

APPENDIX I

LEGISLATION

QUEENSLAND

Fisheries Act. 1957-1974

- . Incorporating
 - Pearl Shell and Beche-de-Mer Fishery Act 1881 and amendments to 1931;
 - The Fish and Oyster Act, 1914 and amendments to 1955;
 - The Whaling Act, 1936.
- . Current management of fish (as defined by the Act), oysters, pearl shell, trochus, green snail, shell grit, coral and other marine products, in force in Queensland Territorial waters under the authority and provisions of the Fisheries Act, 1957-1974 include:
 - Whaling
 - . total management of licensing and conditions, species taking, treating, use of vessels, scientific taking, remuneration of crews, forfeitures, powers of inspection;
 - Pearling
 - . total management of licensing and conditions

of personnel, vessels, grounds, unlicensed disturbing, diseases, qualifications, remuneration of crews, vessel surveys, health of divers, dealing in pearls, powers of inspection;

- Oystering

- . total management of licensing and conditions, personnel, vessels, grounds, culture, catchment, maturing, sale, offences, preferential rights, disturbances, powers of inspection;

- Mangrove Areas

- . destruction of mangroves, removals under authority, inspections;

- General Fisheries

- . regulating fishery, closed waters, reserves, description of type of fishing equipment, illegal equipment, fish sizes, confiscations and forfeitures, regulating the use of explosives and noxious substances, pollution, licensing, removal of coral, shell grit, pearl shell, trochus, beche-de-mer.

. Specifically legislation includes:

- describing the sizes of all nets for
the taking of fish (including prawns
and scallops);
- the minimum sizes at which fish may be
taken, by any means;
- licensing of personnel and vessels involved
in taking fish for sale;
- prohibition on the use of a spear or spear
gun to take fish commercially (described
as an illegal apparatus);
- prohibiting the taking of fish by jaggling
or foul hooking;
- prohibition on taking of protected species
 - . Clams
 - . Turtles
 - . Helmet Shells
 - . Triton Shells
 - . Dolphins and related mammals
 - . Dugong
- areas where the taking of fish or marine
product is prohibited
 - . areas at Heron and Wistari Reefs;
 - . the use of shell dredges i.e.
specification of dredge size,
areas where the use of a dredge
is prohibited, licensing;

. regulations managing, the removal
of coral, shell grit, oysters,
and pearling;

. minimum size at which pearl shell,
trochus shell and green snail
may be taken.

. Fisheries Act 1976

Extend controls along lines of previous Act

- establishes a special research fund;
- creates marine parks;
- controls the introduction of potentially
dangerous exotic fish;
- limits permits for sale of fish by amateur
fishermen;
- provides State licenses for all fishermen
landing fish in Queensland;
- licenses processing vessels or establishments;
- extends tenure over oyster leases;
- bans spearing of fish using SCUBA;
- increases penalties for offences.

Research and Scientific Projects

- . The activities of research and scientific
workers on reef areas are currently managed
by the provisions of permits setting out

conditions on activity.

Navigation (Survey and Equipment of Fishing Vessels)
Regulations, 1960.

- . These regulations, made in pursuance of the Queensland Marine Act, provide that all sea going fishing vessels (as defined) of 9.14 metres and over in length shall be subject to survey by a surveyor at least once in every period of twelve calendar months,
 - no vessel requiring a certificate under these regulations shall be employed as a fishing vessel unless a valid certificate of seaworthiness is held.

Navigation (Manning of Fishing Vessels) Regulations, 1974

- . These regulations, made in pursuance of the Queensland Marine Act, provide that for all power driven fishing vessels of 15 metres in length or over which goes to sea from any port, or plies in any port, shall be provided with duly certified persons either for the master and engine driver as the case may be.

COMMONWEALTH

Fisheries Act, 1952 and Fisheries Act Amendment Bill 1978

. Licensing

- all persons engaging in fishing for trade or manufacturing purposes, required to be licensed

- . includes pro-amateurs.

- all boats used to take, process or carry fish for trading or manufacturing purposes, to be licensed

- . includes boats owned by pro-amateurs

- pro-amateurs include part-time or recreational fishermen who sell any part of their catches

. Management

- power in legislation for Minister to make notices prohibiting the taking of fish

- . undersized

- . during a closed season

- . by a particular method or equipment

- . except by use of a boat with licence endorsed to take a specified kind of fish

- . this supported by controls on
fishing gear quantities.
- notices presently in force prohibit taking
 - . berried rock lobsters (all waters)
 - . turtles (all waters)
 - . dugong (all waters)
 - . fish by means of a spear, between
13°S and 28° 09'S and out beyond the
eastern edge of the Great Barrier Reef.

Amendment:

- extends Australian jurisdiction over foreign
fishermen out to 200 miles beyond low water
mark.

Continental Shelf (Living Natural Resources) Act, 1968 and
Continental Shelf (Living Natural Resources) Amendment Bill
1978

. Licensing

- persons who search for and take living
sedentary organisms in a controlled area
of the continental shelf, for commercial
purposes, to be licensed;
- persons who use ships to search for and
take sedentary organisms in a controlled
area for commercial purposes, required
to hold licenses for such ships;

- persons who employ divers, trial divers, divers' tenders, to take sedentary organisms in a controlled area for commercial purposes, required to hold licences to employ

- . must first hold licence to search for and take.

- . Controlled Area

- Queensland Division of continental shelf is a controlled area for
 - . all corals, sea urchins, beche-de-mer, sedentary bi-valves and gastropod molluscs.

- . Management

- Minister may by notice prohibit taking for any purpose, of sedentary organisms
 - . undersized
 - . in closed season
 - . by method
 - . more than bag limit, per person or ship, per unit of time
 - . except by persons or ships for which licenses are endorsed
 - . for removal alive except by written permission.

- Notices presently in force

- . minimum size for *Pinotada maxima* and *P. margaritifera*, other *Pinotada* spp., trochus, green snail.
- . prohibition on trawling or dredging for mother-of-pearl shell, trochus, green snail, beche-de-mer.

. Amendment

- now illegal for foreigners to take sedentary organisms e.g. giant clams from continental shelf for any purpose.

Whaling Act, 1960 and Whaling Amendment Bill 1978

- . applies to all cetaceans recorded in the southern hemisphere. N.B. one species of porpoise may occur but not yet specified.

. Licensing

- all factories or ships used to treat whales, to be licensed.
- all ships and aircraft used as whale catchers to be licensed.

. Management

- Minister may prohibit taking of whales
 - . undersized

- . in closed season
- . by specified methods
- . females accompanied by calves
or suckling whales
- Notices presently in force
 - . complete prohibition on right,
 - humpback and blue whales and females
accompanied by calves or sucklings,
 - . minimum size for fin, sei and sperm
whales,
 - . closed season for fin, sei and sperm
whales from 1 November to 30 April.
- No notices in force at present on small
whales.

. General

- no powers in present Act to provide full
regulation of keeping whales alive for
display but existing provisions may be
applied to taking for that purpose.

. Amendment Bill

- allows management of whaling activities
in 200 mile zone in accordance with
International Whaling Convention.

From

. The Commercial Fishing Industry in the
Capricorn/Bunker area by Fisheries Division,
Department of Primary Industry, and Queensland
Fisheries Service in co-operation with
Queensland Commercial Fishermen's Assn.
and Australian Fisheries