



# **Great Barrier Reef Marine Park Amendment (Queensland Fisheries Legislation) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 August 2021

David Hurley  
Governor-General

By His Excellency's Command

Sussan Ley  
Minister for the Environment

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## 1 Name

This instrument is the *Great Barrier Reef Marine Park Amendment (Queensland Fisheries Legislation) Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	26 August 2021
2. Schedule 1, Part 1	The day after this instrument is registered.	26 August 2021
3. Schedule 1, Part 2	The later of: (a) the start of the day after this instrument is registered; and (b) the commencement of Chapter 4 of the <i>Fisheries Legislation Amendment Regulation 2020</i> (Qld).  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 September 2021 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Great Barrier Reef Marine Park Act 1975*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Great Barrier Reef Marine Park Regulations 2019*

##### 1 Subsection 5(1)

Insert:

*Commercial Fisheries Regulation* means the *Fisheries (Commercial Fisheries) Regulation 2019* (Qld), as in force from time to time.

*Fisheries Declaration* means the *Fisheries Declaration 2019* (Qld), as in force from time to time.

##### 2 Subsection 5(1) (definition of *Fisheries Regulation*)

Repeal the definition.

##### 3 Subsection 5(1)

Insert:

*General Fisheries Regulation* means the *Fisheries (General) Regulation 2019* (Qld), as in force from time to time.

##### 4 Subsection 5(1) (definition of *hazardous goods*)

Repeal the definition, substitute:

*hazardous goods*:

- (a) has the same meaning as dangerous goods has in Chapter VII of the Annex to the International Convention for the Safety of Life at Sea, done at London on 1 November 1974, as in force for Australia from time to time; and
- (b) includes noxious liquid substances within the meaning of Part III of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

Note: The Convention is in Australian Treaty Series 1983 No. 22 ([1983] ATS 22) and could in 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

##### 5 Subsection 5(1) (definition of ‘N11’ fish)

Omit “Fisheries”, substitute “Commercial Fisheries”.

##### 6 Paragraph 10(b)

Omit “prescribed as”, substitute “prescribed as ‘critically endangered wildlife’ or”.

##### 7 Paragraph 15(2)(a)

Omit “Fisheries Regulation”, substitute “Fisheries Declaration”.

##### 8 Subparagraphs 15(2)(a)(i), (ii) and (iii)

Repeal the subparagraphs, substitute:

- (i) for a cast net—section 154;

- (ii) for a scoop net—section 155;
- (iii) for a seine net—section 156;

### **9 Paragraph 15(2)(b)**

Repeal the paragraph, substitute:

- (b) for a commercial fisher—a seine, cast, scoop or mesh net that complies with the size, measurement and other physical requirements in the following provisions of the Commercial Fisheries Regulation:
  - (i) for a seine net—subsection 42(1) of Schedule 4;
  - (ii) for a cast net—section 119 of Schedule 4;
  - (iii) for a scoop net—section 120 of Schedule 4;
  - (iv) for a mesh net (other than a seine net)—section 121 of Schedule 4.

### **10 Paragraph 15(3)(a)**

Omit “179 of the Fisheries Regulation”, substitute “138 of the Fisheries Declaration”.

### **11 Paragraph 15(3)(b)**

Repeal the paragraph, substitute:

- (b) for a commercial fisher:
  - (i) while using a seine net, bait netting must be in accordance with sections 138 and 140 of the Fisheries Declaration and subsections 38(6), 38(7) and 42(2) of Schedule 4 to the Commercial Fisheries Regulation; and
  - (ii) while using a cast net for taking ‘N11’ fish, the fisher must comply with the licence condition in section 38 of the Commercial Fisheries Regulation; and
  - (iii) while using a scoop net for taking ‘N11’ fish, the fisher must comply with the licence condition in section 38 of the Commercial Fisheries Regulation; and
  - (iv) while using a mesh net (other than a seine net), bait netting must be in accordance with sections 138 and 140 of the Fisheries Declaration and sections 118, 121 and 124 of Schedule 4 to the Commercial Fisheries Regulation and, if the net is used for taking ‘N11’ fish, the fisher must comply with the licence condition in section 38 of the Commercial Fisheries Regulation;

### **12 Paragraph 17(1)(d)**

Before “if”, insert “subject to the limitations prescribed by paragraphs (a), (b) and (c) of this subsection,”.

### **13 Section 18**

Omit “Chapters 7 and 11 of the Fisheries Regulation”, substitute “Parts 1, 2, 3, 5, 8, 11, 12, 13 and 14 of Schedule 1 to the Commercial Fisheries Regulation and Part 1 of Schedule 8 to the Commercial Fisheries Regulation”.

### **14 Paragraph 27(1)(b)**

Omit “Fisheries Regulation”, substitute “Queensland fisheries legislation”.

**15 Subsection 27(2)**

Omit “section 475 or Part 5 of Chapter 9 of the Fisheries Regulation”, substitute “section 42 of, or Part 7 of Schedule 4 to, the Commercial Fisheries Regulation”.

**16 Paragraph 30(c)**

Omit “prescribed as”, substitute “prescribed as ‘critically endangered wildlife’”.

**17 Section 30 (table item 12, column headed “Species”)**

Omit “*Carcharinus*”, substitute “*Carcharhinus*”.

**18 Section 30 (after table item 12)**

Insert:

12A	<i>Carcharhinus longimanus</i>	Oceanic whitetip shark
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**19 Section 30 (table item 23, column headed “Common name”)**

Omit “Scalloped hammerhead”, substitute “Scalloped hammerhead shark”.

**20 Paragraphs 31(b) and (c)**

Repeal the paragraphs, substitute:

- (b) a regulation made under that Act, to the extent that the regulation applies in the Marine Park;

**21 Section 36**

Omit all the words from and including “the following laws” to the end of the section, substitute “the requirements of the Queensland fisheries legislation relating to trawling are complied with”.

**22 Subsection 44(2)**

Omit “Regulation”, substitute “Declaration”.

**23 Subsection 44(2) (table heading, column 2)**

Omit “**Regulation**”, substitute “**Declaration**”.

**24 Subsection 44(2) (table item 1, column 2)**

Omit “section 114”, substitute “Division 5 of Part 11”.

**25 Subsection 44(2) (table item 2, column 2)**

Omit “Division 3 of Part 12”, substitute “Division 7 of Part 11”.

**26 Subsection 44(2) (table item 3, column 2)**

Omit “sections 116 and 116A”, substitute “Division 6 of Part 11”.

**27 Subsection 44(2) (table item 4, column 2)**

Omit “section 111”, substitute “Division 4 of Part 11”.

**28 Subsection 44(2) (table item 5, column 2)**

Omit “section 110”, substitute “Division 3 of Part 11”.



**29 Subsection 44(2) (table item 6, column 2)**

Omit “section 109”, substitute “Division 2 of Part 11”.

**30 Paragraph 44(3)(b)**

Omit “section 121 of the Fisheries Regulation”, substitute “section 84 of the Fisheries Declaration”.

**31 Subparagraph 44(5)(a)(ii)**

Omit “paragraphs 120A(c), (d), (e) and (f) of the Fisheries Regulation”, substitute “subsections 83(c), (d), (e) and (f) of the Fisheries Declaration”.

**32 Subsection 44(5) (note 1)**

Omit “Fisheries”, substitute “General Fisheries”.

**33 Paragraph 44(6)(e)**

Omit “subsection 472(7) of the Fisheries Regulation”, substitute “subsection 38(7) of Schedule 4 to the Commercial Fisheries Regulation”.

**34 Subsection 44(6) (note)**

Omit “Fisheries”, substitute “General Fisheries”.

**35 Paragraph 103(f)**

Omit “Division 4”, substitute “Division 3”.

**36 Subparagraph 106(1)(a)(ii)**

Repeal the subparagraph, substitute:

- (ii) holds a primary commercial fishing licence under the Queensland fisheries legislation that authorises trawling in the Mission Beach Leader Prawn Broodstock Capture Area; and

**37 Subparagraph 106(1)(a)(iv)**

Omit “the maintenance and use of vessel monitoring systems”, substitute “vessel tracking equipment”.

**38 Paragraph 119(1)(b)**

Repeal the paragraph, substitute:

- (b) the transfer is to occur 20 business days or less before the expiry of the period for which the permission is in force.

**39 Paragraph 128(3)(b)**

Repeal the paragraph, substitute:

- (b) include in the notice a statement that the holder may, before the end of:
  - (i) 20 business days after the Authority gives the notice to the applicant;  
or
  - (ii) if the Authority extends that period in accordance with section 253—  
that extended period;provide reasons to the Authority why the condition should not be modified.

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#### 40 Clause 2 of Part 2 of Schedule 1 (table items 4 to 10)

Repeal the items, substitute:

4 Generally southerly then south-easterly then south-westerly along the Lizard Island (14-116a) coastline at mean low water to the starting point

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**Ribbon Reef No. 5 (15-038) Location Designated Anchorage**

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5 The area within the 500 metre line of Ribbon Reef No. 5 (15-038)

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**Ribbon Reef No. 2 (15-075a) Location Designated Anchorage**

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6 The area within the 500 metre line of Ribbon Reef No. 2 (15-075a)

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**Agincourt Reef (15-096) Designated Anchorage**

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7 The point 15°57.252'S 145°47.571'E

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**Norman Reef (16-030) South-Easterly Wind Designated Anchorage**

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8 The point 16°24.887'S 145°58.709'E

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**Norman Reef (16-030) North-Westerly Wind Designated Anchorage**

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9 The point 16°26.654'S 146°00.696'E

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**Moore Reef (16-071) Designated Anchorage**

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10 The point 16°50.984'S 146°10.601'E

#### 41 Amendments of listed provisions—Fisheries Regulation

Omit “Fisheries Regulation” and substitute “General Fisheries Regulation” in the following provisions:

- (a) subsection 5(1) (definition of *collapsible trap*);
- (b) subsection 5(1) (definition of *commercial fisher*);
- (c) subsection 5(1) (definition of *crab pot*);
- (d) subsection 5(1) (definition of *dilly*);
- (e) subsection 5(1) (definition of *fix*);
- (f) subsection 5(1) (definition of *haul*);
- (g) subsection 5(1) (definition of *mesh net*);
- (h) subsection 5(1) (definition of *mesh size*);
- (i) subsection 5(1) (definition of *offshore waters*);
- (j) subsection 5(1) (definition of *recreational fisher*);
- (k) subsection 5(1) (definition of *set mesh net*).

## **Part 2—Contingent amendments**

### ***Great Barrier Reef Marine Park Regulations 2019***

#### **42 Section 18**

Omit “Parts 1, 2, 3, 5, 8, 11, 12, 13 and 14 of Schedule 1 to the Commercial Fisheries Regulation and Part 1 of Schedule 8 to the Commercial Fisheries Regulation”, substitute “Parts 1, 2, 3, 5, 8, 11, 12, 13, 14 and 15 of Schedule 7A to the Commercial Fisheries Regulation”.