



Queensland

Fisheries Management Plans Amendment Management Plan (No. 1) 2006

Subordinate Legislation 2006 No. 25

made under the

Fisheries Act 1994

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Part 1 Preliminary

1 Short title

This management plan may be cited as the *Fisheries Management Plans Amendment Management Plan (No. 1) 2006*.

2 Commencement

This management plan commences on 1 July 2006.

Part 2 Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003

3 Regulation amended in pt 2

This part amends the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

4 Replacement of s 2 (Commencement)

Section 2—

omit, insert—

‘2 What is the *reef line fishery*

‘The *reef line fishery* is activities by way of fishing relating to coral reef fin fish.

Note—

For what are coral reef fin fish and their common and scientific names, see section 10 and schedule 16A of the regulation.’.

5 Amendment of s 3 (Application of plan)

Section 3, '(the *fishery*)'—
omit.

6 Amendment of s 4 (Main purpose of plan and its achievement)

Section 4(1), 'commercial fishing tours, for the fishery'—
omit, insert—
'charter fishing trips, for the reef line fishery'.

7 Amendment of s 5 (Interpretation)

Section 5(2), example, after 'divisions 2 and 3'—
insert—
' , section 21 and schedule 4A'.

8 Omission of ss 6, 127, 158 and 159

Sections 6, 127, 158 and 159—
omit.

9 Amendment of s 8 (Prohibited activities)

- (1) Section 8(1), 'Person'—
omit, insert—
'A person'.
- (2) Section 8(2)(a)(ii), 'commercial fishing tour'—
omit, insert—
'charter fishing trip'.
- (3) Section 8(3) and (4)—
renumber as section 8(4) and (5).

-
- (4) Section 8—
insert—
- ‘(3) Also, subsection (1)(c) does not apply to a person possessing coral reef fin fish if—
- (a) the fish—
- (i) were not taken in the closed waters; and
- (ii) were lawfully taken under chapter 3, part 3, division 2, subdivision 4;¹ and
- (iii) are, under the subdivision, on board an authorised boat in an unloading area; and
- (b) the boat is in the unloading area to unload the fish.’.

10 Amendment of s 9 (Fish regulated by number—sch 4, pt 1)

Section 9(1), ‘commercial fishing tours’—
omit, insert—
‘charter fishing trips’.

11 Amendment of s 10 (Exemption for recreational fishers on particular commercial fishing tours)

- (1) Section 10, heading, ‘commercial fishing tours’—
omit, insert—
‘**extended licensed charter fishing trips**’.
- (2) Section 10, ‘commercial fishing tour’—
omit, insert—
‘extended licensed charter fishing trip’.
- (3) Section 10(a) to (c), ‘the tour’—
omit, insert—
‘the trip’.

¹ Chapter 3, part 3, division 2, subdivision 4 (Line units)

12 Amendment of s 15 (Restrictions on writing ‘RQ’ fishery symbol)

- (1) Section 15, ‘an authority’—

omit, insert—

‘a commercial fishing boat licence’.

- (2) Section 15(b)—

omit, insert—

‘(b) if the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or

(c) if the licence is a replacement of a commercial fishing boat licence on which the symbol was written.’.

13 Amendment of s 22 (Application of div 2 to relevant licences)

Section 22, ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

14 Amendment of ss 36B and 37

- (1) Section 36B(3)(c) and 37(2)(a), from ‘, and any tender licence’ to ‘relevant licence,’—

omit.

- (2) Section 36B(3)(c) and 37(2)(a), ‘or licences’—

omit.

15 Omission of ch 3, pt 1, div 3 (Changing fishery symbol ‘RQ’ to another authority)

Chapter 3, part 1, division 3—

omit.

16 Amendment of s 43 (Simplified outline of pt 2)

Section 43(10)—

omit.

17 Amendment of s 48 (Nature of a line unit)

Section 48(b), ‘fishery’—

omit, insert—

‘reef line fishery’.

18 Amendment of s 69 (Meaning of *entitlement* of line unit holder)

Section 69(3)—

omit, insert—

‘(3) However, the entitlement applies only while the holder holds an RQ licence that is in force.

‘(4) The entitlement is subject to any relevant prohibitions or restrictions under the regulation, this plan or a condition or other provision of the line unit or RQ licence.

Examples of relevant restrictions—

the restrictions under section 44(1) to (4) of the regulation².

19 Amendment of s 70 (When line unit entitlement is *used* for a line year)

Section 70, ‘the holder’s RQ licence’—

omit, insert—

‘any RQ licence held by the line unit holder’.

² Section 44 (Things authorised by fishery symbol) of the regulation

20 Amendment of s 71 (No carrying forward of unused entitlement)

Section 71(1), ‘, under the holder’s RQ licence,’—
omit.

21 Amendment of s 72 (Line unit certificates)

(1) Section 72(1)—

omit, insert—

‘(1) The chief executive must issue a single certificate to each person who holds line units.’.

(2) Section 72(2)(c) to (f) and (h)—

omit.

(3) Section 72(2)(g), ‘in relation to the licence’—

omit.

(4) Section 72(2)(g), (i) and (j)—

renumber as section 72(2)(c), (d) and (e) respectively.

22 Amendment of s 73 (Evidentiary provision for line unit certificate)

Section 73(a), from ‘units’—

omit, insert—

‘units held when the certificate was issued under section 72, replaced under section 71 of the Act or changed or replaced under section 78; and’.

23 Replacement of s 75 (Purpose and application of div 7)

Section 75—

omit, insert—

‘Subdivision 1 When line units may or may not be transferred

‘75 Purpose of sdiv 1

‘This subdivision states, for section 65(1)³ of the Act, the circumstances in which line units may or may not be transferred.’.

24 Replacement of ss 78 and 79

Sections 78 and 79—

omit, insert—

‘Subdivision 2 Other provisions about line unit transfers

‘78 Line unit certificate changes required

‘If, under section 65B⁴ of the Act, an application to transfer a line unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor’s and transferee’s current line unit certificates.’.

25 Amendment of s 81 (Entitlement of transferee)

Section 81(1)(a), ‘approved the transfer’—

omit, insert—

‘registers the transfer under section 65B of the Act’.

26 Omission of ch 3, part 2, div 8 (Substituting RQ licence to which line units relate)

Chapter 3, part 2, division 8—

omit.

3 Section 65 (Transfer of authority (other than permit)) of the Act

4 Section 65B (Registration of transfer of authority) of the Act

27 Amendment of s 98 (Application of subdiv 1–3)

Section 98, heading, ‘subdiv’—

omit, insert—

‘**sdivs**’.

28 Amendment of s 108 (Using tender boats)

Section 108(3) and (4)—

omit.

29 Amendment of s 110 (Purpose of subdiv 4)

(1) Section 110, heading, ‘subdiv’

omit, insert—

‘**sdiv**’.

(2) Section 110(b), ‘or assistant fisher’—

omit.

30 Amendment of s 111 (Definitions for subdiv 4)

(1) Section 111, heading, ‘subdiv—’

omit, insert—

‘**sdiv**’.

(2) Section 111, definitions *authorised boat* and *complying number*—

omit.

(3) Section 111—

insert—

‘**authorised boat**, for a line unit holder, means—

(a) the primary boat under any of the RQ licences held by the line unit holder; or

(b) any of the primary boat’s tender boats.

retained fish conditions—

- 1 The *retained fish conditions*, for a prior notice, are that—
 - (a) an authorised boat must not leave the unloading area for the landing place for the prior notice with coral reef fin fish unless the holder, or someone else acting for the holder, has given the chief executive a notice (a ***retained fish notice***) that complies with paragraph 2; and
 - (b) if any of the following apply, none of the authorised boats may leave the unloading area unless an inspector has given the holder a written notice approving the departure—
 - (i) the total amount of coral reef fin fish on board all the authorised boats is 50kg or less;
 - (ii) any of the coral reef fin fish on board are not frozen.
- 2 The retained fish notice must—
 - (a) be given at least the following period before the boat leaves or is proposed to leave the unloading area—
 - (i) if the landing place is at or north of latitude 15°50.30' south—6 hours;
 - (ii) if the landing place is south of latitude 15°50.30' south—3 hours; and
 - (b) state the retained fish notice particulars.

retained fish notice see definition *retained fish conditions*, paragraph 1(a).

retained fish notice particulars, for a retained fish notice, means each of the following—

- (a) the current fisher PIN for the line units to which the retained fish notice relates;
- (b) the numerical part of the licence number of the RQ licence that relates to the coral reef fin fish the subject of the retained fish notice;

- (c) if the person giving the retained fish notice is prompted by the AIVR system to enter the transaction number for the prior notice for which the retained fish notice is given—the transaction number;
- (d) the total number of each of the things mentioned in the definition *prior notice particulars*, paragraphs (f) and (g) that will be on board the authorised boats immediately after all the authorised boats have left the unloading area for the landing place mentioned in the prior notice.’
- (4) Section 111, definitions *prior notice particulars*, *transshipment notice particulars*, *unloaded fish notice particulars*, *unnotifiable landing notice particulars*, paragraph (b), ‘line units’—
omit, insert—
‘coral reef fin fish the subject of the notice’.
- (5) Section 111, definition *prior notice particulars*, paragraph (e), before ‘the estimated’—
insert—
‘if the person giving the prior notice is prompted by the AIVR system to enter the following information—the following information—’.
- (6) Section 111, definition *prior notice particulars*, paragraph (f), before ‘the total number’—
insert—
‘if the person giving the prior notice is prompted by the AIVR system to enter the following information—the following information—’.
- (7) Section 111, definition *prior notice particulars*, paragraph (f)—
insert—
‘(iv) containers of other coral reef fin fish that are whole or gilled and gutted;’.

31 Amendment of s 112 (Requirements for taking or possessing fish on authorised boat)

Section 112(2) to (4)—

omit.

32 Amendment of s 116 (General requirements after prior notice given)

(1) Section 116(2)(b), ‘complying number’—

omit, insert—

‘number (a ***complying number***) that is the same as the number stated in the prior notice or is, having regard to the circumstances, close to that number’.

(2) Section 116(4) to (6)—

renumber as section 116(5) to (7).

(3) Section 116—

insert—

‘(4) In deciding under subsection (2)(a) or (b), whether a number is close, regard must be had to the degree of difficulty in counting the number stated in the prior notice.’.

33 Amendment of s 117 (Additional requirements if prior notice stated fish will be unloaded)

(1) Section 117(3) to (5)—

renumber as section 117(4) to (6).

(2) Section 117—

insert—

‘(3) However, subsection (2)(a) does not apply if the prescribed person complies with the retained fish conditions.’.

(3) Section 117(5), as renumbered, ‘subsection (3)’—

omit, insert—

‘subsection (4)’.

34 Amendment of s 123 (Notices to chief executive under this subdivision)

Section 123(1), after ‘section’, second mention—

insert—

‘111, definition *retained fish conditions* or section’.

35 Amendment of s 126 (Conditions of RQ licences about transhipping)

(1) Section 126(1), ‘subsections (2) and (3)’—

omit, insert—

‘this section’.

(2) Section 126—

insert—

‘(4) Coral reef fin fish taken from a tender boat must not be transhipped to a boat other than—

(a) the tender boat’s primary boat; or

(b) another tender boat of the primary boat.

‘(5) Coral reef fin fish taken from any of the following boats must not be transhipped to a tender boat (the *relevant tender boat*)—

(a) a primary boat other than the relevant tender boat’s primary boat;

(b) a tender boat of a primary boat other than the relevant tender boat’s primary boat.’.

36 Amendment of s 128 (No new carrier boat licences)

(1) Section 128(2), ‘or renew’—

omit.

(2) Section 128(2), ‘or renewal’—

omit.

37 Replacement of ch 4, pts 1 and 2

Chapter 4, parts 1 and 2—

omit, insert—

‘131 Application of ch 4

- ‘(1) This chapter, other than section 142, applies subject to chapter 2.⁵
- ‘(2) Section 142⁶ applies despite the other provisions of this chapter.

‘132 What coral reef fin fish may be taken

‘Any coral reef fin fish may be taken by a recreational fisher.

‘133 Permitted ways of taking coral reef fin fish

- ‘(1) Coral reef fin fish may be taken by a recreational fisher only by using—
 - (a) hand or mechanically operated fishing lines; or
 - (b) fishing rods with hand or mechanically operated reels; or
 - (c) hand-held spears or spear guns.
- ‘(2) A recreational fisher 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.

5 Chapter 2 (Closed waters and regulated fish declarations)

6 Section 142 (Aboriginal and Torres Strait Islander rights not affected)

‘134 Prohibitions to allow identification or counting of coral reef fin fish

- ‘(1) A person may possess on board a boat coral reef fin fish taken from a boat only in one of the following forms—
- (a) whole;
 - (b) gilled and gutted;
 - (c) filleted, as permitted under section 135 or 136.
- Maximum penalty—100 penalty units.
- ‘(2) However, subsection (1) does not apply to a person possessing only 1 coral reef fin fish in another form if the purpose of possessing the fish is to use it as bait.
- ‘(3) This section does not limit section 137.

‘135 Possession of fillets on a boat during extended licensed charter fishing trip

‘A person on board a boat being used for an extended licensed charter fishing trip may possess, on board the boat, a fillet from a coral reef fin fish only if—

- (a) all the skin of the fillet is attached to the fillet; and
- (b) the fillets from the fish are packaged together; and
- (c) the package is labelled with the common name of the species of the fish.

‘136 Possession of fillets on other boats

‘A person on board a boat not being used for an extended licensed charter fishing trip may possess, on board the boat, a fillet from a coral reef fin fish only if—

- (a) the fish is a species other than chinese footballer (blue spot trout) and—
 - (i) the length of the fillet is at least 40cm; and
 - (ii) all the skin of the fillet is attached to the fillet; or

- (b) an inspector reasonably believes the fillet is intended for immediate consumption by persons on board the boat; or
- (c) the boat is being used only for transporting people or vehicles and the person is a paying passenger on board the boat.

‘137 Prohibition on possessing dead coral reef fin fish on board a boat

‘A person must not possess, on board a boat, a dead coral reef fin fish unless a pectoral fin has been removed from the fish.

Maximum penalty—100 penalty units.

‘138 Prohibition on returning particular fillets to boat

‘If a coral reef fin fish taken by a person from a boat is filleted ashore, the person must not return a fillet from the fish to a boat unless—

- (a) the length of the fillet is at least 40cm; and
- (b) all the skin of the fillet is attached to the fillet.

Maximum penalty—100 penalty units.

‘139 Prohibition on possessing live coral reef fin fish on boat

‘A person must not possess a live coral reef fin fish on a boat unless—

- (a) the person is a recreational fisher or the fish was taken by a recreational fisher and the person or the recreational fisher intends to immediately return the fish to the sea; or
- (b) the fish is not a coral trout or red throat emperor and the person intends to use the fish for display in an aquarium.

Maximum penalty—100 penalty units.’

38 Omission of ch 4, pt 3, hdg (Aboriginal and Torres Strait Islander fishing)

Chapter 4, part 3, heading—
omit.

39 Amendment of s 149 (Serious fisheries offences)

- (1) Section 149, ‘fishery’—
omit, insert—
‘reef line fishery’.
- (2) Section 149(m), ‘in way’—
omit, insert—
‘in a way’.
- (3) Section 149(m), ‘regulation 41;’—
omit, insert—
‘section 49 or 51;⁷’.

40 Amendment of s 150 (Criteria for suspending authorities)

- (1) Section 150(1)(b)—
omit.
- (2) Section 150(1)(c) to (e)—
renumber as section 150(1)(b) to (d).

41 Amendment of s 151 (Criteria for suspending line units)

- (1) Section 151(2)(a), ‘, under the holder’s RQ licence,’—
omit.
- (2) Section 151(2)(b)—

⁷ *Great Barrier Reef Marine Park Regulations 1983* (Cwlth), sections 49 (Seasonal closure (Offshore Ribbon Reefs) SMAs—special management provisions) and 51 (No dories attached (Offshore Ribbon Reefs) SMAs—special management provision)

omit, insert—

‘(b) any RQ licence held by the line unit holder is suspended.’.

42 Amendment of s 155 (Records to be kept about imports of coral reef fin fish)

(1) Section 155(4), ‘commercial fishing tour’—

omit, insert—

‘charter fishing trip’.

(2) Section 155(4), ‘the tour’—

omit, insert—

‘the trip’.

43 Amendment of s 160 (Primary licence QFV 121 78I)

(1) Section 160, heading, ‘Primary licence’—

omit, insert—

‘Primary commercial fishing boat licence’.

(2) Section 160(1), ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

44 Amendment of sch 1 (How main purpose is to be achieved)

(1) Schedule 1, section 1, definition *catch and effort data* and sections 2(c)(i), 3 and 4, ‘commercial fishing tours’—

omit, insert—

‘charter fishing trips’.

(2) Schedule 1, section 1, definition *catch and effort data*, section 2(c)(i), and sections 3 and 4, ‘fishery’—

omit, insert—

‘reef line fishery’.

- (3) Schedule 1, section 2(b), ‘fishery under this plan’—
omit, insert—
‘reef line fishery’.
- (4) Schedule 1, section 4(h), ‘commercial fishing tour’—
omit, insert—
‘charter fishing trip’.

45 Omission of sch 2 (Coral reef fin fish)

Schedule 2—
omit.

46 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *boat mark, complying number, coral reef fin fish, crew member, fishery, former Authority, line unit certificate, primary boat, primary licence, tender boat* and *tender licence*—
omit.
- (2) Schedule 8—
insert—
‘***crew member***, for a charter fishing trip, means a person acting under the direction of the person conducting the trip.
line unit certificate means a certificate issued under section 72, as replaced under section 71 of the Act or changed or replaced under section 78.
reef line fishery see section 2.
retained fish conditions see section 111.
retained fish notice see section 111.
retained fish notice particulars see section 111.’.

50 Amendment of s 6 (Aids to interpretation and definitions—sch 7)

(1) Section 6, heading—

omit, insert—

‘6 Interpretation’.

(2) Section 6(1) and (2)—

renumber as section 6(3) and (4).

(3) Section 6—

insert—

‘(1) Unless this plan provides otherwise, terms used in it have the meaning given under the regulation.

‘(2) Subsection (1) is not limited to a term defined under the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

Examples—

part 2, divisions 2 and 3, section 21 and schedule 4A of the regulation’.

51 Replacement of ch 2, pt 1, div 1, hdg (Closures for all the fishery’s waters)

Chapter 2, part 1, division 1, heading—

omit, insert—

‘Division 1 Closures for all the east coast trawl fishery’s waters’.

52 Amendment of ss 9, 10, 31, 38, 39, 74, 86, 93, 123, 223, 227 and 231

Sections 9(1), 10(1), 31, heading, subsection (1) and subsection (2), second mention, 38, 39, 74(b), 86(2)(b), 93(6), 123(2), 223, 227(1) and subsection (2), first mention, and 231(2)(a), ‘fishery’—

omit, insert—

‘east coast trawl fishery’.

53 Amendment of s 32 (Who may fish)

- (1) Section 32(1), ‘fishery’, first mention—
omit, insert—
‘east coast trawl fishery’.
- (2) Section 32(1)(b), ‘or is acting under a crew licence’—
omit.
- (3) Section 32(2), ‘for the licence’—
omit.

54 Replacement of s 33 (Assistant fishers and persons acting under a crew licence)

Section 33—
omit, insert—

‘33 Assistant fishers

‘An assistant fisher may, under this plan, use or possess commercial fishing apparatus and take fish for trade or commerce (the *activities*) only if—

- (a) the assistant fisher and a commercial fisher are on the same primary boat or tender boat; or
- (b) the assistant fisher is on a tender boat for the primary boat for the commercial fishing boat licence under which the activities take place.’.

55 Amendment of s 37 (Restrictions)

- (1) Section 37, ‘primary licence’—
omit, insert—
‘commercial fishing boat licence’.
- (2) Section 37(1)(d)—
omit, insert—

‘(d) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence.’.

56 Amendment of s 41 (Purpose of BRD)

Section 41, ‘fishery’s’—

omit, insert—

‘east coast trawl fishery’s’.

57 Amendment of s 76 (When effort unit is *issued*)

Section 76(b), after ‘amended’—

insert—

‘or replaced’.

58 Replacement of ss 97 and 98

Sections 97 and 98—

omit, insert—

‘97 Meaning of *entitlement* of effort unit holder

‘(1) The effort units held by a person authorise the person, in an effort year, to—

(a) if the effort units are effort units that can be used in conjunction with ‘T1’ licences (*T1 effort units*)—

(i) use, or allow someone else to use, the boat identified in any ‘T1’ licence also held by the person until the effort units have been used; and

(ii) use, or allow someone else to use, each of the boats for 4 additional days (each a *steaming day*); or

(b) if the effort units are effort units that can be used in conjunction with ‘T2’ licences (*T2 effort units*)—

(i) use the boat identified in any ‘T2’ licence also held by the person until the effort units have been used; and

(ii) use each of the boats for 4 additional days (each also a *steaming day*).

- ‘(2) However, the entitlement applies only while—
- (a) for T1 effort units—the person also holds a ‘T1’ licence that is in force; and
- (b) for T2 effort units—the person also holds a ‘T2’ licence that is in force.
- ‘(3) The authorisation under this section is subject to division 9.⁸
- ‘(4) The authorisation under this section for an effort year is the person’s *entitlement* under the person’s effort units for the year.
- ‘(5) The entitlement is subject to any relevant prohibitions or restrictions under the regulation, this plan or a condition or other provision of the effort units, ‘T1’ licences or ‘T2’ licences.

Examples of relevant restrictions—

the restrictions under section 44(1) to (4) of the regulation⁹

‘98 When effort units are *used* for an effort year

- ‘(1) This section provides for when effort units held by a person are *used* for an effort year.
- ‘(2) Effort units are not used until the holder of the effort units, or anyone else allowed by the holder, has, under section 99, used a boat identified in a ‘T1’ licence or ‘T2’ licence on a fishing day for effort units.
- ‘(3) The number of effort units used on the fishing day is worked out by applying the following formula—

$$EU = 1 \div EUCF$$

where—

EU means the number of effort units used.

8 Division 9 (Entitlement of transferee under transferred effort units)

9 Section 44 (Things authorised by fishery symbol) of the regulation

I means the fishing day.

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

59 Amendment of s 99 (Provisions for working out use of entitlement)

(1) Section 99(1), from ‘the boat’ to ‘certificate’—

omit, insert—

‘a boat’.

(2) Section 99(7)—

renumber as section 99(8)—

(3) Section 99—

insert—

‘(7) The boat is taken to have been used on fishing days for effort units before it is used on steaming days.’.

60 Amendment of s 101 (Effort unit certificates)

(1) Section 101(1)—

omit, insert—

‘(1) The chief executive must issue a certificate to each person who holds effort units.’.

(2) Section 101(2)(b) to (e)—

omit, insert—

‘(b) if the holder has ‘T1’ effort units—how many of them the holder has;

(c) if the holder has ‘T2’ effort units—how many of them the holder has;’.

(3) Section 101(2)(f)—

renumber as section 101(2)(d).

61 Insertion of new s 101A

Chapter 3, part 6, division 6—

insert—

‘101A Evidentiary provision for effort unit certificate

An effort unit certificate is evidence of—

- (a) the number of effort units held when the certificate was issued under section 101, replaced under section 96C of this plan or under section 71 of the Act or changed or replaced under section 115; and
- (b) the conditions, if any, imposed on the effort units.’.

62 Amendment of s 102 (VMS detection or manual reporting)

Section 102(1) and (2)—

omit, insert—

- ‘(1) This section applies if the boat identified in a ‘T1’ licence or ‘T2’ licence is detected by VMS or manually reported at any time during a day (the *relevant day*) within the following area—
 - (a) for a boat identified in a ‘T1’ licence—
 - (i) generally—the ‘T1’ area; and
 - (ii) if the licence also has an ‘M1’ fishery symbol written on it—the ‘M1’ and ‘M2’ area;
 - (b) for a boat identified in a ‘T2’ licence—the ‘T2’ area.
- ‘(2) The detection or manual report is evidence that the holder of the licence has used the boat for a whole fishing day or steaming day for—
 - (a) if the licence is a ‘T1’ licence—‘T1’ effort units; or
 - (b) if the licence is a ‘T2’ licence—‘T2’ effort units.’.

63 Amendment of s 102A (Absence of VMS detection or reporting)

Section 102A(2), from ‘in the area’—

omit, insert—

‘for—

- (a) if the licence is a ‘T1’ licence—‘T1’ effort units; or
- (b) if the licence is a ‘T2’ licence—‘T2’ effort units.’.

64 Insertion of new s 102B

Chapter 3, part 6, division 7, subdivision 1—

insert—

‘102B Particular notice is evidence of unused entitlement

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

65 Amendment of s 105 (Exception—moving boat without fishing)

- (1) Section 105(2), ‘fishery’—

omit, insert—

‘east coast trawl fishery’.

- (2) Section 105(2), ‘fishery’s area’—

omit, insert—

‘east coast trawl fishery’.

66 Amendment of ss 105A and 106

Sections 105A(2)(e)(i) and 106(2)(d)(ii), ‘fishery’s area’—

omit, insert—

‘east coast trawl fishery’.

67 Replacement of ch 3, pt 6, div 8 (Transfer conditions for effort units)

Chapter 3, part 6, division 8—

omit, insert—

‘Division 8 When effort units may or may not be transferred

‘111 Purpose of div 8

‘This division states, for section 65(1)¹⁰ of the Act, the circumstances in which effort units may or may not be transferred.

‘112 Only whole effort units may be transferred

‘A part of an effort unit can not be transferred.

‘113 Eligibility of transferor and transferee

- ‘(1) A ‘T1’ effort unit may be transferred only by a ‘T1’ licence holder to another ‘T1’ licence holder.
- ‘(2) Subject to section 114, a ‘T2’ effort unit may be transferred only by a ‘T2’ licence holder to another ‘T2’ licence holder.

‘114 Transfer of half of the effort units of ‘T2’ licence to ‘T1’ licence

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

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

¹⁰ Section 65 (Transfer of authority (other than permit)) of the Act

‘Division 8A Applications to register transfer of effort units

‘115 Effort certificate changes required

‘If, under section 65B¹¹ of the Act, an application to transfer an effort unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor’s and transferee’s current effort unit certificates.’

68 Amendment of s 119 (Entitlement)

Section 119(1), ‘approved the transfer’—
omit, insert—
‘registers the transfer under section 65B¹² of the Act’.

69 Replacement of ss 132 and 133

Sections 132 and 133—
omit, insert—

‘132 Restriction for ‘M1’, ‘T1’ or ‘T2’ licences

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

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

‘133 Restriction for ‘M2’ licences

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

11 Section 65B (Registration of transfer of authority) of the Act

12 Section 65B (Registration of transfer of authority) of the Act

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

70 Omission of ch 4, pt 6, div 3 (Miscellaneous)

Chapter 4, part 6, division 3—

omit.

71 Amendment of s 233 (Restrictions on processing scallops on commercial fishing boat)

- (1) Section 233(d)(iii)—

omit.

- (2) Section 233(d)(iv), ‘class A’—

omit.

- (3) Section 233(d)(iv)—

renumber as section 233(d)(iii).

72 Amendment of s 235 (Serious fisheries offences)

- (1) Section 235, from ‘definition’ to ‘section 4’—

omit, insert—

‘schedule, definition *serious fisheries offence*,’.

- (2) Section 235(d)—

omit, insert—

‘(d) trawling in a zone of the Great Barrier Reef Marine Park established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), unless the zoning plan for the zone, under that Act, authorises the trawling;’.

73 Insertion of new ch 6

After section 238A—

insert—

‘Chapter 6 Transitional provision

‘239 Transitional provision for Fisheries Management Plans Amendment Management Plan (No. 1) 2006

- ‘(1) An effort unit certificate issued under unamended section 101 and in force immediately before 1 July 2006 ceases to have effect on that day.
- ‘(2) In this section—
- unamended section 101* means section 101 as in force from time to time before 1 July 2006.’.

74 Omission of sch 1 (The fishery)

Schedule 1—

omit.

75 Amendment of sch 2 (How the objectives are to be achieved)

- (1) Schedule 2, parts 1 and 2, headings, ‘fishery’—
- omit, insert—*
- ‘east coast trawl fishery’.**
- (2) Schedule 2, sections 1, 3, 5, 7(e), 8, 11, 12(1), 14(a), 15(a), 16(a), 17, 18 and 19, ‘fishery’—
- omit, insert—*
- ‘east coast trawl fishery’.**
- (3) Schedule 2, part 3, heading, ‘fishery’s’—
- omit, insert—*
- ‘east coast trawl fishery’s’.**
- (4) Schedule 2, section 9, ‘fishery’s’—
- omit, insert—*
- ‘east coast trawl fishery’s’.**

76 Amendment of sch 5 (Effort unit conversion factor for boats)

- (1) Schedule 5, from 'Required' to '241(d) and'—
omit.
- (2) Schedule 5, third and fourth columns—
omit.

77 Amendment of sch 7 (Aids to interpretation and definitions)

- (1) Schedule 7, part 1, division 1, heading—
omit, insert—

'Division 1 References to latitudes and longitudes'.

- (2) Schedule 7, sections 2, 3, 4, 8A, 9, 10, 37 and 40—
omit.
- (3) Schedule 7, part 1, division 2—
omit.
- (4) Schedule 7, part 1, divisions 3 and 4—
renumber as schedule 7, part 1, divisions 2 and 3.
- (5) Schedule 7, section 8, heading, 'fish'—
omit, insert—
'particular fish'.
- (6) Schedule 7, section 8(1) and (2)—
omit.
- (7) Schedule 7, section 8(3) and (4)—
renumber as section 8(1) and (2).
- (8) Schedule 7, part 2, divisions 1 and 2, headings—
omit.

- (9) Schedule 7, part 4, definitions, *approved, assistant fisher, buyer, buyer licence, commercial fisher, commercial fisher licence, commercial fishing apparatus, commercial fishing boat, commercial fishing boat licence, crew licence, defined port area, effort unit certificate, F[↑]B sign, fisher, fishery, fishery's area, information notice, n mile, primary boat, primary licence, process, recreational fisher, tender boat, tender licence, territorial sea baseline and unused entitlement—*
omit.
- (10) Schedule 7, part 4—
insert—
'east coast trawl fishery see section 2.
effort unit certificate means a certificate issued under section 101, as replaced under section 96C of this plan or under section 71 of the Act or changed or replaced under section 115.
T1 effort units see section 97(1)(a).
T2 effort units see section 97(1)(b).'
- (11) Schedule 7, part 4, definition *entitlement*, 'section 97(5)'—
omit, insert—
'section 97(4).'
- (12) Schedule 7, part 4, definition *licence*, 'fishery', first mention—
omit, insert—
'east coast trawl fishery'.
- (13) Schedule 7, part 4, definitions '*M1*' licence, '*M2*' licence, '*T1*' licence, '*T2*' licence, '*T5*' licence, '*T6*' licence, '*T7*' licence, '*T8*' licence and '*T9*' licence, 'primary licence'—
omit, insert—
'commercial fishing boat licence'.
- (14) Schedule 7, part 4, definition *recognised TED*, 'see section 54(1)'—

‘3 Application of plan

‘This plan applies in relation to the taking, possessing and other uses of freshwater fish.’.

80 Amendment of s 5 (Aids to interpretation and definitions—sch 8)

(1) Section 5, heading—
omit, insert—

‘5 Interpretation’.

(2) Section 5(1) and (2)—
renumber as section 5(3) and (4).

(3) Section 5—
insert—

‘(1) Unless this plan provides otherwise, terms used in it have the meaning given under the regulation.

‘(2) Subsection (1) is not limited to a term defined under the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

Examples—

part 2, divisions 2 and 3, section 21 and schedule 4A of the regulation’.

81 Replacement of s 46 (Meaning of *eel authority*)

Section 46—
omit, insert—

‘46 Meaning of *eel licence*

‘An *eel licence* is a commercial harvest fishery licence with the fishery symbol ‘E’ written on it.’.

82 Replacement of s 47 (Who may take eels)

Section 47—
omit, insert—

‘47 Who may take eels

- ‘(1) A person may take or possess eels for trade or commerce only if—
- (a) the person holds an eel licence; or
 - (b) the person is an approved nominee of an eel licence holder.
- ‘(2) However only 1 person may act under the same eel licence at the same time.

‘47A Obtaining nominee approval

- ‘(1) An eel licence holder 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 satisfied the holder has become temporarily incapacitated or is otherwise temporarily unable to act under the licence.
- ‘(3) The term of the approval may only be 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.’.

83 Amendment of ss 49 and 73

Sections 49 and 73(1), ‘eel authority’—
omit, insert—
‘eel licence’.

84 Replacement of s 50 (Selling eels taken under eel authority)

Section 50—
omit, insert—

‘50 Selling or processing eels taken under eel licence

- ‘(1) The holder of an eel licence, or an approved nominee of the holder, may sell or process eels taken under the licence.
- ‘(2) The sale may be to anyone, whether or not the buyer holds an authority that allows the sale.’.

85 Replacement of pt 8, div 3, hdg (Eel authorities)

Part 8, division 3, heading—

omit, insert—

‘Division 3 Authorities’.

86 Amendment of s 51 (Restriction on writing fishery symbol ‘E’ on authorities)

Section 51, from ‘is—

omit, insert—

‘is a replacement eel licence issued under section 71 of the Act to replace an eel licence that has been lost, damaged or destroyed.’.

87 Replacement of ss 52 and 53

Sections 52 and 53—

omit, insert—

‘52 Eel licences are not transferable

An eel licence is not transferable.’.

88 Amendment of s 66 (Number of traps that may be used)

- (1) Section 66, ‘eel authority’—

omit, insert—

‘eel licence’.

- (2) Section 66, ‘the authority’—
omit, insert—
‘the licence’.

89 Insertion of new pt 12

After section 73—
insert—

‘Part 12 Transitional provision

**‘74 Transitional provision for Fisheries Management
Plans Amendment Management Plan (No. 1) 2006**

- ‘(1) This section applies if, immediately before 1 July 2006, a person holds a nominee authority for an authority that, under section 52 as in force immediately before that day, is an eel authority.
- ‘(2) On 1 July 2006, the nominee under the nominee authority is taken to be an approved nominee of the holder of the authority.
- Note—*
On 1 July 2006 the authority becomes an eel licence. See section 118¹³ of the regulation.
- ‘(3) The term of the approval is for the rest of the term of the nominee authority stated in the authority.’.

90 Omission of sch 1 (The freshwater fishery)

Schedule 1—
omit.

¹³ Section 118 (Authorities to take under the unamended regulation) of the regulation

91 Amendment of sch 8 (Aids to interpretation and definitions)

- (1) Schedule 8, part 1, sections 4 and 5—

omit.

- (2) Schedule 8, part 2, definitions *dilly*, *eel authority*, *F[↑]B sign*, *freshwater fishery*, *general fisheries permit*, *fishing line* and *recreational fisher*—

omit.

- (3) Schedule 8, part 2—

insert—

‘approved nominee, of an eel licence holder, means a person approved under section 47A as the holder’s nominee.

eel licence see section 46.

freshwater fishery see section 2.’.

- (4) Schedule 8, definition *stocked impoundment*—

insert—

- Storm King Dam’.

Part 5 Amendment of Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999

92 Regulation amended in pt 5

This part amends the *Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999*.

93 Replacement of ss 2 and 3

Sections 2 and 3—

omit, insert—

‘2 What is the *gulf inshore fin fish fishery*

‘The *gulf inshore fin fish fishery* is activities by way of fishing relating to fish (*gulf fin fish*) that—

- (a) are fin fish, other than coral reef fin fish; and
- (b) are in tidal waters—
 - (i) west of longitude 142°09' east; and
 - (ii) of waterways that flow into the Gulf of Carpentaria south of the intersection of longitude 142°09' east with the mainland shore.

‘3 Application of plan

‘This plan applies in relation to the taking, possessing and other uses of gulf fin fish.’.

94 Amendment of s 4 (Objectives of plan and their achievement)

Section 4(1), ‘inshore fin fish’—

omit, insert—

‘gulf fin fish’.

95 Amendment of s 5 (Aids to interpretation and definitions—sch 4)

- (1) Section 5, heading—

omit, insert—

‘5 Interpretation’.

- (2) Section 5(1) and (2)—

renumber as section 5(3) and (4).

- (3) Section 5—

insert—

- ‘(1) Unless this plan provides otherwise, terms used in it have the meaning given under the regulation.

- ‘(2) Subsection (1) is not limited to a term defined under the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

Examples—

part 2, divisions 2 and 3, section 21 and schedule 4A of the regulation’.

96 Amendment of ss 8 to 11A, 13, 14, 17, 19, 20, 21, 25 to 27, 38 to 41, 51 to 54, 63 to 65, 76, 79, 84, 88, 92, pt 6, divs 2 and 4, hdgs and sch 3

Sections 8 to 11A, 13, 14, 17(1), 19, 20, 21, 25 to 27, 38 to 41, 51 to 54, 63 to 65, 76, 79, 84, 88 and 92, part 6, division 4, heading and schedule 3, heading, ‘fin fish’—

omit, insert—

‘gulf fin fish’.

97 Amendment of ss 10, 23, 36, 49, 60, 67, 69 and 70

Sections 10(4)(a)(i), 23, 36, 49, 60, 67, 69(1) and 70(1), ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

98 Amendment of s 21 (Who may fish for trade or commerce)

- (1) Section 21(a), ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

- (2) Section 21(c), ‘or is acting under a crew licence’—

omit.

99 Amendment of s 22 (Restrictions on writing fishery symbols on authorities)

- (1) Section 22, heading, ‘authorities’—

omit, insert—

‘licences’.

- (2) Section 22, ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

- (3) Section 22(1)(b)—

omit, insert—

‘(b) if the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or’.

- (4) Section 22(2)(c)—

omit, insert—

‘(c) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence.’.

100 Amendment of ss 17, 25, 27, 38, 51, 53, 63(1) and 65(1)

Sections 17, heading, 25(1), 27(1), 38(1), 51(1), 53, 63(1) and 65(1), ‘Fin fish’—

omit, insert—

‘Gulf fin fish’.

101 Amendment of s 68 (VMS equipment conditions—installation and registration)

- (1) Section 68(1), ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

- (2) Section 68(4), definition *substitute primary boat*, ‘section 56(4)’—

omit, insert—

‘section 53¹⁴’.

102 Amendment of ss 78 and 91 and sch 2

Sections 78 and 91(2)(a) and schedule 2, sections 3 and 4, ‘the fishery’—

omit, insert—

‘the gulf inshore fin fish fishery’.

103 Amendment of s 86 (General prohibitions)

(1) Section 86, ‘fin fish’—

omit, insert—

‘gulf fin fish’.

(2) Section 86(3), ‘extended commercial fishing tour’—

omit, insert—

‘extended licensed charter fishing trip’.

(3) Section 86(5)—

omit.

104 Amendment of s 92 (Serious fisheries offences)

(1) Section 92, from ‘definition’ to ‘section 4’—

omit, insert—

‘the schedule, definition *serious fisheries offence*.’.

(2) Section 92, ‘the fishery’—

omit, insert—

‘the gulf inshore fin fish fishery’

105 Omission of sch 1 (The fishery)

Schedule 1—

omit.

106 Amendment of sch 2 (How the objectives are to be achieved)

- (1) Schedule 2, part 1 heading and sections 2(c), 3(e), 4(c), 18(a), 22 and 23(c), ‘fin fish’—
omit, insert—
‘gulf fin fish’.
- (2) Schedule 2, section 1, ‘inshore fin fish’—
omit, insert—
‘gulf fin fish’.
- (3) Schedule 2, part 4, heading and section 13, ‘fin fish net fishery’—
omit, insert—
‘gulf inshore fin fish fishery’.
- (4) Schedule 2, section 16(b), ‘commercial net fishery’—
omit, insert—
‘commercial part of the gulf inshore fin fish fishery’.

107 Amendment of sch 4 (Aids to interpretation and definitions)

- (1) Schedule 4, part 1, division 1—
omit.
- (2) Schedule 4, part 1, division 2, heading—
omit.
- (3) Schedule 4, sections 4 to 7, 9 to 12 and 15—
omit.
- (4) Schedule 4, section 8(1)—
omit.
- (5) Schedule 4, section 8, ‘(2)’—
omit.

- (6) Schedule 4, part 3, definitions *assistant fisher*, *boat mark*, *commercial fisher*, *commercial fisher licence*, *commercial fishing boat*, *commercial fishing boat licence*, *F[↑]B sign*, *fin fish*, *fishing line*, *fix*, *length*, *mesh net*, *mesh size*, *n mile*, *offshore waters*, *primary boat*, *primary licence*, *recreational fisher*, *ring net*, *seine net*, *set*, *set mesh net*, *shoot*, *spear gun*, *target species*, *tender boat*, *tender licence*, *territorial sea baseline*, *the fishery*, *the 25 n mile line*, *under direction and use*—

omit.

- (7) Schedule 4, part 3—

insert—

‘gulf fin fish see section 2.

gulf inshore fin fish fishery see section 2.

target species means all or any of the following—

- barramundi
- black jewfish
- blue salmon
- grey mackerel
- jewel fish
- king salmon
- large-scale sea perch
- mangrove jack
- pikey bream
- queenfish
- Queensland school mackerel
- shark
- silver jewfish
- snub-nosed dart
- spotted grunter bream
- spotted mackerel

- yellow-finned bream.’
- (8) Schedule 4, part 3, definition *CPUE*, ‘fin fish’—
omit, insert—
‘gulf fin fish’.

Part 6 Amendment of Fisheries (Spanner Crab) Management Plan 1999

108 Regulation amended in pt 6

This part amends the *Fisheries (Spanner Crab) Management Plan 1999*.

109 Replacement of ss 2 and 3

Sections 2 and 3—

omit, insert—

‘2 What is the *spanner crab fishery*

‘The *spanner crab fishery* is activities by way of fishing relating to spanner crabs in—

- (a) tidal waters south of latitude 23° south, and east of longitude 151°45' east (*managed area A*); and
- (b) the following tidal waters (*managed area B*)—
 - (i) waters north of managed area A and east of longitude 142°31'49" east;
 - (ii) waters north of latitude 10°48' south and between longitude 141°20' east and longitude 142°31'49" east;
 - (iii) waters in the Gulf of Carpentaria between the 25 n mile line and the shore of the mainland at high water mark, south of latitude 10°48' south.

‘3 Application of plan

‘This plan applies in relation to the taking, possessing and other uses of spanner crabs.’.

110 Amendment of ss 4, 81 and 84 and sch 2

Sections 4(b), 81(2)(a) and 84(h) and schedule 2, part 2, heading and section 5, ‘fishery’—

omit, insert—

‘spanner crab fishery’.

111 Amendment of s 5 (Aids to interpretation and definitions—sch 3)

(1) Section 5, heading—

omit, insert—

‘5 Interpretation’.

(2) Section 5(1) and (2)—

renumber as section 5(3) and (4).

(3) Section 5—

insert—

‘(1) Unless this plan provides otherwise, terms used in it have the meaning given under the regulation.

‘(2) Subsection (1) is not limited to a term defined under the regulation but also applies to a provision of the regulation that aids the interpretation of a term used in the regulation.

Examples—

part 2, divisions 2 and 3, section 21 and schedule 4A of the regulation’.

112 Amendment of ss 14 and 46

Section 14(c) and 46(c), ‘or is acting under a crew licence’—

omit.

113 Replacement of s 15 (Restrictions on writing ‘C2’ fishery symbol on authorities)

Section 15—

omit, insert—

‘15 Restrictions on writing ‘C2’ fishery symbol on licence

‘The chief executive may write a ‘C2’ fishery symbol on a commercial fishing boat licence only if—

- (a) the chief executive—
 - (i) has approved an application to transfer ITQ units to the licence holder; and
 - (ii) transfers the ITQ units to the licence holder when the chief executive writes the symbol on the licence; or
- (b) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
- (c) the licence is a replacement licence for a ‘C2’ licence.’.

114 Replacement of s 27 (Meaning of *entitlement* of ITQ unit holder)

Section 27—

omit, insert—

‘27 Meaning of *entitlement* of ITQ unit holder

- ‘(1) Subject to subdivision 3, ITQ units held by a person authorise the person to take, or allow someone else to take, in a quota year the weight of spanner crabs fixed by dividing the annual quota for the year by the total number of ITQ units that have been issued.
- ‘(2) The authorisation for each quota year is the person’s *entitlement* under the person’s ITQ units for the year.
- ‘(3) However, the entitlement applies only while the holder holds a ‘C2’ licence that is in force.

- ‘(4) The entitlement is subject to any relevant prohibitions or restrictions under the regulation, this plan or a condition or other provision of the ITQ unit or ‘C2’ licence.

Examples of relevant restrictions—

the restrictions under section 44(1) to (4) of the regulation¹⁵’.

115 Insertion of new s 28A

After section 28—

insert—

‘28A Particular notice is evidence of unused entitlement

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

116 Amendment of s 30 (ITQ certificates)

- (1) Section 30(1)—

omit, insert—

- ‘(1) The chief executive must issue a certificate to each person who holds ITQ units.’.

- (2) Section 30(2)(b), (d), (f) and (g)—

omit.

- (3) Section 30(2)(c), (e) and (h)

renumber as section 30(2)(b), (c) and (d) respectively.

117 Insertion of new s 30A

Part 4, division 4, subdivision 1—

15 Section 44 (Things authorised by fishery symbol) of the regulation

insert—

‘30A Evidentiary provision for ITQ certificate

‘An ITQ certificate is evidence of—

- (a) the number of ITQ units held when the certificate was issued under section 30, replaced under section 71 of the Act or changed or replaced under section 31; and
- (b) the conditions, if any, imposed on the ITQ units.’.

118 Replacement of pt 4, div 4, sdiv 2 (Transfer conditions)

Part 4, division 4, subdivision 2—

omit, insert—

‘Subdivision 2 Applications to register ITQ transfers

‘31 ITQ certificate changes required

‘If, under section 65B¹⁶ of the Act, an application to transfer an ITQ unit is registered, the chief executive must give effect to the transfer by changing, cancelling or replacing the transferor’s and transferee’s current ITQ certificates.’.

119 Amendment of s 39 (Entitlement)

- (1) Section 39(1), ‘approved the transfer’—

omit, insert—

‘registers the transfer under section 65B of the Act’.

- (2) Section 39, ‘approves’—

omit, insert—

‘registers’.

- (3) Section 39, ‘approval’—

omit, insert—

‘registration’.

- (4) Section 39(2), ‘approved’—

omit, insert—

‘registered’.

120 Amendment of s 40 (No more carrier boat licences)

Section 40(2), from ‘may—’—

omit, insert—

‘may issue a replacement licence for a carrier boat licence.’.

121 Amendment of ss 41, 61, 87, 96, 97, 98 and 99

Sections 41(b), 61(b), 87, definition *eligible licence*, 96, 97(1), 98 and 99, ‘primary licence’—

omit, insert—

‘commercial fishing boat licence’.

122 Replacement of s 47 (Restriction on writing ‘C3’ fishery symbol on authorities)

Section 47—

omit, insert—

‘47 Restriction on writing ‘C3’ fishery symbol on licence

‘The chief executive may write a ‘C3’ fishery symbol on a commercial fishing boat licence only if—

- (a) the chief executive has approved a fishery symbol movement application and, under the application, the symbol is to be written on the licence; or
- (b) the licence is a replacement licence for a ‘C3’ licence.’.

123 Amendment of s 56 (Restrictions on issuing)

Section 56(b), ‘with’—

omit, insert—

‘being used under’.

124 Omission of pt 5, div 4, sdiv 2 (Carrier approvals)

Part 5, division 4, subdivision 2—

omit.

125 Amendment of s 60 (Requirements for carrying)

(1) Section 60(a) to (c)—

omit, insert—

‘(a) the spanner crab was taken under a ‘C3’ licence and the person carries them on the primary boat or a tender boat for the licence; or

(b) the person holds, or is acting under, a carrier boat licence and—

(i) the licence specifically allows the boat identified in the licence to carry spanner crabs taken in managed area B; and

(ii) the crab is carried on the boat; and

(iii) the boat is not at the same time being used to carry a spanner crab taken in managed area A.’.

126 Amendment of s 83 (Buyer licences—conditions)

(1) Section 83, ‘held’—

omit.

(2) Section 83, from ‘must—’ to ‘premises’, second mention—

omit, insert—

‘must allow any premises at which spanner crabs are possessed or processed under the licence’.

127 Amendment of s 84 (Serious fisheries offences)

Section 84, from ‘definition’ to ‘section 4’—

omit, insert—

‘the schedule, definition *serious fisheries offence*.’

128 Omission of s 86 (Additional criteria for suspending ITQ unit—failure to pay fee)

Section 86—

omit.

129 Omission of sch 1 (The fishery)

Schedule 1—

omit.

130 Amendment of sch 3 (Aids to interpretation and definitions)

(1) Schedule 3, sections 2 and 3—

omit.

(2) Schedule 3, part 2—

omit.

(3) Schedule 3, part 3

renumber as schedule 3, part 2.

(4) Schedule 3, part 2, as renumbered, definitions, *assistant fisher, boat mark, buyer, buyer licence, carrier approval, carrier boat licence, commercial fisher, commercial fisher licence, commercial fishing boat, commercial fishing boat licence, crab pot, dilly, fisher, inverted dilly, ITQ certificate, length, managed area A, managed area B, mesh size, primary boat, primary licence, recreational fisher, spanner crab, tender boat, tender licence, territorial sea baseline, the 25 n mile line and the fishery—*

omit.

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- (5) Schedule 3, part 2, as renumbered—
insert—
'ITQ certificate' means a certificate issued under section 30, as replaced under section 71 of the Act or changed or replaced under section 31.
managed area A see section 2(a).
managed area B see section 2(b).
spanner crab fishery see section 2.'
- (6) Schedule 3, part 2, as renumbered, definitions, '*C2*' licence and '*C3*' licence, 'primary licence'—
omit, insert—
'commercial fishing boat licence'.
- (7) Schedule 3, part 2, as renumbered, definition *replacement licence*, paragraph (b), 'fishery'—
omit, insert—
'spanner crab fishery'.
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ENDNOTES

1. Made by the chief executive on 10 February 2006.
2. Approved by the Governor in Council on 23 February 2006.
3. Notified in the gazette on 24 February 2006.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Primary Industries and Fisheries.