

# Operational policy

## Marine Management

### Practical boundary interpretation for commercial crab fishery areas in Bowling Green Bay

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*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy issue

Commercial crab fishery areas are specified in the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (zoning plan) to describe areas where commercial crabbing can occur irrespective of the underlying zone entry and use provisions.

The purpose of this policy is to provide Department of Environment and Science (DES) officers, Queensland Boating and Fisheries Patrol (QBFP) officers and the commercial fishing industry with a workable interpretation of the boundary of the two commercial crab fishery areas in Bowling Green Bay, as specified in the zoning plan.

#### Background

The commercial crab fishery in Bowling Green Bay is based on the C1 fishery as defined under the *Fisheries Act 1994* and involves licensed commercial fishers using apparatus (crab pots) to catch crabs, other than spanner crabs. A commercial fisher in this fishery has authority to commercially crab using up to fifty apparatus at one time.

The zoning plan provides that within a conservation park zone, recreational and commercial crabbing operators are restricted to the use of four apparatus per person. However, in commercial crab fishery areas in conservation park zones, commercial fishers are able to use up to fifty apparatus while commercially crabbing.

Part 3, Division 14 of the zoning plan describes the commercial crab fishery areas and the special management provisions that apply. The boundaries of the four commercial crab fishery areas are described in Schedule 8, Part 13 of the zoning plan. These areas are:

- Cape Bowling Green;
- Bowling Green Bay;
- Cleveland Bay; and
- Missionary Bay (Hinchinbrook Island).

Each commercial crab fishery area boundary is described by reference to a line drawn 500 metres from the mangrove forest (the “mangrove 500m line”). For example, “then westerly along the mangrove 500 metre line around the mangrove forest that adjoins the southern side of Bowling Green Bay to where it intersects latitude 19°23.282’south”.

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The mangrove 500 metre line is defined in Schedule 11 of the zoning plan as follows:

***“mangrove 500m line***, around a mangrove forest, means the line every point of which is 500m seaward from the outer boundary of the forest”.

Both “mangrove forest” and “outer boundary” are also defined in Schedule 11 of the zoning plan.

It is sometimes difficult in field situations for DES and QBFP officers and commercial crabbing operators to establish quickly the accurate location of the mangrove 500 metre line. The Cape Bowling Green commercial crab fishery area and the mouth of Barratta Creek within the Bowling Green Bay commercial crab fishery area are locations where commercial crabbing regularly occurs right on the boundary line. The nature of the mangrove forest at these locations also makes it particularly difficult to establish the boundary quickly.

## Policy statement

To provide greater certainty for both DES and QBFP officers and commercial crabbing operators as to the location of the commercial crab fishery areas at Cape Bowling Green and the mouth of Barratta Creek, the coordinate based practical boundaries indicated on the maps in Appendix 1 and 2, are a reasonable reflection of the boundary description. The coordinates used to develop these practical boundaries reflect the general trend of the mangrove 500 metre line in these areas.

For enforcement purposes, coordinate-based practical boundaries described on these maps will be considered as the boundary of the commercial crab fishery areas for Bowling Green Bay. Any commercial crabbing offences outside of the boundaries described on these maps will be investigated with reference to the definitions of the zoning plan.

## Reference materials

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004.

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## **Human Rights Act 2019 compatibility**

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this Policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

## **Disclaimer**

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

## **Approved By**

Annie Moody

Signature

03/12/2010

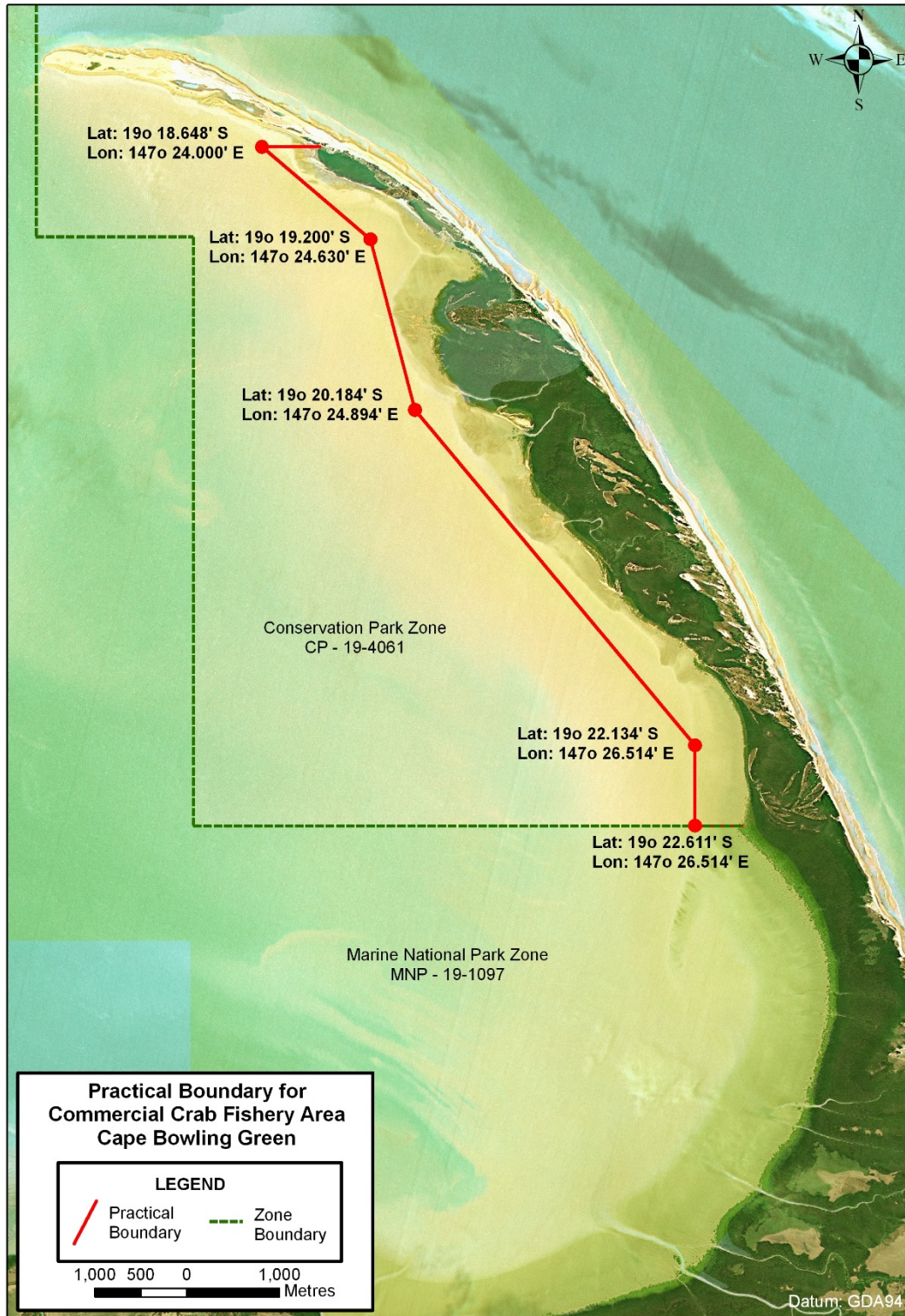
Date

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**Appendix 1: Map showing enforcement boundary for Cape Bowling Green commercial crab fishery area. The latitudes and longitudes used to describe the boundary are based on the Geocentric Datum of Australia (GDA) 1994.**





**Appendix 2: Map showing enforcement boundary around the mouth of Barratta Creek within the Bowling Green Bay commercial crab fishery area. The latitudes and longitudes used to describe the boundary are based on the Geocentric Datum of Australia (GDA) 1994.**

