



Torres Strait Fisheries Regulations 1985

made under the

Torres Strait Fisheries Act 1984

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About this compilation

This compilation

This is a compilation of the *Torres Strait Fisheries Regulations 1985* that shows the text of the law as amended and in force on 16 June 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of regulations

These regulations are the *Torres Strait Fisheries Regulations 1985*.

2 Interpretation

- (1) In these regulations, unless the contrary intention appears:

1 year licence means a licence the specified expiry date of which is in the period of 12 months beginning on the day on which the licence comes into force.

5 year licence means a licence other than a 1 year licence.

licensing authority means the Minister or the Protected Zone Joint Authority and includes, in relation to the exercise of a power or the performance of a function that has been delegated by the Minister or the Protected Zone Joint Authority to a person under subsection 9(1) or subsection 38(1) of the Act, as the case may be, that person.

Protected Zone Joint Authority has the same meaning as in Part V of the Act.

the Act means the *Torres Strait Fisheries Act 1984*.

- (2) The origin of geographical coordinates used in these regulations is the Australian Geodetic Datum 1966 (AGD66).

Part 2—Regulation of fishing

3 Prescribed manner of publication

The manner of publication under subsection 14(11), 16(9) or 17(3) of the Act of the contents of a notice is by publication in such newspaper as in the opinion of the Minister or the Protected Zone Joint Authority, as the case may be, is appropriate having regard to the nature of the contents of the notice.

4 Prescribed manner of broadcast

The manner of broadcast under subsection 14(11), 16(9) or 17(3) of the Act of the contents of a notice is by way of transmission in the State of Queensland on a frequency commonly used by fishing boats in the Torres Strait.

4A Terms of licences

For subsections 23(1) and (2) of the Act, the period of 5 years is specified for:

- (a) each licence granted under subsection 19(1) of the Act; and
- (b) each licence for an Australian boat, granted under subsection 19(2) of the Act.

5 Payment of licence fee

A licensing authority shall not grant a licence under section 19 of the Act, renew a licence under section 24 of the Act or transfer a licence under section 25 of the Act unless the fee prescribed by these Regulations in respect of the grant, renewal or transfer, as the case may be, of that licence has been tendered.

6 Licence and other fees

- (1) The fee specified in column 3 of Schedule 1 in an item in that schedule is payable in respect of the matter specified in column 2 of that schedule in that item.
- (2) For Schedule 1, the overall length of a boat is the distance between a vertical line passing through the front point of the hull and a vertical line passing through the rear point of the hull measured in a horizontal plane, and includes the length of any appendage that effectively increases the length of the hull, but excludes the length of any anchor rail, bowsprit or similar appendage.

7 Distinguishing number

- (1) Where a licensing authority grants a licence authorizing the use of an Australian boat for fishing in areas of Australian jurisdiction, the licensing authority shall assign to the boat a distinguishing number consisting of a letter or number, or letters followed by a number, followed by the letter 'T'.

- (2) Where a licensing authority grants a licence authorizing the use of a foreign boat for fishing in areas of Australian jurisdiction, the licensing authority shall assign to the boat a distinguishing number consisting of the boat's international radio call-sign followed by the letter 'T' .
- (3) If:
- (a) a boat in respect of which a licence under section 19 of the Act is in force:
 - (i) is used for fishing in areas of Australian jurisdiction; and
 - (ii) does not bear the distinguishing number assigned to it under subregulation (1) or (2) conspicuously and legibly displayed in such a position or in such positions on the boat as to be clearly visible from aircraft and from surface vessels in black letters and figures on a yellow ground, each letter and figure being in accordance with the requirements of Schedule 3;
 - (b) a boat in respect of which an endorsement under section 20 of the Act is in force:
 - (i) is used for fishing in areas of Australian jurisdiction; and
 - (ii) does not bear the distinguishing number assigned to the boat under the law of Papua New Guinea and displayed in accordance with a law of Papua New Guinea applicable to fishing in the Protected Zone; or
 - (c) a boat in respect of which a licence has been granted under section 19 of the Act has ceased to be so licensed and the letter 'T' appended to the distinguishing number assigned to it under subregulation (1) or (2) has not been completely obliterated or removed;
- the master and the owner of the boat shall each be guilty of an offence punishable on conviction by a fine not exceeding:
- (d) in the case of a natural person—20 penalty units; or
 - (e) in the case of a body corporate—100 penalty units.
- (4) An offence under subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

8 Requirements of orders to be complied with

- (1) The master of a boat in an area of Australian jurisdiction shall comply with the measures required by Marine Orders, Part 30 (Prevention of Collisions) as in force at the commencement of these Regulations relating to the prevention of collisions and the provision and use of lights and signals.
- (2) A person who fails to comply with subregulation (1) is guilty of an offence against these Regulations punishable on conviction by a fine not exceeding 20 penalty units.
- (2A) An offence under subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

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- (3) The imposition of a penalty under this regulation does not relieve a person from civil liability for damage occasioned by that person's failure to comply with a measure which, under this regulation, that person was obliged to comply with.
- (4) In this regulation, a reference to Marine Orders is a reference to orders made under the Navigation (Orders) Regulations.

9 Identity cards

- (1) The Secretary shall cause to be issued to each officer, other than a member of the Defence Force or a member or special member of the Australian Federal Police or a member of the Police Force of Queensland, an identity card stating that the person to whom the card has been issued is an officer for the purposes of the Act.
- (2) A person to whom an identity card has been issued who ceases to be an officer shall forthwith return the card to the Secretary.

Penalty: 1 penalty unit.

- (3) An offence under subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

10 Publication of log-books

- (1) Where the Minister is satisfied that information:
 - (a) in relation to the taking or processing of fish in areas of Australian jurisdiction and the sale or disposal of those fish; or
 - (b) relating to the taking or processing of fish with the use of a boat licensed under section 19 of the Act in areas of Papua New Guinea jurisdiction and the sale or disposal of those fish;is required in pursuit of the objectives of the Act, the Minister shall cause to be published forms of log-books in which the information can be entered in accordance with these Regulations.
- (2) Each form of log-book shall be appropriate to:
 - (a) the kind of fish;
 - (b) the kind of fishing activity; and
 - (c) the area of waters;in respect of which information is to be entered in the log-book and shall bear a letter, number or symbol by which it can be distinguished from other forms of log-book.
- (3) The information referred to in subregulation (1) that may be required to be entered in a log-book in respect of fish taken by means of a boat may include:
 - (a) the following particulars of the person in charge of taking or processing fish by means of the boat:
 - (i) the person's name;
 - (ii) the number of his certificate of competency (if any) as a master of a boat and the name of the authority that granted it; and

- (iii) the duration of experience of the master in the method of fishing carried on by means of a boat;
- (b) the number of the crew of the boat and the number of that crew who are normally directly engaged in taking fish;
- (c) particulars of the physical characteristics, and means of identification, of the boat and its equipment;
- (d) particulars of the fish taken by means of the boat;
- (e) particulars of circumstances related to the taking of fish by means of the boat; and
- (f) particulars of the sale or disposal of fish taken by means of the boat.

11 Powers of Minister

- (1) Where the Minister has, by notice in writing published in the *Gazette* and in a newspaper circulating in the State of Queensland, determined in respect of a form of log-book:
 - (a) the kind of fish;
 - (b) the kind of fishing activity; and
 - (c) the area of waters;in respect of which the form of log-book is to be used in accordance with these Regulations, the form of log-book is for the purposes of these Regulations the appropriate form of log-book in relation to a boat:
 - (d) engaged in taking in that area of waters fish included in that class of fish; or
 - (e) engaged in an activity related to taking in that area of waters fish included in that class of fish.
- (2) The Minister shall, by notice in writing published in the *Gazette* and in a newspaper circulating in the State of Queensland determine in respect of each form of log-book:
 - (a) the beginning and the end of the period during which subregulation 12(1) or (2) shall apply in respect of the form of log-book; and
 - (b) the places where copies of the form of log-book can be obtained during ordinary business hours.
- (3) For the purposes of a notice referred to in subregulation (1) or (2), it shall be sufficient to identify a form of log-book by means of the letter, number or symbol, referred to in subregulation 10(2), by which it is distinguished from other forms of log-book.
- (4) In respect of a form of log-book, the beginning of a period referred to in paragraph (2)(a) shall be not less than 14 days after the date on which the notice referred to in subregulation (2) is published in the *Gazette*, or in a newspaper referred to in that subregulation, whichever is the later, in relation to the form of log-book.
- (5) In respect of a form of log-book, the duration of a period referred to in paragraph (2)(a) shall not be longer than 3 years after the date on which the

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notice referred to in subregulation (2) is published in the Gazette, or in a newspaper referred to in that subregulation, whichever is the earlier, in relation to the form of log-book.

- (6) The Minister may, by notice in writing published in the Gazette and in a newspaper circulating in the State of Queensland determine that subregulation 12(1), (2) or (3) shall not apply in relation to masters of a specified class of boat in respect of a specified form of log-book.
- (7) The Minister shall determine in respect of each form of log-book the newspaper or newspapers in which a notice referred to in subregulation (1), (2) or (6) shall be published.
- (8) In making a determination under subregulation (7), the Minister shall have regard to the area of waters in respect of which the form of log-book is to be used in accordance with these Regulations.
- (9) Nothing in these Regulations prevents notices under subregulation (1), (2) or (6) being combined and published as one notice.

12 Offences in relation to log-books

- (1) The master of a boat licensed under section 19 of the Act or a boat in respect of which an endorsement under section 20 of the Act is in force who uses the boat in relation to the taking or processing of fish in an area of Australian jurisdiction on a day in the period specified in the appropriate log-book in relation to the boat, being the period determined in accordance with subregulation 11(2) by the Minister in respect of the log-book, shall, not later than the day immediately following that day, cause information relating to the taking, processing, sale or disposal of fish to be entered in the log-book in accordance with the requirements set out in the log-book.
- (2) The master of a boat licensed under section 19 of the Act who uses the boat in relation to the taking or processing of fish in areas of Papua New Guinea jurisdiction on a day in the period specified in the appropriate log-book in relation to the boat, being the period determined in accordance with subregulation 11(2) by the Minister in respect of the log-book, shall, not later than the day immediately following that day, cause information relating to the taking, processing, sale or disposal of fish to be entered in the log-book in accordance with the requirements set out in the log-book.
- (3) The master of a boat who caused information to be entered in a log-book shall cause the folios of the log-book in which the information has been entered to be furnished as soon as practicable to an officer, or to the Department, in accordance with the requirements set out in the log-book.
- (4) If the master of a boat fails to comply with subregulation (1), (2) or (3), he or she commits an offence punishable by a maximum fine of 20 penalty units.
- (5) It is a defence to a prosecution under subregulation (4) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

- (6) An offence under subregulation (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

13 Secrecy

- (1) A person must not, either directly or indirectly:
- (a) make a record of, or communicate to a person, information concerning the affairs of another person, that is contained in a log-book; or
 - (b) produce to a person any part of a log-book in which information has been recorded under these Regulations.

Penalty: 5 penalty units.

- (1A) An offence under subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (1B) Subregulation (1) does not apply in relation to making a record of information, communicating information or producing a logbook in the performance of a duty under, or in relation to, the Act or these Regulations, or in accordance with an order of a court.

Note: A defendant bears an evidential burden in relation to the matters mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

- (2) In this regulation, *court* includes any tribunal or person having authority under a law, or by consent of parties, to receive evidence.

14 Short methods of reference

- (1) For the purposes of a notice under section 14, 16, or 17 of the Act, or any other instrument made by or under the authority of the Act, the short method of reference set out in an item in Schedule 2 is the short method of reference to the area of Australian jurisdiction referred to in that item.
- (2) In Schedule 2, unless the contrary intention appears:

Fisheries Jurisdiction Line means the line referred to in paragraph (a) of the definition of *area of Australian jurisdiction* in subsection 3(1) of the Act.

Seabed Jurisdiction Line means the line described in Annex 5 to the Torres Strait Treaty.

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Part 3 Detention of suspected illegal foreign fishers etc

Division 1 Training for officers

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Part 3—Detention of suspected illegal foreign fishers etc

Division 1—Training for officers

15 Training for officers and detention officers

For subclause 6(1) of Schedule 2 to the Act, the minimum training is the course of training provided by AFMA known as Authorised Officer Training, which provides training on the following matters:

- (a) conducting searches;
- (b) maintaining the health, safety and welfare of detainees;
- (c) controlling persons by the use of empty-hand techniques;
- (d) the use of authorised officers' powers under the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984*.

Division 2—Identifying detainees

16 Personal identifiers

For paragraph 26(1)(g) of Schedule 2 to the Act, the personal identifiers are as follows:

- (a) a sample of a person's handwriting;
- (b) a photograph of a tattoo, scar or other identifying mark of a person, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the person's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: Subsection 23WA(1) of the *Crimes Act 1914* provides that *intimate forensic procedure* means any of the following forensic procedures:

- (a) an external examination of the genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (b) the taking of a sample of blood;
- (c) the taking of a sample of saliva, or a sample by buccal swab;
- (d) the taking of a sample of pubic hair;
- (e) the taking of a sample by swab or washing from the external genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (f) the taking of a sample by vacuum suction, by scraping or by lifting by tape from the external genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (g) the taking of a dental impression;
- (h) the taking of a photograph or video recording of, or an impression or cast of a wound from, the genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts.

17 Personal identifiers detainees must provide

For paragraph 28(2)(e) of Schedule 2 to the Act, the types of personal identifier are as follows:

- (a) an audio or a video recording of the detainee (other than a video recording under clause 37 of Schedule 2 to the Act);
- (b) an iris scan of the detainee's eyes;
- (c) a sample of the detainee's handwriting;
- (d) a photograph of a tattoo, scar or other identifying mark of the detainee, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the detainee's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: See the note after regulation 16 for the meaning of *intimate forensic procedure* for section 23WA of the *Crimes Act 1914*.

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18 Personal identifiers officers must require non-citizens to provide by way of identification tests

For paragraph 29(1)(a) of Schedule 2 to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of the non-citizen (including those taken using paper and ink or digital liveness scanning technologies);
- (b) a measurement of the non-citizen's height and weight;
- (c) a photograph or other image of the non-citizen's face and shoulders;
- (d) an audio or a video recording of the non-citizen (other than a video recording under clause 37 of Schedule 2 to the Act);
- (e) an iris scan of the non-citizen's eyes;
- (f) the non-citizen's signature;
- (g) a sample of the non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of the non-citizen, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the non-citizen's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: See the note after regulation 16 for the meaning of intimate forensic procedure for section 23WA of the *Crimes Act 1914*.

19 Information to be provided before carrying out identification tests

- (1) For paragraph 30(1)(b) of Schedule 2 of the Act, the matters about which the authorised officer must inform the non-citizen before carrying out an identification test are:

- (a) the reason why a personal identifier is required to be provided; and
- (b) how a personal identifier may be collected; and
- (c) how any personal identifier that is collected may be used; and
- (d) if the non-citizen is a minor or an incapable person—how a personal identifier is to be obtained from a minor or incapable person.

Note: See Division 3 of Part 5 of Schedule 2 to the Act in relation to the identification of minors and incapable persons.

- (2) Also, the authorised officer must inform the non-citizen:

- (a) that a personal identifier may be produced in evidence in a court or tribunal in relation to the non-citizen who provided the personal identifier; and
- (b) that the *Privacy Act 1988* applies to personal information, including personal identifiers, and that the non-citizen has a right to make a complaint to the Australian Information Commissioner about the handling of the non-citizen's personal information; and
- (c) that:
 - (i) the *Freedom of Information Act 1982* gives a person access to certain information and documents in the possession of the Government of the Commonwealth and of its agencies; and

- (ii) the non-citizen has a right, under that Act, to seek:
 - (A) access to that information or those documents; and
 - (B) amendment of records containing personal information that is incomplete, incorrect, out of date or misleading.
- (3) For subclause 30(3) of Schedule 2 of the Act, if a form is to be given to a non-citizen setting out any information mentioned in subregulation (1) or (2), it must be given to the non-citizen at a time that gives the non-citizen enough time to read and understand the form before the identification test is conducted.

20 Authorising access to video recordings—limitations

For subclause 41(3) of Schedule 2 to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 2 to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

21 Providing video recordings—permitted provision

- (1) Subregulation (2) applies for paragraph 42(2)(f) of Schedule 2 to the Act.
- (2) The provision of a video recording to the Australian Human Rights Commission is a permitted provision of the recording if the provision is for the purpose of the Commission inquiring into the operation of provisions of the Act relating to carrying out an identification test.

22 Providing video recordings—limitations

For paragraph 42(3)(a) of Schedule 2 to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 2 to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;

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Division 2 Identifying detainees

Regulation 22

(h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

Division 3—Disclosure of identifying information

23 Authorising access to identifying information

For subclause 52(3) of Schedule 2 of the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 2 to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

24 Authorising disclosure of identifying information

For subclause 54(1) of Schedule 2 to the Act, AFMA may authorise the following Agencies to disclose identifying information under that subclause:

- (a) the Department of Foreign Affairs and Trade;
- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

25 Disclosure of identifying information to Australian bodies

For paragraph 54(1)(d) of Schedule 2 to the Act, AFMA may authorise the disclosure of identifying information under subclause 54(1) of that Schedule to any of the bodies mentioned in the following table:

Item	Name of body
1	Attorney-General's Department
2	Australian Crime Commission
4	Australian Federal Police
6	Australian Securities and Investments Commission
7	Australian Security Intelligence Organisation
8	Australian Taxation Office
9	Australian Transaction Reports and Analysis Centre (AUSTRAC)
10	CrimTrac
11	Department of Agriculture, Fisheries and Forestry
12	Department of Defence
13	Department of Foreign Affairs and Trade

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Item	Name of body
14	Department of Health
15	Department of Immigration, Multicultural and Indigenous Affairs
16	New South Wales Department of Primary Industries
17	New South Wales Office of Director of Public Prosecutions
18	New South Wales Police Service
19	Office of Director of Public Prosecutions, Victoria
20	Victorian Department of Justice
21	Victorian Department of Primary Industries
22	Victorian Police
23	Queensland Department of Primary Industries and Fisheries
24	Queensland Office of Director of Public Prosecutions
25	Queensland Police Service
26	Office of Director of Public Prosecutions for Western Australia
27	Western Australian Department of Fisheries
28	Western Australian Department of Justice
29	Western Australian Police Service
30	South Australian Department of Primary Industries and Resources
31	South Australian Office of Director of Public Prosecutions
32	South Australian Police
33	Tasmanian Department of Primary Industries
34	Tasmanian Office of the Director of Public Prosecutions
35	Tasmanian Police
36	Northern Territory Department of Business, Industry and Resource Development
37	Northern Territory Office of Director of Public Prosecutions
38	Northern Territory Police

26 Disclosure of identifying information to international organisations

For paragraph 54(1)(e) of Schedule 2 to the Act, AFMA may authorise the disclosure of identifying information under clause 54 of that Schedule to any of the following organisations:

- (a) Interpol;
- (b) the United Nations;
- (c) any of the Intergovernmental Organisations known as *Regional Fisheries Bodies* mentioned in the following table:

Item	Name of Intergovernmental Organisation
1	Advisory Committee on Fishery Research (ACFR)
2	Asia-Pacific Fishery Commission (APFIC)
3	Atlantic Africa Fisheries Conference (AAFC)

Item	Name of Intergovernmental Organisation
4	Bay of Bengal Programme (BOBP-IGO)
5	Comisión de Pesca Continental Para America Latina (COPESCAL)
6	Comisión Interamericana del Atún Tropical (CIAT)
7	Comisión Permanente del Pacifico Sur (CPPS)
8	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
9	Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
10	Committee for Inland Fisheries of Africa (CIFA)
11	Coordinating Working Party on Fisheries Statistics (CWP)
12	Council of the Eastern Pacific Tuna Fishing Agreement (CEPTFA)
13	European Inland Fisheries Advisory Commission (EIFAC)
14	Fishery Committee for the Eastern Central Atlantic (CECAF)
15	Forum Fisheries Agency (FFA)
16	General Fisheries Commission for the Mediterranean (GFCM)
17	Indian Ocean Tuna Commission (IOTC)
18	Inter-American Tropical Tuna Commission (IATTC)
19	International Baltic Sea Fishery Commission (IBSFC)
20	International Commission for the Conservation of Atlantic Tunas (ICCAT)
21	International Council for Exploration of the Sea (ICES)
22	International Pacific Halibut Commission (IPHC)
23	International Whaling Commission (IWC)
24	La Commission Sous-Régionale des Pêches (CSRP)
25	Lake Victoria Fisheries Organization (LVFO)
26	Latin American Fisheries Development Organization (OLDEPESCA)
27	Marine Mammal Commission (MMC)
28	Mekong River Commission (MRC)
29	Network of the Aquaculture Centres in Asia-Pacific (NACA)
30	North Atlantic Fisheries Organisation (NAFO)
31	North Atlantic Salmon Conservation Organization (NASCO)
32	North East Atlantic Fisheries Commission (NEAFC)
33	North Pacific Anadromous Fish Commission (NPAFC)
34	North Pacific Marine Science Organisation (PICES)
35	Northwest Atlantic Fisheries Organization (NAFO)
36	Pacific Salmon Commission (PSC)
37	Regional Commission for Fisheries (RECOFI)
38	Regional Fisheries Advisory Committee for the Southwest Atlantic (CARPAS)
39	Regional Fisheries Committee for the Gulf of Guinea (COREP)
40	Secretariat of the Pacific Community (SPC)
41	Southeast Asian Fisheries Development Center (SEAFDEC)
42	South East Atlantic Fisheries Organisation (SEAFO)

Schedule 1 Licence fees

Part 3 Detention of suspected illegal foreign fishers etc

Division 3 Disclosure of identifying information

Regulation 26

Item	Name of Intergovernmental Organisation
43	Southwest Indian Ocean Fisheries Commission (SWIOFC)
44	Western and Central Pacific Fisheries Commission (WCPFC)
45	Western Central Atlantic Fishery Commission (WECAFC)
46	Western Indian Ocean Tuna Organization (WIOTO)

Schedule 1—Licence fees

(regulation 6)

Item	Matter	Fee (\$)
1	Grant or renewal of a 1 year licence under subsection 19 (1) of the Act	50
2	Grant or renewal of a 5 year licence under subsection 19 (1) of the Act	100
3	Grant or renewal of a licence under subsection 19 (2) of the Act	100
4	An entry under subsection 36 (4) of the Act in a 1 year licence granted under subsection 19 (2) of the Act:	
	(a) for an Australian boat that is less than 6 metres in overall length	10
	(b) for an Australian boat that is at least 6 but less than 10 metres in overall length	20
	(c) for an Australian boat that is at least 10 but less than 15 metres in overall length	40
	(d) for an Australian boat that is at least 15 metres in overall length	80
	(e) for a foreign boat, for each metre in overall length of the boat	35
5	An entry under subsection 36 (4) of the Act in a 5 year licence granted under subsection 19 (2) of the Act:	
	(a) for an Australian boat that is less than 6 metres in overall length	50
	(b) for an Australian boat that is at least 6 but less than 10 metres in overall length	100
	(c) for an Australian boat that is at least 10 but less than 15 metres in overall length	200
	(d) for an Australian boat that is at least 15 metres in overall length	400
6	Grant or renewal of a licence under subsection 19 (3) of the Act (other than the grant or renewal of a licence to which item 7 applies):	
	(a) for an Australian boat authorising the use of the boat for carrying fish taken with the use of another boat	80
	(b) for an Australian boat authorising the use of the boat for processing and carrying fish taken with the use of another boat	100
	(c) for a foreign boat authorising the use of the boat for carrying fish taken with the use of another boat	80 plus 35 for each metre in overall length of the boat
	(d) for a foreign boat authorising the use of the boat for processing and carrying fish taken with the use of another boat	100 plus 35 for each metre in overall length of the boat

Schedule 1 Licence fees

Part 3 Detention of suspected illegal foreign fishers etc

Item	Matter	Fee (\$)
7	Grant or renewal of a licence under subsection 19 (3) of the Act for an Australian boat authorising the use of the boat for carrying, or for processing and carrying, fish taken with the use of another boat: (a) where that licence is granted or renewed at the same time as a licence mentioned in item 3 is granted or renewed for the first boat; or (b) where a licence mentioned in item 3 is in force for the first boat	20
8	Transfer under section 25 of the Act of a licence granted under subsection 19 (2) or (3) of the Act	10

Schedule 2—Short methods of reference to certain areas of Australian jurisdiction

(regulation 14)

Item	Area of Australian jurisdiction and short method of reference
1	<p>The area of the beche-de-mer fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Seabed Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none">• north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south;• east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east;• south along that meridian to its intersection with the parallel of latitude 10° 41' 00" south;• west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east;• south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water;• generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south;• west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Seabed Jurisdiction Line.</p>
2	<p>The area of the crab fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none">• north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south;• east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east;• south along that meridian to its intersection with the parallel of latitude 10° 41' 00" south;• west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east;

Item	Area of Australian jurisdiction and short method of reference
	<ul style="list-style-type: none"> • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
3	<p>The area of the dugong fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 11° 10' 00" south, longitude 141° 01' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 01' 00" east to its intersection with the Fisheries Jurisdiction Line; • north-easterly along that line to its intersection with the meridian of longitude 141° 20' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south; • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 11° 10' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
4	<p>The area of the finfish fishery is the area consisting of:</p> <p>(a) the area of waters in Protected Zone to the south of the Fisheries Jurisdiction Line;</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 00" south; • west along that parallel to its intersection with the meridian of longitude 142°

Item	Area of Australian jurisdiction and short method of reference
	<p>31' 49" east;</p> <ul style="list-style-type: none"> • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
5	<p>The area of the pearl shell fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Seabed Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 11° 10' 00" south, longitude 141° 01' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 01' 00" east to its intersection with the Fisheries Jurisdiction Line; • north-easterly along that line to its intersection with the meridian of longitude 141° 20' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south; • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 11° 10' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Seabed Jurisdiction Line.</p>
6	<p>The area of the prawn fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 28' 00" south, longitude 142° 09' 00" east and running progressively:</p> <ul style="list-style-type: none"> • east along the parallel of latitude 10° 28' 00" south to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south;

Schedule 2 Short methods of reference to certain areas of Australian jurisdiction
Part 3 Detention of suspected illegal foreign fishers etc

Item	Area of Australian jurisdiction and short method of reference
	<ul style="list-style-type: none"> • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the meridian of longitude 142° 09' 00" east; • north along that meridian to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
7	<p>The area of the Spanish mackerel fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south; • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
8	<p>The area of the trochus fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Seabed Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 00" south;

Item	Area of Australian jurisdiction and short method of reference
	<ul style="list-style-type: none"> • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south; • west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Seabed Jurisdiction Line.</p>
9	<p>The area of the tropical rock lobster fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south; • west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east; • south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; • generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south; • west along that parallel of the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
10	<p>The area of the turtle fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 11° 10' 00" south, longitude 141° 01' 00" east and running progressively:</p> <ul style="list-style-type: none"> • north along the meridian 141° 01' 00" east to its intersection with the Fisheries Jurisdiction Line; • north-easterly along that line to its intersection with the meridian of longitude 141° 20' 00" east; • south along that meridian to its intersection with the parallel of latitude 10° 28' 00" south; • east along that parallel to its intersection with the meridian of longitude 144°

Schedule 2 Short methods of reference to certain areas of Australian jurisdiction
Part 3 Detention of suspected illegal foreign fishers etc

Item	Area of Australian jurisdiction and short method of reference
	<p>10' 00" east;</p> <ul style="list-style-type: none">• north-easterly along the geodesic to the point of latitude 10° 15' 00" south, longitude 144° 12' 00" east;• north-easterly along the geodesic to the point of latitude 9° 54' 00" south, longitude 144° 28' 00" east;• north along the meridian of longitude 144° 28' 00" east to its intersection with the Fisheries Jurisdiction Line;• south-easterly along that line to its intersection with the meridian of longitude 144° 40' 00" east;• south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south;• west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east;• south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water;• generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 11° 10' 00" south;• west along that parallel to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>

Schedule 3—Requirements relating to letters and figures of distinguishing numbers displayed on boats

(regulation 7)

Column 1	Column 2	Column 3
	Required height of each letter or figure	Required width of strokes making up each letter or figure
Length of Boat	millimetres	millimetres
Under 6 metres	100	10-15
Under 10 metres but not under 6 metres	200	20-25
Under 25 metres but not under 10 metres	300	35-40
Not under 25 metres	450	60-65

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
1985 No. 9	14 Feb 1985	15 Feb 1985 (gaz1985, No S38)	
1985 No. 359	20 Dec 1985	20 Dec 1985	—
1987 No. 31	3 Mar 1987	3 Mar 1987	—
1988 No. 198	5 Aug 1988	5 Aug 1988	—
1999 No. 51	1 Apr 1999	1 Apr 1999 (r 2)	—
2000 No. 60	5 Apr 2002	Sch 13: 5 Apr 2002 (r 2)	—
2005 No. 295	16 Dec 2005 (F2005L04104)	16 Dec 2005 (r 2)	—
2009 No. 185	3 Aug 2009 (F2009L02973)	Sch 10: 5 Aug 2009 (r 2)	—
2010 No. 270	28 Oct 2010 (F2010L02818)	Sch 1: 1 Nov 2010 (r 2)	—
90, 2015	19 June 2015 (F2015L00854)	Sch 2 (items 198, 199): 1 July 2015 (s 2(1) item 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (item 28) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading.....	ad 2005 No 295
r 1	rs 1999 No 51
r 2	am 1999 No 51
Part 2	
Part 2 heading.....	ad 2005 No 295
r 4A	ad 1999 No 51
r 6	am 1999 No 51
r 7	am 1985 No 359; 2002 No 60
r 8	am 1985 No 359; 2002 No 60
r 9	am 2002 No 60
r 12	am 1985 No 359; 2002 No 60
r 13	am 2002 No 60
r 14	am 1999 No 51
Part 3	
Part 3	ad 2005 No 295
Division 1	
r 15	ad 2005 No 295
Division 2	
r 16	ad 2005 No 295
r 17	ad 2005 No 295
r 18	ad 2005 No 295
r 19	ad 2005 No 295
	am 2010 No 270
r 20	ad 2005 No 295
r 21	ad 2005 No 295
	am 2009 No 185
r 22	ad 2005 No 295
Division 3	
r 23	ad 2005 No 295
r 24	ad 2005 No 295
	am No 90, 2015
r 25	ad 2005 No 295
	am No 90, 2015; F2016L00717
r 26	ad 2005 No 295

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1	
Schedule 1	am 1988 No 198 rs 1999 No 51
Schedule 2	
Schedule 2	am 1987 No 31 rs 1999 No 51
Schedule 3	
Schedule 3	ad 1985 No 359
