



# **Great Barrier Reef Marine Park Amendment (Fisheries Reforms) Regulations 2024**

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 October 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Tanya Plibersek  
Minister for the Environment and Water

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## 1 Name

This instrument is the *Great Barrier Reef Marine Park Amendment (Fisheries Reforms) Regulations 2024*.

## 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.	12 October 2024
2. Schedule 1, Part 1	The day after this instrument is registered.	12 October 2024
3. Schedule 1, Part 2	1 July 2027.	1 July 2027

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments commencing day after registration

#### Division 1—Amendments

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

##### 1 Subsection 5(1)

Insert:

*A1 licence* has the same meaning as it has in the Fisheries Declaration.

*A2 licence* has the same meaning as it has in the Fisheries Declaration.

*cast net* means a circular net that:

- (a) is weighted around its outside; and
- (b) has a rope attached to its centre to allow the net to be cast and retrieved.

##### 2 Subsection 5(1) (definition of *fix*)

Repeal the definition, substitute:

*fix*, a net, means attach or anchor the net or part of the net to a place or thing to prevent the net or the part of the net from moving away from the position in which it is set.

##### 3 Subsection 5(1)

Insert:

*General Use Zone* means the zone described in the Zoning Plan as the General Use Zone.

*Habitat Protection Zone* means the zone described in the Zoning Plan as the Habitat Protection Zone.

##### 4 Subsection 5(1) (definition of *haul*)

Repeal the definition, substitute:

*haul*, a net, means gather or retrieve the net or a part of the net for taking fish.

##### 5 Subsection 5(1)

Insert:

*inlet* means an area that includes the word inlet in its name as obtained by using the online tool for searching place names on Geoscience Australia's website.

Note: The online tool for searching place names could in 2024 be viewed on Geoscience Australia's website ([www.ga.gov.au](http://www.ga.gov.au)).

##### 6 Subsection 5(1) (definition of *mesh net*)

Repeal the definition, substitute:

*mesh net* means a net suspended vertically through a water column, but does not include a trawl net.

- Note 1: Examples of a net that is a mesh net include the following:
- (a) a net commonly known as a bottom set net, which is a mesh net set along the seabed;
  - (b) a net commonly known as a ring net, which is a mesh net that is shot in a way that allows it to encircle the fish being targeted;
  - (c) a net referred to as a general purpose mesh net in the Commercial Fisheries Regulation;
  - (d) a net that is neither fixed nor hauled;
  - (e) a seine net;
  - (f) a set mesh net.
- Note 2: Examples of a net that is not a mesh net include the following:
- (a) a cast net;
  - (b) a scoop net;
  - (c) a set pocket net;
  - (d) a tunnel net.

## 7 Subsection 5(1) (definition of *mesh size*)

Repeal the definition, substitute:

*mesh size*:

- (a) of a net that is knotted, means the average distance, when the mesh of the net is closed, between the inner edges of 2 diagonally opposite knots of 10 meshes at least 30 cm from each other; and
- (b) of a net that is knotless, means the average distance, when the mesh of the net is closed, between the inner edges of 2 diagonally opposite corners of 10 meshes at least 30 cm from each other.

For the purposes of this definition, the mesh of a net is closed when the inner edges of 2 diagonally opposing knots or corners of the mesh are pulled:

- (c) by hand in opposite directions; and
- (d) using no more force than is reasonably necessary to pull the mesh, or the material from which it is made, to its natural length;

so that the sides of the mesh, when the knots or corners are pulled as described, are as close to touching each other as is reasonably practicable.

## 8 Subsection 5(1) (definition of '*N11*' fish)

Repeal the definition, substitute:

*N11 fish* has the same meaning as in the Commercial Fisheries Regulation.

## 9 Subsection 5(1)

Insert:

*N11 fishery* has the same meaning as in the Commercial Fisheries Regulation.

*N11 licence* has the same meaning as it has in the Fisheries Declaration.

*nearshore waters* means tidal waters that are less than 2 metres deep at low water, but does not include waters:

- (a) in a river or creek upstream of a line across its banks at low water; or
- (b) in an inlet.

*net fishery (no. NX)* has the same meaning as it has in the Commercial Fisheries Regulation.

## 10 Subsection 5(1)

Insert:

*net free north area* means the area described in subsection 27(1B).

*net free south area* means the Marine Park excluding:

- (a) the net free north area; and
- (b) a Species Conservation (Dugong Protection) SMA.

Note: See section 44 for the designation of Species Conservation (Dugong Protection) SMAs.

## 11 Subsection 5(1)

Insert:

*net that is neither fixed nor hauled* means a mesh net that, while it is used for taking fish:

- (a) is allowed to move freely in the water; and
- (b) is not fixed to a place or otherwise restricted in its movement by the person using the net.

## 12 Subsection 5(1) (definition of offshore waters)

Repeal the definition, substitute:

*offshore waters* means tidal waters that are at least 2 metres deep at low water, but does not include waters:

- (a) in a river or creek upstream of a line across its banks at low water; or
- (b) in an inlet.

## 13 Subsection 5(1)

Insert:

*purse seine net* means a seine net that is used to trap fish by drawing together or pursing the lower edge of the net with a drawstring attached to the edge.

*relevant net* means a cast net, a mesh net, a set pocket net or a tunnel net.

*scoop net* means a net with a handle that can be used to take fish by being formed into a scoop.

*seine net* means a mesh net, with or without a pocket, that can be:

- (a) shot in a way that partly encircles the fish being targeted; and
- (b) hauled, including by the use of a vessel, in a way that concentrates the fish in an area for taking them.

*set*, a net, means fix the net or part of it in a way that it can trap fish.

## 14 Subsection 5(1) (definition of set mesh net)

Repeal the definition, substitute:

*set mesh net* means a mesh net that has:

- (a) two or more points that are each fixed to the ground, the bed of a body of water or a thing to prevent the net from moving from the position in which it is set; or



- (b) a point that is fixed to a vessel and another point that is fixed to the ground, the bed of a body of water or a thing.

## **15 Subsection 5(1)**

Insert:

*set pocket net* means a bag shaped net that is set across a current or tide to trap fish.

*shoot*, a net, means place or spread the net, or part of it, in a way that it can trap fish.

*trawl net* means a net that may be used in the fishery area of the east coast trawl fishery (as described in Part 1 of Schedule 2 to the Commercial Fisheries Regulation) under the fishery provisions (within the meaning of that Regulation) about the fishery, and includes any other fishing or collecting apparatus normally used with the net.

Note: Examples of other fishing or collecting apparatus normally used with a trawl net include ground chains or ropes.

*tunnel net* means a net, supported by stakes, in which there is an opening so fish trapped by the net can enter a trough or tunnel formed by the net.

*use*, a net, includes:

- (a) setting and shooting the net; and
- (b) for a trawl net—also includes having the net rigged for fishing or collecting.

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

Omit “seine,”.

## **17 Subparagraphs 15(2)(b)(i) and (3)(b)(i)**

Repeal the subparagraphs.

## **18 Subparagraphs 15(3)(b)(ii) to (iv)**

Omit “‘N11’ fish”, substitute “N11 fish”.

## **19 Subparagraph 15(3)(b)(iv)**

Omit “;”, substitute “.”.

## **20 Subsection 17(2) (after item 1 of Part 1 of the table)**

Insert:

2	<i>Sphyrna mokarran</i>	Great hammerhead shark
3	<i>Sphyrna zygaena</i>	Smooth hammerhead shark

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## **21 Paragraphs 27(1)(a), (c), (d), (e) and (f)**

Repeal the paragraphs.

## **22 At the end of subsection 27(1)**

Add:

- ; (g) subject to subsection (1A), a commercial fisher must not carry out netting in the net free north area:

## Schedule 1 Amendments

### Part 1 Amendments commencing day after registration

- (i) using a relevant net to take fish for commercial purposes; or
- (ii) if the fisher possesses, while in the area, a relevant net (or a net that would be a relevant net if used as designed or intended), for taking fish for commercial purposes (unless the net is stowed or secured on a vessel);
- (h) subject to subsection (1A), a commercial fisher must not carry out netting in the net free south area using a relevant net to take fish for commercial purposes.

### 23 After subsection 27(1)

Insert:

- (1A) Paragraphs (1)(g) and (h) do not apply if the fisher carries out the netting:
- (a) under an A1 licence; or
  - (b) under an A2 licence; or
  - (c) in the N11 fishery to take N11 fish without the fishery symbol N11 being written on the fisher's licence other than for sale under the licence; or
  - (d) in the net free north area under an N11 licence to take fish under the licence other than for sale under the licence; or
  - (e) in the net free south area:
    - (i) under an N11 licence; or
    - (ii) under a licence for the net fishery (no. NX) issued for the purposes of the Queensland fisheries legislation using a mesh net; or
  - (f) in the Eastern Skipjack Fishery (within the meaning of the *Fisheries Management Regulations 2019*) under a fishing permit granted under the *Fisheries Management Act 1991* using a purse seine net.

#### *Meaning of net free north area*

- (1B) The **net free north area** is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Net free north area	
Item	Description
1	The northernmost point of Cape York at low water
2	Easterly along the geodesic to 10°40.91'S 145°00.06'E
3	South along the meridian to its intersection by the parallel 12°59.91'S
4	South-easterly along the geodesic to 14°59.91'S 146°00.06'E
5	South-easterly along the geodesic to 15°13.56'S 146°05.45'E
6	West along the parallel 15°13.56'S to the intersection by the coastline of the mainland at low water
7	Generally northerly along that coastline at low water to its intersection by the parallel 14°59.91'S
8	East along that parallel to its intersection by the meridian 145°22.96'E
9	Northerly along the geodesic to 14°55.11'S 145°22.16'E
10	West along the parallel to its intersection by the meridian 145°18.00'E
11	South along that meridian to its intersection by the coastline of the mainland at low water
12	Generally north-westerly along that coastline at low water to the starting point

**24 Subsection 27(2)**

Repeal the subsection (not including the note), substitute:

*Exclusion of bait netting*

- (2) This section does not apply to bait netting.

**25 Subsections 44(2) and (3)**

Repeal the subsections, substitute:

*Special management provisions*

- (2) A person must not use a Species Conservation (Dugong Protection) SMA mentioned in column 1 of an item in the following table for the purposes of carrying out the netting or bait netting (within the ordinary meaning of those expressions) specified in column 2 of that item.

<b>Special management provisions for Species Conservation (Dugong Protection) SMAs</b>		
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
	<b>If the Species Conservation (Dugong Protection) SMA is any of the following:</b>	<b>a person must not, in the SMA:</b>
1	<ul style="list-style-type: none"> <li>(a) Hinchinbrook Island Area Species Conservation (Dugong Protection) SMA;</li> <li>(b) Cleveland Bay—Magnetic Island Species Conservation (Dugong Protection) SMA;</li> <li>(c) Stewart Peninsula—Newry Islands—Ball Bay Species Conservation (Dugong Protection) SMA;</li> <li>(d) Ince Bay (Cape Palmerston—Allom Point) Species Conservation (Dugong Protection) SMA;</li> <li>(e) Upstart Bay Species Conservation (Dugong Protection) SMA;</li> <li>(f) Port Clinton (Reef Point—Cape Clinton) Species Conservation (Dugong Protection) SMA;</li> <li>(g) Lucinda to Allingham—Halifax Bay Species Conservation (Dugong Protection) SMA</li> <li>(h) Bowling Green Bay Species Conservation (Dugong Protection) SMA (excluding the area described in clause 3 of Schedule 5);</li> <li>(i) Edgecumbe Bay—Bowen Species Conservation (Dugong Protection) SMA</li> <li>(j) Repulse Bay Species Conservation (Dugong Protection) SMA;</li> <li>(k) Ball Bay—Sand Bay Species Conservation (Dugong Protection) SMA;</li> </ul>	<ul style="list-style-type: none"> <li>(a) use a mesh net with a mesh size of more than 45 millimetres; or</li> <li>(b) fix more than 1 part of a mesh net if all of the net is in nearshore waters; or</li> <li>(c) fix any part of a mesh net if part of the net is in offshore waters; or</li> <li>(d) use a set mesh net; or</li> <li>(e) use a net that is neither fixed nor hauled.</li> </ul>

## Schedule 1 Amendments

### Part 1 Amendments commencing day after registration

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#### Special management provisions for Species Conservation (Dugong Protection) SMAs

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Item	Column 1	Column 2
	<b>If the Species Conservation (Dugong Protection) SMA is any of the following:</b>	<b>a person must not, in the SMA:</b>
	(l) Llewellyn Bay Species Conservation (Dugong Protection) SMA;	
	(m) Clairview Bluff—Carmilla Creek Species Conservation (Dugong Protection) SMA;	
	(n) Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA	
2	Shoalwater Bay Species Conservation (Dugong Protection) SMA	use any net, other than a cast net.

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Note: Under the Zoning Plan, only the General Use Zone and the Habitat Protection Zone may be used or entered without permission for the purpose of netting (other than bait netting).

- (3) Further, a person must not use the Shoalwater Bay Species Conservation (Dugong Protection) SMA to carry out netting or bait netting (within the ordinary meaning of those expressions) if the person possesses, while in the SMA, a net other than a cast net (unless the net is stowed or secured on a vessel).

#### *Exception - set mesh nets in rivers or creeks*

- (3A) Despite subsection (2), a person may use the Species Conservation (Dugong Protection) SMAs listed in paragraphs (g) to (n) in column 1 of item 1 of the table in subsection (2) to carry out the netting or bait netting if all of the following apply:
- (a) the netting or bait netting is in a river or creek;
  - (b) the person uses no more than 3 set mesh nets;
  - (c) each net is no longer than 120 metres;
  - (d) each net has a mesh size of at least 150 millimetres but no more than 215 millimetres;
  - (e) each net has no more than 50 rows of mesh between the top and bottom of the net;
  - (f) the combined lengths of the nets is no more than 360 metres;
  - (g) the nets are no more than 800 metres apart;
  - (h) the distance between the first and last net is no more than 1 nautical mile;
  - (i) any person using the nets is:
    - (i) between the first and the last net; and
    - (ii) no more than 800 metres from any of the nets.

#### *Exceptions - permissions*

- (3B) Subsections (2) and (3) do not apply if a person carries out the netting or bait netting under a permission.

## 26 Subsection 44(4)

Repeal the subsection (not including the heading or the notes), substitute:

- (4) The area described in clause 3 of Schedule 5 must not be used to carry out netting (within the ordinary meaning of the expression), other than bait netting (within the meaning of this instrument).

**27 Subsection 44(5)**

Repeal the subsection.

**28 Subsection 44(6)**

Repeal the subsection (including the note).

**29 Paragraph 56(a)**

Omit “, *S. dunckeri* or *Sphyrna lewini*”, substitute “or *S. dunckeri*”.

**30 After paragraph 56(b) (before the note)**

Insert:

- ; (c) the taking must be in one of the following zones:
- (i) the General Use Zone;
  - (ii) the Habitat Protection Zone;
  - (iii) the Conservation Park Zone.

**31 Section 56 (note)**

Omit “first 2”.

**32 Clauses 2 and 4 of Schedule 5**

Repeal the clauses.

**Division 2—Application provision**

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

**33 At the end of Part 18**

Add:

**Division 3—Amendments made by the Great Barrier Reef Marine Park Amendment (Fisheries Reforms) Regulations 2024**

**276 Application of amendments**

Subsections 27(1A) and 44(3B), as inserted by Part 1 of Schedule 1 to the *Great Barrier Reef Marine Park Amendment (Fisheries Reforms) Regulations 2024*, apply in relation to a permission, permit and a licence (as the case requires), whether the permission or permit was granted, or the licence was issued, before, on or after the commencement of that Part.

## **Part 2—Amendments commencing 1 July 2027**

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

#### **34 Subsection 5(1) (definition of *net fishery* (no. *NX*))**

Repeal the definition.

#### **35 Paragraph 27(1A)(e)**

Repeal the paragraph, substitute:

(e) in the net free south area under an N11 licence; or