### **Part 1**                      **Interpretation**

#### **1**      **Definition for schedule**

In this schedule—

*relevant line fishery* means—

- (a) for an SM licence on which is written the fishery symbol ‘L1’—the line fishery (other than Great Barrier Reef region) under schedule 3, part 1; or
- (b) for an SM licence on which is written the fishery symbol ‘L2’ or ‘L3’—the line fishery (reef) under schedule 3, part 2; or
- (c) for an SM licence on which is written the fishery symbol ‘L8’—the line fishery (multiple hook—east coast) under schedule 3, part 4.

### **Part 2**                      **Fishery, fishery symbol and fishery area**

#### **2**      **Spanish mackerel commercial fishery**

The spanish mackerel commercial fishery is the activity of fishing for spanish mackerel in the fishery area, as provided under this schedule.

#### **3**      **Fishery symbol**

The fishery symbol for the fishery is ‘SM’.

**4 Fishery area**

The fishery area consists of the fishery areas of the relevant line fisheries.

**Part 3 Authorisation****5 Where fish may be taken**

Spanish mackerel may be taken only in the fishery area of the relevant line fishery for the licence.

**6 What fish may be taken**

Spanish mackerel may be taken under the licence.

**7 Way fish may be taken**

Spanish mackerel may be taken only in the way fish may be taken in the relevant line fishery for the licence.

**8 Fish may be taken only with unused entitlements**

Spanish mackerel may be taken in an SM year only if the spanish mackerel is taken under SM units with unused entitlements for the SM year.

## **Schedule 6      Reef line commercial fishery**

section 4

### **Part 1                      Interpretation**

#### **1                      Definition for schedule**

In this schedule—

*relevant line fishery* means—

- (a) for an RQ licence on which is written the fishery symbol ‘L1’—the line fishery (other than Great Barrier Reef region) under schedule 3, part 1; or
- (b) for an RQ licence on which is written the fishery symbol ‘L2’ or ‘L3’—the line fishery (reef) under schedule 3, part 2; or
- (c) for an RQ licence on which is written the fishery symbol ‘L8’—the line fishery (multiple hook—east coast) under schedule 3, part 4.

### **Part 2                      Fishery, fishery symbol and fishery area**

#### **2                      Reef line commercial fishery**

The reef line commercial fishery is the activity of fishing for the fish mentioned in section 5 in the fishery area, as provided under this schedule.

#### **3                      Fishery symbol for fishery**

The fishery symbol for the fishery is ‘RQ’.

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**4 Fishery area**

The fishery area consists of the fishery areas of the relevant line fisheries.

**Part 3 Authorisation****5 What fish may be taken**

The following fish may be taken—

- (a) for an RQ licence on which is written the fishery symbol 'L8'—any regulated coral reef fin fish other than regulated coral trout and red emperor; and
- (b) for an RQ licence on which is written the fishery symbol 'L1', 'L2' or 'L3'—any regulated coral reef fin fish.

**6 Way fish may be taken**

Regulated coral reef fin fish may be take only in the way fish may be taken in the relevant line fishery for the licence.

**7 Prescribed regulated coral reef fin fish may be taken only with unused entitlements**

Prescribed regulated coral reef fin fish may be taken in a line year only if the fish is taken under line units with unused entitlements for the line year.

**Part 4 Condition****9 Purpose of part**

This part prescribes a condition for the licence.

**10 Identification requirement to allow identification or counting of regulated coral reef fin fish**

- (1) This section applies if—
  - (a) regulated coral reef fin fish are on board a commercial fishing boat; and
  - (b) any fish on board the boat are stored in a sealed container.
- (2) The person in control of the boat must ensure the container has attached to it a label stating legibly, visibly and in English—
  - (a) if the container contains regulated coral trout—the words ‘coral trout’ and the number of regulated coral trout inside the container; or
  - (b) if the container contains redthroat emperor—the words ‘redthroat emperor’ and the number of redthroat emperor inside the container; or
  - (c) if the container contains other regulated coral reef fin fish—the words ‘other coral reef fin fish’ and the number of other regulated coral reef fin fish inside the container; or
  - (d) if the container contains fish other than regulated coral reef fin fish—the words ‘other species of fish’ and the number of fish inside the container.

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## **Schedule 7      Commercial crab fisheries**

section 4

### **Part 1              Commercial crab fishery**

#### **Division 1          Fishery, fishery symbol and fishery area**

##### **1              Commercial crab fishery**

The commercial crab fishery is the activity of fishing for the crabs mentioned in section 4 in the fishery area, as provided under this part.

##### **2              Fishery symbol**

The fishery symbol for the fishery is 'C1'.

##### **3              Fishery area**

The fishery area consists of the area of all tidal waters in the following areas—

- (a) east of longitude 142°31'49" east;
- (b) north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
- (c) in the Gulf of Carpentaria between the 25n mile line and the shore, south of latitude 10°48' south.

## Division 2                      Authorisation

### 4            What fish may be taken

Crabs, other than spanner crabs, may be taken under the licence.

### 5            Way fish may be taken

- (1) Crabs may be taken only by using a crab pot, collapsible trap or dilly (each of which is an item of *crab apparatus*).
- (2) An item of crab apparatus used to take mud crabs must—
  - (a) have positioned on the bottom edge of the apparatus—
    - (i) 1 large rectangular escape vent; or
    - (ii) 2 small rectangular escape vents; or
    - (iii) 1 round escape vent; and
  - (b) be constructed in a way so that an escape vent mentioned in paragraph (a)—
    - (i) can not collapse; and
    - (ii) is not impeded by another part of the item of crab apparatus.
- (3) In this section—

*large rectangular escape vent* means a rectangular opening in an item of crab apparatus that is at least 120mm long and 50mm wide.

*round escape vent* means a round opening in an item of crab apparatus that has a diameter of at least 105mm.

*small rectangular escape vent* means a rectangular opening in an item of crab apparatus that is at least 75mm long and 60mm wide.

**6 Number of items of crab apparatus authorised to be used**

- (1) No more than the following number of items of crab apparatus, including any combination of items of crab apparatus, may be used under the licence at the same time—
  - (a) if the licence has only 1 fishery symbol 'C1' written on it—50;
  - (b) if the licence has only 2 fishery symbols 'C1' written on it—100;
  - (c) if the licence has 3 or more fishery symbols 'C1' written on it—150.
- (2) However, no more than 100 items of crab apparatus may be used at the same time to take crabs in the Hervey Bay crab area or Moreton Bay crab area.
- (3) Also, more than 100 (but not more than 150) items of crab apparatus may be used under the licence at the same time in an area other than the Hervey Bay crab area or Moreton Bay crab area for taking only the following fish—
  - (a) blue swimmer crabs;
  - (b) coral crabs;
  - (c) three spot crabs.
- (4) In this section—

***Hervey Bay crab area*** means tidal waters in the fishery area that are—

- (a) south of the line between—
  - (i) latitude 25°9.16' south, longitude 152° 38.01' east (Burrum Point); and
  - (ii) latitude 25°13.83' south, longitude 152°59.56' east (Moon Point); and
- (b) west of the line between—
  - (i) latitude 25°48.76' south, longitude 153°4.18' east (Inskip Point); and
  - (ii) latitude 25°47.54' south, longitude 153°4.66' east (Hook Point).

***Moreton Bay crab area*** means tidal waters in the fishery area that are within the Moreton Bay (whole) waters.

## **7 Use of crab apparatus in single line or in sequence**

- (1) No more than 10 items of crab apparatus may be fixed to a single line or attached to each other in sequence.
- (2) Two or more items of crab apparatus that are fixed to a single line, or attached to each other in sequence, must not be used in the following waters—
  - (a) Moreton Bay (whole) waters south of latitude 27°18.430' south;
  - (b) the waters of Great Sandy Strait south of a line between Point Vernon on the mainland and Moon Point on Fraser Island.

## **7A Possession of crab apparatus**

A person must not possess on a boat in a part of the fishery area more than the number of items of crab apparatus, including any combination of items of crab apparatus, the person is authorised to use in the part under section 6.

## **8 Fish may be taken only with unused entitlements**

- (1) A person may take mud crabs in the mud crab east coast management region in a C1-ITQ year only if the person holds, or is acting under, EC1-ITQ units with an entitlement of at least 1.2t of mud crabs.
- (2) A person may take mud crabs in the mud crab Gulf of Carpentaria management region in a C1-ITQ year only if the person holds, or is acting under, GC1-ITQ units with an entitlement of at least 1.2t of mud crabs.
- (3) Prescribed crabs may be taken in a prescribed crab management region in a C1-ITQ year only if the crabs are taken under C1-ITQ units with unused entitlements for the C1-ITQ year.

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## **Division 3                      Conditions**

### **9                      Purpose of division**

This division prescribes conditions for the licence.

### **12                      Marking of fishing apparatus**

- (1) An item of crab apparatus must—
  - (a) have attached to it a tag on which is written the name of the owner of the apparatus; or
  - (b) be marked with the boat mark for the primary boat identified in the licence.
- (2) Also, the item of crab apparatus must be attached by a rope to either—
  - (a) a compliant float that is no less than 15cm in any dimension; or
  - (b) a fixed object above the high water mark, including, for example, a jetty or tree.
- (3) If an item of crab apparatus is attached to a fixed object under subsection (2)(b), a tag, on which is written the boat mark for the primary boat identified in the licence, must be attached to the part of the rope above the high water mark.
- (4) If 2 items of crab apparatus are fixed to a line, one end of the line must have attached to it 2 compliant floats that are no less than 15cm in any dimension.
- (5) If 3 or more items of crab apparatus are fixed to a line—
  - (a) one end of the line must have attached to it a compliant float that is no less than 25cm in any dimension; and
  - (b) the other end of the line must have attached to it a flag that is at least 2m above the water; and
  - (c) a tag must be attached to the line near the float or flag stating the number of items of crab apparatus that are attached to the line.
- (6) In this section—

***compliant float***, for using crab apparatus, means a float that—

- (a) is solid, light coloured and clearly visible on the surface of the water; and
- (b) is marked with the boat mark for the primary boat identified in the licence.

#### **12A Checking crab apparatus**

Crab apparatus that is in use must be checked at least every 7 days after being set.

### **Division 4 Management regions**

#### **12B Purpose of division**

This part describes management regions for C1-ITQ units.

#### **12C Mud crab Gulf of Carpentaria management region**

The *mud crab Gulf of Carpentaria management region* consists of all tidal waters in the fishery area west of longitude 142°31.49' east.

#### **12D Mud crab east coast management region**

The *mud crab east coast management region* consists of all tidal waters in the fishery area east of longitude 142°31.49' east.

#### **12E Blue swimmer crab management region**

The *blue swimmer crab management region* consists of all tidal waters in the fishery area.

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## **Part 2                      Commercial spanner crab fishery (managed area A)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **13        Commercial spanner crab fishery (managed area A)**

The commercial spanner crab fishery (managed area A) is the activity of fishing for spanner crabs in the fishery area, as provided under this part.

#### **14        Fishery symbol**

The fishery symbol for the fishery is 'C2'.

#### **15        Fishery area**

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

### **Division 2                Authorisation**

#### **Subdivision 1        General**

#### **16        What fish may be taken**

Spanner crabs may be taken under the licence.

#### **17        Taking spanner crabs in more than 1 spanner crab fishery**

- (1) This section applies if a person is authorised to take spanner crabs under a primary commercial fishing licence on which is written the fishery symbols 'C2' and 'C3'.

- (2) If the person has taken a spanner crab (the *first crab*) under the fishery symbol 'C3' under part 3, the person must not take a crab under the fishery symbol 'C2' under this part until the first crab has been brought ashore on the mainland.

## **18 Way fish may be taken**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A person may use a dilly only if the dilly complies with subdivision 2.
- (3) No more than the following number of dillies may be used at the same time to take spanner crabs—
  - (a) if there is only 1 person acting under the licence—45 dillies;
  - (b) if there are 2 or more persons acting under the licence—75 dillies.
- (4) No more than 25 dillies may be set on a single line.

## **18A Fish may be taken only with unused entitlements**

Spanner crabs may be taken in a C2-ITQ year only if the crabs are taken under C2-ITQ units with unused entitlements for the C2-ITQ year.

## **18B Possession of dillies**

No more than the following number of dillies may be possessed by a commercial fisher, or jointly possessed by 2 or more commercial fishers, on a boat in the fishery area—

- (a) if there is only 1 person acting under the licence—55 dillies;
- (b) if there are 2 or more persons acting under the licence—85 dillies.

---

## **Subdivision 2      Use of dillies**

### **20      Frame area**

A dilly must have—

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

### **21      Net**

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

## **Division 3              Condition**

### **22      Purpose of division**

This division prescribes a condition for the licence.

### **25      Marking dillies**

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

(3) In this section—

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

- (a) solid, light coloured and clearly visible on the surface of the water; and
- (b) no less than 15cm in any dimension; and
- (c) marked with the boat mark for the primary boat identified in the licence.

## **Part 3                      Commercial spanner crab fishery (managed area B)**

### **Division 1                Fishery, fishery symbol and fishery area**

#### **26            Commercial spanner crab fishery (managed area B)**

The commercial spanner crab fishery (managed area B) is the activity of fishing for spanner crabs in the fishery area, as provided under this part.

#### **27            Fishery symbol**

The fishery symbol for the fishery is ‘C3’.

#### **28            Fishery area**

The fishery area consists of the area of the following tidal waters—

- (a) waters north of the commercial spanner crab fishery (managed area A) and east of longitude 142°31'49" east;
- (b) waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;

- (c) waters in the Gulf of Carpentaria between the 25n mile line and the shore of the mainland, south of latitude 10°48' south.

## **Division 2            Authorisation**

### **Subdivision 1        General**

#### **29        What fish may be taken**

Spanner crabs may be taken under the licence.

#### **30        Taking spanner crabs in more than 1 spanner crab fishery**

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

#### **31        Way fish may be taken**

- (1) A spanner crab may be taken only by using a dilly.
- (2) A person may use a dilly only if the dilly complies with subdivision 2.
- (3) A person acting under the licence must not—
  - (a) use more than 30 dillies at the same time; or
  - (b) set more than 10 dillies on a single line.

#### **33        Daily quota entitlement**

- (1) The quota of spanner crabs that may be taken or possessed each day under the licence is 16 containers of spanner crabs.

- (2) For subsection (1)—
- (a) a container must be counted as 2 containers if—
    - (i) it has a whole spanner crab protruding above its top; or
    - (ii) it can not have another container stacked on top of it so that the other container's bottom touches the top of the container on all sides; and
  - (b) if the spanner crabs are not held in a container—the number of containers is worked out by dividing the number of crabs taken or possessed by 30.

- (3) In this section—

**container**, of spanner crabs, means a container with a capacity of no more than 66.4L.

*Note—*

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

### **33A Possession of dillies**

A commercial fisher must not possess more than a total of 35 dillies on a boat in the fishery area.

## **Subdivision 2 Use of dillies**

### **35 Frame area**

A dilly must have—

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

### **36 Net**

- (1) A dilly's net must have only 1 layer of mesh and each mesh in the layer must be square or rectangular.

- 
- (2) The mesh size of the net must be at least 25mm.

## Division 3                      Conditions

### 37        Purpose of division

This division prescribes conditions for the licence.

### 40        Marking dillies

- (1) A dilly must—
- (a) have a compliant float attached to it; and
  - (b) either—
    - (i) have attached to it a tag on which is written the name of the owner of the dilly; or
    - (ii) be marked with the boat mark for the primary boat identified in the licence.
- (2) Also, if 2 or more dillies are fixed to a line—
- (a) one end of the line must be attached to a compliant float; and
  - (b) the float must be attached to a flag that is at least 2m above the water.
- (3) In this section—
- compliant float***, for using a dilly, means a float that is—
- (a) solid, light coloured and clearly visible on the surface of the water; and
  - (b) no less than 15cm in any dimension; and
  - (c) marked with the boat mark for the primary boat identified in the licence.

**41 Where spanner crabs may be brought ashore**

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

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## **Schedule 7A      Commercial hand-harvest fisheries**

section 4

### **Part 1                  Aquarium fish fishery**

#### **Division 1            Fishery, fishery symbols and fishery area**

##### **1                  Aquarium fish fishery**

The aquarium fish fishery is the activity of fishing for the fish mentioned in section 5 in the fishery area, as provided under this part.

##### **2                  Fishery symbols**

The fishery symbols for the fishery are 'A1' and 'A2'.

##### **3                  Fishery area**

- (1) The fishery area consists of the area of the following waters—
- (a) tidal waters within the Moreton Bay Marine Park;
  - (b) tidal waters north of Cape Moreton and south of latitude 26°18' south, other than waters within the Moreton Bay Marine Park;
  - (c) tidal waters west of longitude 151°08' east and between latitude 23°15' south and latitude 23° south;
  - (d) tidal waters within the area described as area 1 in the Whitsundays Plan of Management, schedule 1;
  - (e) tidal waters within the following boundary—

- from the intersection of latitude 17°08' south with the mainland shore to latitude 17°08' south, longitude 146°12' east
  - to latitude 16°51' south, longitude 146°28' east
  - to latitude 15°55' south, longitude 145°51' east
  - along latitude 15°55' south to the mainland shore
  - along the mainland shore to latitude 17°08' south;
- (f) tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east, other than the waters mentioned in paragraphs (a) to (e).
- (2) In this section—

*Moreton Bay Marine Park* means the marine park described in the *Marine Parks (Declaration) Regulation 2006*, schedule 1.

*Whitsundays Plan of Management* means the *Whitsundays Plan of Management 1998* (Cwlth) prepared under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 39ZD.

## Division 2                      Authorisation

### 4                      Where fish may be taken

Fish may be taken—

- (a) from the waters mentioned in section 3(1)(a) to (e) if the waters are stated on the licence; or
- (b) from the waters mentioned in section 3(1)(f).

### 5                      What fish may be taken

- (1) Fish other than the following fish may be taken under the licence—
- (a) barramundi;
  - (b) sea cucumber;

- 
- (c) shell grit;
  - (d) star sand;
  - (e) any species of coral, oyster, pearl oyster or trochus.
- (2) In this section—
- sea cucumber*** does not include fish of the following species—
- (a) *Bohadschia graeffei*;
  - (b) *Calachrius crassus*;
  - (c) *Cucmaria miniata*;
  - (d) *Euapta godeffroyi*;
  - (e) *Holothuria edulis*;
  - (f) *Holothuria hilla*;
  - (g) *Opheodesoma* spp.;
  - (h) *Pentacta anceps*;
  - (i) *Pentacta lutea*;
  - (j) *Pseudocolchirus violaceus*;
  - (k) *Stichopus noctivagus*;
  - (l) *Synapta maculata*.

## 6 Way fish may be taken

- (1) Fish may be taken only by—
  - (a) hand; or
  - (b) using fishing lines, or cast, scoop or mesh nets under this division.
- (2) Underwater breathing apparatus or a herding device, including, for example, a rod, may also be used when taking fish.

**7 Who may take fish**

- (1) A commercial fisher and assistant fishers may take fish under the licence.
- (2) However, no more than 3 persons may take fish under the licence at the same time.
- (3) A person taking fish under an A2 licence must not take or possess—
  - (a) more than 10 fish; or
  - (b) more than 2 fish of the same species.

**8 Use of fishing lines**

A fishing line may be used only if it has a single barbless hook.

**9 Use of cast nets**

A cast net may be used only if the net—

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

**10 Use of scoop nets**

A scoop net may be used only if the net—

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

**11 Use of mesh nets**

- (1) A mesh net may be used only if the net—
  - (a) is no longer than 16m; and
  - (b) has—

- (i) a mesh size of no more than 28mm; and
  - (ii) a drop of no more than 3m.
- (2) A person using the net must be within 100m of it.

## **12 Selling fish**

Fish taken under the licence may be sold only if the fish is to be used for—

- (a) display as aquarium fish; or
- (b) broodstock; or
- (c) a purpose related to a purpose mentioned in paragraph (a) or (b).

## **Division 3 Condition**

### **13 Fish must not be taken for human consumption**

- (1) This section prescribes a condition for the licence.
- (2) Fish must not be taken for human consumption.

## **Part 2 Sea cucumber fishery (east coast)**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **14 Sea cucumber fishery (east coast)**

The sea cucumber fishery (east coast) is the activity of fishing for sea cucumber in the fishery area, as provided under this part.

**15 Fishery symbol**

The fishery symbol for the fishery is 'B1'.

**16 Fishery area**

- (1) The fishery area consists of—
  - (a) the area of all tidal waters east of longitude 142°31'49" east between latitude 10°41' south and latitude 26° south; and
  - (b) the Ashmore and Boot Reefs area.
- (2) The *Ashmore and Boot Reefs area* is the area of tidal waters within the following boundary—
  - from latitude 10°41' south, longitude 144°10' east
  - to latitude 10°28' south, longitude 144°10' east
  - to latitude 10°15' south, longitude 144°12' east
  - to latitude 9°54' south, longitude 144°28' east
  - to the intersection between longitude 144°28' east and the outer limit of the Australian fishing zone
  - to the intersection between the outer limit of the Australian fishing zone and longitude 145° east
  - to latitude 10°41' south, longitude 145° east
  - to latitude 10°41' south, longitude 144°10' east.
- (3) In this section—

*Australian fishing zone* has the meaning given by the Commonwealth Fisheries Act.

**Division 2 Authorisation**

**17 What fish may be taken**

Sea cucumber may be taken under the licence.

**18 Way fish may be taken**

- (1) Sea cucumber may be taken only by hand.
- (2) Underwater breathing apparatus may also be used when taking sea cucumber.

**19 Who may take fish**

- (1) A commercial fisher and assistant fishers may take sea cucumber under the licence.
- (2) However, no more than 6 persons may take sea cucumber under the licence at the same time.

**20 Fish may be taken only with unused entitlements**

Sea cucumber may be taken in a hand-harvest ITQ year only if the sea cucumber is taken under the following hand-harvest ITQ units with unused entitlements for the hand-harvest ITQ year—

- (a) for black teatfish—B1B-ITQ units;
- (b) for white teatfish—B1W-ITQ units;
- (c) for other sea cucumber—B1O-ITQ units.

**Part 3 Coral fishery****Division 1 Fishery, fishery symbol and fishery area****21 Coral fishery**

The coral fishery is the activity of fishing for the fish mentioned in section 25 in the fishery area, as provided under this part.

**22 Fishery symbol**

The fishery symbol for the fishery is 'D'.

**23 Fishery area**

The fishery area consists of the area of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

**Division 2 Authorisation**

**24 Where fish may be taken**

Fish may be taken only from the area, within the fishery area, stated on the licence.

**25 What fish may be taken**

The following fish may be taken under the licence—

- (a) coral of the class Anthozoa or Hydrozoa, including its uncompact skeletons;
- (b) any marine organism living in or on coral mentioned in paragraph (a), other than a marine organism that is a regulated fish;
- (c) coral sand consisting of fine remnants of coral.

**26 Way fish may be taken**

- (1) Fish may be taken only by—
  - (a) hand; or
  - (b) using hand-held non-mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking fish.

**27 Who may take fish**

- (1) A commercial fisher and assistant fishers may take fish under the licence.
- (2) However, no more than 3 persons may take fish under the licence at the same time.

**28 Fish may be taken only with unused entitlements**

- (1) Specialty coral or other coral may be taken in a hand-harvest ITQ year only if the coral is taken under the following hand-harvest ITQ units with unused entitlements for the hand-harvest ITQ year—
  - (a) for specialty coral—DS-ITQ units;
  - (b) for other coral—DO-ITQ units.
- (2) Select coral of the following species may be taken in a select coral ITQ year only if the coral is taken under the select coral ITQ units stated for the species with unused entitlements for the select coral ITQ year—
  - (a) *Acanthophyllia deshayesiana*—DS36-ITQ units;
  - (b) *Cycloseris cyclolites*—DS28-ITQ units;
  - (c) *Euphyllia glabrescens*—DS22-ITQ units;
  - (d) *Fimbriaphyllia ancora*—DS23-ITQ units;
  - (e) *Homophyllia cf. australis*—DS39-ITQ units;
  - (f) *Micromussa lordhowensis*—DS48-ITQ units;
  - (g) *Trachyphyllia geoffroyi*—DS74-ITQ units.

**29 Maximum amount of coral sand that may be taken**

No more than 5L of coral sand may be taken during a fishing operation.

## **Division 3                      Conditions**

### **30            Purpose of division**

This division prescribes conditions for the licence.

### **31            Coral must not be trimmed**

(1) A person must not trim coral taken under the licence before the coral is unloaded.

(2) In this section—

*trim*, for coral, means take any action to remove, or cause the removal of, a part of the substrate that is attached to the coral when the coral is taken.

### **32            Fish must not be released**

(1) A person must not release fish taken under the licence into Queensland waters.

(2) Subsection (1) does not apply to the release of fish before it is removed from the water.

## **Part 4                              Eel fishery**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **33            Eel fishery**

The eel fishery is the activity of fishing for the eels mentioned in section 36 in the fishery area, as provided under this part.

#### **34            Fishery symbol**

The fishery symbol for the fishery is ‘E’.

**35 Fishery area**

The fishery area consists of the following—

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

**Division 2 Authorisation****Subdivision 1 General****36 What fish may be taken**

Longfin eels and Southern shortfin eels may be taken under the licence.

**37 Way fish may be taken**

- (1) A person may take eels only by using an eel trap or a round eel trap.
- (2) A person may use an eel trap or round eel trap to take eels only if—
  - (a) the trap complies with subdivision 2; and
  - (b) the use of the trap complies with subdivision 3.

**38 Who may take eels**

Only a commercial fisher may take eels under the licence.

**Subdivision 2 Eel traps and round eel traps****39 Application of subdivision**

This subdivision applies to an eel trap or a round eel trap.

#### **40 Trap entrance and trap pocket entrance**

- (1) The trap must have only—
  - (a) 1 entrance into the trap itself (the *trap entrance*); and
  - (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
- (2) The trap entrance must not be extended by attaching wings.
- (3) The aperture of the trap pocket entrance must be no less than 20cm in any dimension.

#### **41 Trap mesh size**

- (1) The trap, other than its pocket, must have a mesh size of at least 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be no less than 22mm in any dimension.

#### **42 Trap frame**

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

#### **43 Dimensions**

The trap when set must have the following dimensions—

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

#### **44 Trap pocket**

- (1) The pocket of the trap must—

- 
- (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and
  - (b) have rings that are—
    - (i) made of rigid material; and
    - (ii) no more than 1m apart; and
    - (iii) no less than 20cm in any dimension.
  - (2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
  - (3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.
  - (4) In this section—  
*trap pocket entrance* see section 40(1)(b).

#### **45 Trap float**

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

- (a) solid, light-coloured and clearly visible on the surface of the water; and
- (b) no less than 15cm in any dimension; and
- (c) marked with—
  - (i) the number of the licence under which the trap is being used; and
  - (ii) the first name and surname of the holder of the licence.

### **Subdivision 3 Use of eel traps and round eel traps**

#### **46 Restriction on trapping times**

- (1) This section applies to an eel trap or a round eel trap in waters in the fishery area, other than waters—
  - (a) in a privately owned impoundment; or

- (b) to which the public does not have access.

*Example for paragraph (b)—*

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

- (2) The trap must not be used on—
- (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or
- (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- (3) However, the trap may remain in the water if it is not baited and its pocket is open.
- (4) In this section—

*long weekend* means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.

*ordinary weekend* means a weekend other than a long weekend.

#### **47 Number of traps that may be used**

No more than 50 eel traps or round eel traps may be used in an impoundment at the same time.

### **Division 3 Condition**

#### **48 Checking traps**

- (1) This section prescribes a condition for the licence.
- (2) An eel trap or a round eel trap that is in use must be checked every 24 hours after being set.

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## **Part 5                      Shell fishery**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **49              Shell fishery**

The shell fishery is the activity of fishing for the molluscs mentioned in section 52 in the fishery area, as provided under this part.

#### **50              Fishery symbol**

The fishery symbol for the fishery is 'F'.

#### **51              Fishery area**

The fishery area consists of the area of all tidal waters and foreshores.

### **Division 2                      Authorisation**

#### **52              What fish may be taken**

Molluscs, other than green snails, oysters, pearl oysters, trochus or scallops, may be taken under the licence.

#### **53              Way fish may be taken**

- (1) Broken remnants of molluscs may be taken only by—
  - (a) hand; or
  - (b) using hand-held non-mechanical implements; or
  - (c) if stated on the licence, using mechanical equipment.
- (2) Molluscs, other than broken remnants, may be taken only by—

- (a) hand, without using digging or sieving implements; or
- (b) if stated on the licence, using shell dredges.

**54 Use of shell dredges**

A shell dredge used for taking molluscs must not have a mouth wider than 1.2m or teeth or prongs longer than 75mm.

**55 Who may take fish**

- (1) A commercial fisher and assistant fishers may take molluscs under the licence.
- (2) However, no more than 2 persons may take molluscs under the licence at the same time.

**Part 6 Shell grit fishery**

**Division 1 Fishery, fishery symbol and fishery area**

**56 Shell grit fishery**

The shell grit fishery is the activity of fishing for shell grit in the fishery area, as provided under this part.

**57 Fishery symbol**

The fishery symbol for the fishery is 'G'.

**58 Fishery area**

The fishery area consists of the area of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

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## **Division 2                      Authorisation**

### **59        Where fish may be taken**

Shell grit may be taken only in an area, within the fishery area, stated on the licence.

### **60        What fish may be taken**

Shell grit may be taken under the licence.

### **61        Way fish may be taken**

- (1) Shell grit may be taken only by—
  - (a) hand; or
  - (b) using hand-held non-mechanical implements.
- (2) A person may take shell grit only in a way that ensures the total volume of shell grit taken is replaced with an equal volume of sand that has been lawfully obtained.

### **62        Who may take fish**

Only a commercial fisher may take shell grit under the licence.

### **63        Fish may be taken only with unused entitlements**

Shell grit may be taken in a hand-harvest ITQ year only if the shell grit is taken under G-ITQ units with unused entitlements for the hand-harvest ITQ year.

## **Part 7**                      **Star sand fishery**

### **Division 1**                **Fishery, fishery symbol and fishery area**

#### **64**      **Star sand fishery**

The star sand fishery is the activity of fishing for star sand in the fishery area, as provided under this part.

#### **65**      **Fishery symbol**

The fishery symbol for the fishery is 'H'.

#### **66**      **Fishery area**

The fishery area consists of the area of all tidal waters and foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

### **Division 2**                **Authorisation**

#### **67**      **Where fish may be taken**

Star sand may be taken only in an area, within the fishery area, stated on the licence.

#### **68**      **What fish may be taken**

Star sand composed of the calcareous skeletons of unicellular animals known as Foraminifera may be taken under the licence.

#### **69**      **Way fish may be taken**

Star sand may be taken only by—

- (a) hand; or
- (b) using hand-held non-mechanical implements.

## **70 Who may take fish**

Only a commercial fisher may take star sand under the licence.

# **Part 8 Trochus fishery (east coast)**

## **Division 1 Fishery, fishery symbol and fishery area**

### **71 Trochus fishery (east coast)**

The trochus fishery (east coast) is the activity of fishing for trochus in the fishery area, as provided under this part.

### **72 Fishery symbol**

The fishery symbol for the fishery is 'J1'.

### **73 Fishery area**

The fishery area consists of the area of all tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east.

## **Division 2 Authorisation**

### **74 What fish may be taken**

Trochus may be taken under the licence.

### **75 Way fish may be taken**

- (1) Trochus may be taken only by—

- (a) hand; or
  - (b) using hand-held non-mechanical implements.
- (2) Underwater breathing apparatus may also be used when taking trochus.

**76 Who may take fish**

- (1) A commercial fisher and assistant fishers may take trochus under the licence.
- (2) However, no more than 10 persons may take trochus under the licence at the same time.

**77 Fish may be taken only with unused entitlements**

Trochus may be taken in a hand-harvest ITQ year only if the trochus is taken under J1-ITQ units with unused entitlements for the hand-harvest ITQ year.

## **Part 9 Juvenile eel fishery**

### **Division 1 Fishery, fishery symbol and fishery area**

**78 Juvenile eel fishery**

The juvenile eel fishery is the activity of fishing for the juvenile eels mentioned in section 82 in the fishery area, as provided under this part.

**79 Fishery symbol**

The fishery symbol for the fishery is 'JE'.

**80 Fishery area**

The fishery area consists of Queensland waters.

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## **Division 2            Authorisation**

### **Subdivision 1        General**

#### **81        Where fish may be taken**

- (1) Elver and glass eels may be taken only in the area, within the fishery area, stated on the licence.
- (2) Juvenile eels may be taken in a tributary only—
  - (a) downstream of—
    - (i) the most downstream weir of the tributary; or
    - (ii) if the tributary does not have a weir—the point that is 1km upstream from the mouth of the river into which the tributary flows; and
  - (b) up to 200m of either side of the mouth of the river into which the tributary flows.

#### **82        What fish may be taken**

Juvenile eels of the genus *Anguilla* may be taken under the licence.

#### **83        Way fish may be taken**

Juvenile eels may be taken only by—

- (a) using an eel trap or round eel trap—
  - (i) that complies with subdivision 2; and
  - (ii) in a way that complies with subdivision 3; or
- (b) using up to 3 scoop nets in a way that complies with subdivision 4; or
- (c) using up to 3 flow traps approved by the chief executive.

**84 Who may take fish**

- (1) A commercial fisher and assistant fishers may take juvenile eels under the licence.
- (2) However, no more than 3 persons may take juvenile eels under the licence at the same time.

**85 Selling fish**

- (1) A person who takes juvenile eels under the licence may sell the eels only for aquaculture in an approved aquaculture facility.

- (2) In this section—

*approved aquaculture facility* means a facility—

- (a) used for aquaculture in accordance with a material change of use of premises for aquaculture that is or was—
  - (i) accepted development under the Planning Act; or
  - (ii) the subject of a development approval; or
- (b) used for aquaculture in another State under the laws of the other State.

**Subdivision 2 Eel traps and round eel traps**

**86 Application of subdivision**

This subdivision applies to an eel trap or a round eel trap.

**87 Trap entrance and trap pocket entrance**

- (1) The trap must have only—
  - (a) 1 entrance into the trap itself (the *trap entrance*); and
  - (b) 1 entrance from the trap into its pocket (the *trap pocket entrance*).
- (2) The trap entrance must not be extended by attaching wings.

- 
- (3) The aperture of the trap pocket entrance must be no less than 20cm in any dimension.

**88 Trap mesh size**

- (1) The trap, other than its pocket, must have a mesh size of at least 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be no less than 22mm in any dimension.

**89 Trap frame**

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

**90 Dimensions**

The trap when set must have the following dimensions—

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

**91 Trap pocket**

- (1) The pocket of the trap must—
- (a) be long enough and attached to a float in a way so that an air-breathing animal trapped in the trap or the pocket can access the surface of the water to breathe; and
  - (b) have rings that are—
    - (i) made of rigid material; and
    - (ii) no more than 1m apart; and

- (iii) no less than 20cm in any dimension.
- (2) The ring nearest the trap pocket entrance must be no more than 1m from the trap pocket entrance.
- (3) The ring nearest the closed end of the pocket must be no more than 0.5m from the closed end.
- (4) In this section—  
*trap pocket entrance* see section 87(1)(b).

## 92 Trap float

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

- (a) solid, light-coloured and clearly visible on the surface of the water; and
- (b) no less than 15cm in any dimension; and
- (c) marked with—
  - (i) the number of the licence under which the trap is being used; and
  - (ii) the first name and surname of the holder of the licence.

## Subdivision 3 Use of eel traps and round eel traps

### 93 Restriction on trapping times

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

*Example for paragraph (b)—*

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

- (2) The trap must not be used on—

- 
- (a) an ordinary weekend from 9a.m. on Saturday to 4p.m. on Sunday; or
  - (b) a long weekend from 9a.m. on the first day of the long weekend to 4p.m. on the last day of the long weekend.
- (3) However, the trap may remain in the water if it is not baited and its pocket is open.
  - (4) In this section—

*long weekend* means any period of 3 or 4 days, including, for example, Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.

*ordinary weekend* means a weekend other than a long weekend.

#### **94 Number of traps that may be used**

Only 1 eel trap or round eel trap may be used to take juvenile eels under the licence in an impoundment at any time.

#### **95 Other requirements**

- (1) An eel trap or round eel trap must not be used to take juvenile eels within 20m of another eel trap or round eel trap being used by someone else to take juvenile eels.
- (2) An eel trap or round eel trap must not be used to take juvenile eels within 10m of the opening to a waterway that has a weir.
- (3) An eel trap or round eel trap may be used to take juvenile eels at night only if a fixed white light is displayed on the boat being used to take the eels.

### **Subdivision 4 Use of scoop nets**

#### **96 Use of scoop nets**

A scoop net must not be used to take juvenile eels within 10m of the opening to a waterway that has a weir.

## **Division 3                      Condition**

### **97        Checking trap or net**

- (1) This section prescribes a condition for the licence.
- (2) An eel trap, round eel trap or scoop net that is in use must be checked every 24 hours after being set.

## **Part 10                      Oyster fishery**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **98        Oyster fishery**

The oyster fishery is the activity of fishing for oysters mentioned in section 102, in the fishery area, as provided under this part.

#### **99        Fishery symbol**

The fishery symbol for the fishery is ‘O’.

#### **100      Fishery area**

The fishery area consists of the area of all foreshores between low water and high water.

### **Division 2                      Authorisation**

#### **101      Where fish may be taken**

Oysters may be taken only in the area, within the fishery area, stated on the licence.

**102 What fish may be taken**

The following oysters may be taken under the licence—

- (a) blacklip oysters;
- (b) milky oysters.

**103 Way fish may be taken**

Oysters may be taken only by—

- (a) hand; or
- (b) using hand-held non-mechanical implements.

**104 Who may take fish**

- (1) A commercial fisher and assistant fishers may take oysters under the licence.
- (2) However, no more than 2 persons may take oysters under the licence at the same time.

**Division 3 Conditions****105 Purpose of division**

This division prescribes conditions for the licence.

**106 Markers**

- (1) A person taking oysters under the licence must keep a marker at the high water mark at each corner of the area within which oysters are being taken.
- (2) The marker must—
  - (a) state—
    - (i) the licence number of the commercial fisher licence under which the person is taking oysters; and

- (ii) the name of the fishery; and
  - (b) have a diameter of no less than 500mm; and
  - (c) be made of retroflective material; and
  - (d) be kept no less than 2m above the surface of the land.
- (3) The marker must be kept in good condition at all times.

## **Part 11 Pearl fishery**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **107 Pearl fishery**

The pearl fishery is the activity of fishing for live pearl oysters in the fishery area, as provided under this part.

#### **108 Fishery symbol**

The fishery symbol for the fishery is 'P'.

#### **109 Fishery area**

The fishery area consists of the area of tidal waters south of latitude 10°41' south and east of longitude 142°31'49" east.

### **Division 2 Authorisation**

#### **110 What fish may be taken**

Live pearl oysters may be taken under the licence.

#### **111 Way fish may be taken**

- (1) Live pearl oysters may be taken only by—

- (a) hand; or
  - (b) using hand-held implements.
- (2) Underwater breathing apparatus may also be used when taking live pearl oysters.

### **112 Who may take fish**

- (1) A commercial fisher and assistant fishers may take live pearl oysters under the licence.
- (2) However, no more than 3 persons may take live pearl oysters under the licence at the same time.

## **Division 3 Condition**

### **113 Selling fish**

- (1) This section prescribes a condition for the licence.
- (2) Live pearl oysters taken under the licence may be sold only to a person acting under a development approval for prescribed aquaculture development.

## **Part 12 Commercial crayfish and rocklobster fishery**

### **Division 1 Fishery, fishery symbol and fishery area**

#### **114 Commercial crayfish and rocklobster fishery**

The commercial crayfish and rocklobster fishery is the activity of fishing for the fish mentioned in section 117 in the fishery area, as provided under this part.

**115 Fishery symbol**

The fishery symbol for the fishery is 'R'.

**116 Fishery area**

The fishery area consists of the area of the following tidal waters—

- (a) waters east of longitude 142°31'49" east, and north of latitude 14° south;
- (b) the waters in the Gulf of Carpentaria—
  - (i) between the 25n mile line and the shore; and
  - (ii) south of latitude 10°48' south;
- (c) waterways that join the waters mentioned in paragraph (b).

**Division 2 Authorisation**

**117 What fish may be taken**

Red champagne lobster and tropical rocklobster may be taken under the licence.

**118 Way fish may be taken**

- (1) Fish may be taken only by—
  - (a) hand; or
  - (b) using hand-held non-mechanical implements; or
  - (c) using spears or spear guns.
- (2) Underwater breathing apparatus may also be used when taking fish.

**119 Who may take fish**

- (1) A commercial fisher or assistant fisher may take fish under the licence.
- (2) However, only 1 person may take fish from each boat authorised to be used under the licence at the same time.

**120 Fish may be taken only with unused entitlements**

Fish may be taken in a hand-harvest ITQ year only if the fish are taken under R-ITQ units with unused entitlements for the hand-harvest ITQ year.

**Part 13 Beachworm fishery****Division 1 Fishery, fishery symbol and fishery area****121 Beachworm fishery**

The beachworm fishery is the activity of fishing for beachworms in the fishery area, as provided under this part.

**122 Fishery symbol**

The fishery symbol for the fishery is 'W1'.

**123 Fishery area**

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

## **Division 2                      Authorisation**

### **124      Where fish may be taken**

Beachworms may be taken only in the area, within the fishery area, stated on the licence.

### **125      What fish may be taken**

Beachworms may be taken under the licence.

### **126      Way fish may be taken**

Beachworms may be taken only by hand.

### **127      Who may take fish**

Only a commercial fisher may take beachworms under the licence.

## **Part 14                      Bloodworm fishery**

### **Division 1                      Fishery, fishery symbol and fishery area**

#### **128      Bloodworm fishery**

The bloodworm fishery is the activity of fishing for bloodworms in the fishery area, as provided under this part.

#### **129      Fishery symbol**

The fishery symbol for the fishery is 'W2'.

**130 Fishery area**

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

**Division 2 Authorisation****131 What fish may be taken**

Bloodworms may be taken under the licence.

**132 Way fish may be taken**

- (1) Bloodworms may be taken only by hand or by using hand-held forks.
- (2) Bloodworms may be taken by digging up an area only if, immediately after the worms are taken, the person taking the worms puts any seagrass disturbed or removed by the digging in an upright position in the same location from which the seagrass was disturbed or removed.

**133 Who may take fish**

Only a commercial fisher may take bloodworms under the licence.

**Part 15 Marine yabby fishery****Division 1 Fishery, fishery symbol and fishery area****134 Marine yabby fishery**

The marine yabby fishery is the activity of fishing for marine yabbies in the fishery area, as provided under this part.

**135 Fishery symbol**

The fishery symbol for the fishery is ‘Y’.

**136 Fishery area**

The fishery area consists of the area of all foreshores south of latitude 10°41' south and east of longitude 142°31'49" east.

**Division 2 Authorisation**

**137 Where fish may be taken**

Marine yabbies may be taken only in the area, within the fishery area, stated on the licence.

**138 What fish may be taken**

Marine yabbies may be taken under the licence.

**139 Way fish may be taken**

Marine yabbies may be taken only by using—

- (a) hand pumps; or
- (b) if stated on the licence, mechanical pumps.

**140 Who may take fish**

Only a commercial fisher may take marine yabbies under the licence.

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**Schedule 8      Other commercial fisheries**

section 4

**Part 3                      Commercial trawl fishery (fin fish)****Division 1                  Fishery, fishery symbol and fishery area****17      Commercial trawl fishery (fin fish)**

The commercial trawl fishery (fin fish) is the activity of fishing for the fish mentioned in section 21 in the fishery area, as provided under this part.

**18      Fishery symbol**

The fishery symbol for the fishery is 'T4'.

**19      Fishery area**

The fishery area consists of the area of all tidal waters within the following boundary—

- from latitude 24°42.05' south, longitude 153°28.11' east
- to latitude 24°57.87' south, longitude 153°34.78' east
- to latitude 26°12.84' south, longitude 153°48.83' east
- to latitude 26°24.88' south, longitude 153°36.05' east
- to latitude 26°44.98' south, longitude 153°30.38' east
- to latitude 27°05.68' south, longitude 153°34.36' east
- to latitude 27°58.78' south, longitude 153°46.38' east
- to latitude 28°06.32' south, longitude 153°44.90' east

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- to latitude 28°09.66' south, longitude 153°46.68' east
- to latitude 28°09.17' south, longitude 153°34.30' east
- to latitude 28°06.85' south, longitude 153°31.74' east
- to latitude 28°01.10' south, longitude 153°29.43' east
- to latitude 27°51.23' south, longitude 153°28.34' east
- to latitude 27°45.62' south, longitude 153°30.19' east
- to latitude 27°38.84' south, longitude 153°30.33' east
- to latitude 27°31.28' south, longitude 153°33.34' east
- to latitude 27°31.78' south, longitude 153°34.50' east
- to latitude 27°30.08' south, longitude 153°36.02' east
- to latitude 27°24.64' south, longitude 153°33.58' east
- to latitude 27°22.79' south, longitude 153°34.20' east
- to latitude 27°20.139' south, longitude 153°29.81' east
- to latitude 27°14.96' south, longitude 153°28.31' east
- to latitude 26°56.55' south, longitude 153°29.61' east
- to latitude 26°54.48' south, longitude 153°28.00' east
- to latitude 26°56.62' south, longitude 153°21.80' east
- to latitude 26°54.01' south, longitude 153°17.06' east
- to latitude 26°50.58' south, longitude 153°15.07' east
- to latitude 26°47.17' south, longitude 153°16.84' east
- to latitude 26°36.92' south, longitude 153°13.30' east
- to latitude 26°13.70' south, longitude 153°08.79' east
- to latitude 26°4.76' south, longitude 153° 9.26' east
- to latitude 25°58.54' south, longitude 153°11.33' east
- to latitude 25°57.67' south, longitude 153°12.71' east
- to latitude 25°54.02' south, longitude 153°12.55' east
- to latitude 25°51.54' south, longitude 153°09.00' east
- to latitude 25°47.31' south, longitude 153°10.43' east

- to latitude 25°41.98' south, longitude 153°07.84' east
- to latitude 25°34.67' south, longitude 153°11.28' east
- to latitude 25°31.67' south, longitude 153°11.01' east
- to latitude 25°21.42' south, longitude 153°16.96' east
- to latitude 25°12.89' south, longitude 153°21.92' east
- to latitude 25°12.92' south, longitude 153°24.72' east
- to latitude 25°11.82' south, longitude 153°26.65' east
- to latitude 25°02.88' south, longitude 153°23.79' east
- to latitude 24°58.38' south, longitude 153°29.22' east
- to latitude 24°54.25' south, longitude 153°24.20' east
- to latitude 24°41.85' south, longitude 153°23.00' east
- to latitude 24°42.05' south, longitude 153°28.11' east.

## Division 2 Authorisation

### 20 Meaning of *prescribed whiting* and reference

- (1) Generally, *prescribed whiting* means red spot whiting or stout whiting.
- (2) A reference to a quantity of prescribed whiting (however expressed) is a reference to a quantity of fish consisting of either or both of the following—
  - (a) red spot whiting;
  - (b) stout whiting.

### 21 What fish may be taken

The following fish (each the *permitted fish*) may be taken under the licence—

- (a) prescribed whiting;
- (b) any of the following fish, if the fish are taken while taking prescribed whiting—

- (i) Balmain bug;
- (ii) cuttlefish;
- (iii) goatfish;
- (iv) Moreton Bay bug;
- (v) octopus;
- (vi) squid;
- (vii) threadfin bream;
- (viii) yellowtail scad.

## **22 Way fish may be taken**

- (1) Permitted fish may be taken only by using an otter trawl net or seine net that complies with this section.
- (2) The net must not be longer than 88m and must have a mesh size of at least 38mm.
- (3) For subsection (2), the length of the net must be worked out from the combined length of the following ropes when taut—
  - (a) the head and bottom ropes;
  - (b) the rope fixing the net's opening size;
  - (c) the ropes to which the net's mesh is attached;
  - (d) the part of another rope, other than a lazy line or log rope, to which a wing net is attached.
- (4) For an otter trawl net—
  - (a) each of its sweeps must not be longer than 128m; and
  - (b) the net must not be used from a boat longer than 20m; and
  - (c) the net must be used with a TED that complies with schedule 2, part 2, division 11.
- (5) For subsection (4)(a), an otter trawl net's sweeps includes a chain, rope, shackle, wire or other fitting used to attach otter boards or sleds to the net.

- (6) However, if 2 or more fittings mentioned in subsection (5) are joined to make a single fitting, the single fitting is 1 sweep.
- (7) For a seine net—
- (a) each of the 2 haul ropes attached to the net must not be longer than 2,500m; and
  - (b) the end of the haul rope that is first deployed when the net is deployed must be marked with a floating buoy that is clearly visible on the surface of the water; and
  - (c) the net must not be used from a boat longer than 25m.

*Note—*

A seine net described in subsection (7) is commonly known as a Danish seine net.

## 23 Prescribed whiting may be taken only with unused entitlements

Prescribed whiting may be taken in a T4-ITQ year only if the whiting is taken under T4-ITQ units with unused entitlements for the T4-ITQ year.

## 24 Annual quota entitlement for goatfish and yellowtail scad

- (1) This section applies to the following fish—
- (a) goatfish;
  - (b) yellowtail scad.
- (2) The annual quota of each of the fish that may be taken under the licence in a T4-ITQ year is the amount worked out using the following formula—

$$AQ = DAQ/L \times N$$

where—

*AQ* is the annual quota of the fish, in kilograms, that may be taken under the licence in the year.

*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*).

*L* is the total number of T4 licences that are in force when the relevant declaration is made.

*N* is the number of fishery symbols 'T4' written on the licence.

## Schedule 9 Fish and management regions for particular quota units

sections 91A, 106C, 106J, 106R and 106Y(1)

### Part 1 Line units

Line unit	Prescribed coral reef fin fish
CT line unit	regulated coral trout
RTE line unit	redthroat emperor
OS line unit	other regulated coral reef fin fish

### Part 2 ENL-ITQ units

ENL-ITQ unit	Prescribed ENL-ITQ fish	Prescribed management region	ENL	Fishery symbol
GM5-ITQ unit	grey mackerel	east coast management region 5	inshore	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L1' 'N10', 'N15'
SCM5-ITQ unit	school mackerel	east coast management region 5	inshore	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8' 'L1' 'N10', 'N15'

<b>ENL-ITQ unit</b>	<b>Prescribed ENL-ITQ fish</b>	<b>Prescribed management region</b>	<b>ENL Fishery symbol</b>
WT5-ITQ unit	whiting	east coast inshore management region 5	'K1', 'K2', 'K3', 'K4', 'K5', 'K6', 'K7', 'K8'  'L1'  'N10', 'N11', 'N15'

### **Part 3 C1-ITQ units**

<b>C1-ITQ unit</b>	<b>Prescribed crab</b>	<b>Prescribed crab management region</b>
BC1-ITQ unit	blue swimmer crab	blue swimmer crab management region
EC1-ITQ unit	mud crab	mud crab east coast management region
GC1-ITQ unit	mud crab	mud crab Gulf of Carpentaria management region

### **Part 4 Hand-harvest ITQ units**

<b>Hand-harvest ITQ unit</b>	<b>Prescribed hand-harvest ITQ fish</b>
B1B-ITQ unit	black teatfish
B1W-ITQ unit	white teatfish
B1O-ITQ unit	other sea cucumber
DS-ITQ unit	specialty coral
DO-ITQ unit	other coral

<b>Hand-harvest ITQ unit</b>	<b>Prescribed hand-harvest ITQ fish</b>
G-ITQ unit	shell grit
J1-ITQ unit	trochus
R-ITQ unit	red champagne lobster and tropical rocklobster

## **Part 5**                      **Select coral ITQ units**

<b>Select coral ITQ unit</b>	<b>Prescribed</b>
DS22-ITQ unit	<i>Euphyllia glabrescens</i>
DS23-ITQ unit	<i>Fimbriaphyllia ancora</i>
DS28-ITQ unit	<i>Cycloseris cyclolites</i>
DS36-ITQ unit	<i>Acanthophyllia deshayesiana</i>
DS39-ITQ unit	<i>Homophyllia cf. australis</i>
DS48-ITQ unit	<i>Micromussa lordhowensis</i>
DS74-ITQ unit	<i>Trachyphyllia geoffroyi</i>

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

section 70(3) definition *EUCF*

<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
1	3
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

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
20	24
21	25
22	26
23	27
24	28
25	28
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

<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
44	43
45	44
46	45
47	46
48	46
49	47
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

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
68	60
69	61
70	62
71	62
72	63
73	64
74	64
75	65
76	66
77	66
78	67
79	68
80	68
81	69
82	70
83	70
84	71
85	71
86	72
87	73
88	73
89	74
90	75
91	75

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<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
92	76
93	76
94	77
95	78
96	78
97	79
98	80
99	80
100	81
101	81
102	82
103	83
104	83
105	84
106	84
107	85
108	86
109	86
110	87
111	87
112	88
113	89
114	89
115	90

<b>Number of hull units for boat</b>	<b>Effort unit conversion factor for boat</b>
116	90
117	91
118	92
119	92
120	93

## Schedule 11 Dictionary

### section 3

***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 marked using writing that is—

- (a) permanent; and
- (b) raised or recessed; and
- (c) legible, visible and in English.

***approved logbook***, for chapter 5, see section 122.

***approved logbook (commercial fishing)***, for chapter 5, see section 122.

***approved logbook (TEP animal interaction)***, for chapter 5, see section 122.

***assistant fisher*** see section 44.

***authorised boat***—

- (a) for chapter 2, part 4, see section 24; or
- (b) for a primary commercial fishing licence, means each of the following—
  - (i) the primary boat identified in the licence (if any);
  - (ii) each tender boat authorised under the Act to be used under the licence.

***authorised person***, for chapter 2, part 2, division 1, see section 7.

***authorised tender boat number***, for chapter 3, part 4, division 2, see section 61.

***blue swimmer crab management region*** see schedule 7, section 12E.

***boat mark***, for a boat used under an authority, see section 25.

**boat mark notice**, for chapter 2, part 4, see section 24(b).

**BRD**, for schedule 2, see schedule 2, section 96(1).

**C1-ITQ year** see section 106I.

**C2-ITQ year** see section 97.

**catch disposal record**, for chapter 6, part 2, see section 163(1).

**Cleveland Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 145.

**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.

**crab apparatus**, for schedule 7, part 1, see schedule 7, section 5(1).

**deep water net area**, in relation to the east coast trawl fishery, see schedule 2, section 146.

**defined port area** means the area of a port mentioned in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2.

**domestic commercial vessel (class 1 or 2)** means a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the domestic commercial vessel national law stating the vessel is a class 1 or 2 vessel.

**drop line**, for schedule 3, part 4, see schedule 3, section 32(1)(a).

**earlier pre-trip notice**, for chapter 6, part 1, see section 139(1)(a).

**east coast inshore management region 1** see schedule 4, section 155.

***east coast inshore management region 2*** see schedule 4, section 156.

***east coast inshore management region 3*** see schedule 4, section 157.

***east coast inshore management region 4*** see schedule 4, section 158.

***east coast inshore management region 5*** see schedule 4, section 159.

***eastern N11 area*** see schedule 4, section 116(2).

***effort year*** see section 66.

***ENL-ITQ licence***, in relation to an ENL-ITQ unit, see section 106C(3).

***ENL-ITQ year*** see section 106B.

***entitlement*** under a select coral ITQ unit, see section 106ZA(2)(a).

***escape hole***, for schedule 2, see schedule 2, section 115(2)(b).

***Facing Island area***, in relation to the east coast trawl fishery, see schedule 2, section 147.

***first licence***, for chapter 3, part 4, division 2, see section 62(1)(a).

***fisher PIN***, for line units, SM units or T4-ITQ units, means a 4-digit number identifying the holder of the units—

- (a) issued by the chief executive under the Act to the holder;  
or
- (b) if a fisher PIN issued to the holder has been changed under the Act—the fisher PIN as changed.

***fishery provision***, about a commercial fishery, means a provision of schedules 2 to 8 about the commercial fishery.

***Fitzroy River mouth area***, in relation to the east coast trawl fishery, see schedule 2, section 148.

***Gulf N11 area*** see schedule 4, section 116(3).

***hand-harvest ITQ licence***—

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- (a) in relation to a hand-harvest ITQ unit, see section 106R(2); or
  - (b) in relation to a select coral ITQ unit, see section 106Y(2).

***hand-harvest ITQ year*** see section 106P.

***hand-harvest only commercial fishery*** means any of the following commercial fisheries—

- (a) aquarium fish fishery;
- (b) sea cucumber fishery (east coast);
- (c) coral fishery;
- (d) eel fishery;
- (e) shell fishery;
- (f) shell grit fishery;
- (g) star sand fishery;
- (h) trochus fishery (east coast);
- (i) juvenile eel fishery;
- (j) oyster fishery;
- (k) pearl fishery;
- (l) commercial crayfish and rocklobster fishery;
- (m) beachworm fishery;
- (n) bloodworm fishery;
- (o) marine yabby fishery.

***Hervey Bay area***, in relation to the east coast trawl fishery, see schedule 2, section 149.

***Keppel Bay area***, in relation to the east coast trawl fishery, see schedule 2, section 150.

***Laguna Bay area***, in relation to the east coast trawl fishery, see schedule 2, section 151.

***limited pre-trip notice***, for chapter 6, part 1, see section 139(2).

**line year** see section 90.

**mud crab east coast management region** see schedule 7, section 12D.

**mud crab Gulf of Carpentaria management region** see schedule 7, section 12C.

**N11 fish** means fish that may, under schedule 4, be taken in the N11 fishery.

**N11 fishery** means the fishery described in schedule 4, part 7.

**ocean beach fishery**, for chapter 2, part 3, see section 16.

**ocean beach fishery flag**, for chapter 2, part 3, see section 16.

**ocean beach net area**, for chapter 2, part 3, see section 16.

**other coral** means—

- (a) coral of the class Anthozoa or Hydrozoa that is not specialty coral or select coral; or
- (b) live rock.

**other sea cucumber** means sea cucumber other than black teatfish and white teatfish.

**permitted fish**—

- (a) for schedule 2, see schedule 2, section 4; or
- (b) for schedule 8, part 3, see schedule 8, section 21.

**power assisted device** means an electrical or mechanical device for setting or retrieving fishing apparatus.

**prescribed coral reef fin fish**, in relation to a line unit, see section 91A.

**prescribed crab**, in relation to a C1-ITQ unit, see section 106J(1).

**prescribed crab management region**, in relation to a C1-ITQ unit, see section 106J(2).

**prescribed ENL-ITQ fish**, in relation to an ENL-ITQ unit, see section 106C(1).

***prescribed ENL management region***, in relation to an ENL-ITQ unit, see section 106C(2).

***prescribed hand-harvest ITQ fish***, in relation to a hand-harvest ITQ unit, see section 106R(1).

***prescribed numerical code***, for a place, means the sequence of numbers that—

- (a) may be used to identify the latitude and longitude coordinates for the place; and
- (b) is nominated by the chief executive; and
- (c) is published on the department's website.

***prescribed select coral***, in relation to a select coral ITQ unit, see section 106Y(1).

***prescribed whiting*** see schedule 8, section 20(1).

***pre-trip notice***—

- (a) for chapter 6, part 1, division 2, see section 138(2); or
- (b) for chapter 6, part 1, division 3, see section 145(2).

***pre-trip particulars***—

- (a) for chapter 6, part 1, division 2, see section 138(3); or
- (b) for chapter 6, part 1, division 3, see section 145(3).

***primary boat mark***, for a net, means the boat mark for the boat from which the net is used.

***principal bug***, for schedule 2, see schedule 2, section 4(a)(ii).

***principal fish***, for schedule 2, see schedule 2, section 4(a).

***proposed landing place***, for a fishing operation, for chapter 6, part 1, see section 136.

***purpose of a BRD***, for schedule 2, see schedule 2, section 96(2).

***purpose of a TED***, for schedule 2, see schedule 2, section 114(2).

***quota authority certificate*** see section 109(3).

***quota units***, for chapter 4, part 6, see section 107.

**quota year**, for chapter 4, part 6, see section 107.

**ready to fish**, for chapter 2, part 3, see section 17.

**recognised BRD**, for schedule 2, see schedule 2, section 97.

**recognised TED**, for schedule 2, see schedule 2, section 115(1)(a).

**recreational fishing operation**, for chapter 6, part 1, see section 136.

**relevant day**, for chapter 4, part 1, division 4, subdivision 1, see section 74(1).

**relevant fishery**, for schedule 8, part 2, see schedule 8, section 11.

**relevant line fishery**—

- (a) for schedule 5, see schedule 5, section 1; or
- (b) for schedule 6, see schedule 6, section 1.

**Repulse Bay area**, in relation to the east coast trawl fishery, see schedule 2, section 152.

**second licence**, for chapter 3, part 4, division 2, see section 62(1)(b).

**select coral** means coral of the following species—

- (a) *Acanthophyllia deshayesiana*;
- (b) *Cycloseris cyclolites*;
- (c) *Euphyllia glabrescens*;
- (d) *Fimbriaphyllia ancora*;
- (e) *Homophyllia cf. australis*;
- (f) *Micromussa lordhowensis*;
- (g) *Trachyphyllia geoffroyi*.

**select coral ITQ year** see section 106X.

**SM year** see section 83.

**specialty coral** means—

- (a) hard coral other than—

- (i) hard coral of the family Acroporidae or Pocilloporidae; or
  - (ii) select coral; or
- (b) sea anemones.

**steaming day**, for effort units for a trawl region, see section 69(1)(b).

**T1 area**, in relation to the east coast trawl fishery, see schedule 2, section 153.

**T4-ITQ year** see section 102.

**T5 area**, in relation to the east coast trawl fishery, see schedule 2, section 154.

**T6 area**, in relation to the east coast trawl fishery, see schedule 2, section 155.

**T7 area**, in relation to the east coast trawl fishery, see schedule 2, section 156.

**T8 area**, in relation to the east coast trawl fishery, see schedule 2, section 157.

**T9 area**, in relation to the east coast trawl fishery, see schedule 2, section 158.

**TED**, for schedule 2, see schedule 2, section 114(1).

**TEP animal**, for chapter 5, see section 122.

**transport vessel**—

- (a) generally, means a domestic commercial vessel (class 1 or 2); and
- (b) for fish taken under a D, L4, N3, N12, N13 or R licence, includes a primary boat being used under another D, L4, N3, N12, N13 or R licence held by the same person.

**trawling**, for schedule 2, see schedule 2, section 1.

**trawl licence** means a primary commercial fishing licence for the east coast trawl fishery.

**trawl region** means a trawl region for effort units described in schedule 2, part 4, division 1.

***under direction—***

- (a) for the commercial trawl fishery (fin fish)—see section 45; or
- (b) for the east coast trawl fishery—see section 46; or
- (c) for another commercial fishery—see section 47.

***unit PIN***, for line units, SM units or T4-ITQ units, means a 4-digit number identifying the units—

- (a) issued by the chief executive under the Act to the holder of the units; or
- (b) if a unit PIN issued to the holder of the units has been changed by the chief executive under the Act—the unit PIN as changed.

***unused entitlement—***

- (a) for effort units, see section 70(6); or
- (b) for SM units, see section 87(2); or
- (c) for line units, see section 94(2); or
- (d) for C2-ITQ units, see section 100(2); or
- (e) for T4-ITQ units, see section 105(2); or
- (f) for ENL-ITQ units, see section 106F(2); or
- (g) for C1-ITQ units, see section 106M(2); or
- (h) for hand-harvest ITQ units, see section 106U(2); or
- (i) for select coral ITQ units, see section 106ZB(2).

***usage notice***, for chapter 4, part 1, division 3, see section 72(2).

***used—***

- (a) for an entitlement under effort units, see section 70(1); or
- (b) for an entitlement under an SM unit, see section 87(1); or
- (c) for an entitlement under a line unit, see section 94(1); or

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- (d) for an entitlement under a C2-ITQ unit, see section 100(1); or
  - (e) for an entitlement under a T4-ITQ unit, see section 105(1); or
  - (f) for an entitlement under an ENL-ITQ unit, see section 106F(1); or
  - (g) for an entitlement under a C1-ITQ unit, see section 106M(1); or
  - (h) for an entitlement under a hand-harvest ITQ unit, see section 106U(1); or
  - (i) for an entitlement under a select coral ITQ unit, see section 106ZB(1).

***weight notice*** see section 159(6).

***whole weight***—

- (a) for an amount of spanish mackerel—see section 84; or
- (b) for an amount of regulated coral reef fin fish—see section 91; or
- (c) for an amount of red champagne lobster or tropical rocklobster—see section 106Q; or
- (d) for an amount of crab—means the weight of an entire intact crab; or
- (e) for other fish—means the weight, in kilograms, of the fish.