

Operational policy

Marine Park Management

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

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

Policy issue

In the absence of judicial precedence, this operational policy provides a framework for consistent application and interpretation of Section 26(2)(l) of the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004.

In many circumstances, areas of significance under marine park plans are adjacent to or overlap areas of significance under the State or a regional coastal management plan. Applicants and assessment staff should also consider any operational policies that relate to development under coastal plans.

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 fishermen using apparatus (crab pots) to catch mud crabs (*Scylla serrata*). A commercial fisherman in this fishery typically has authority to commercially crab using up to fifty apparatus at one time.

The Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 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 fishermen are able to use up to fifty apparatus while commercially crabbing.

Part 3, Division 14 of the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 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
- 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”.

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

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"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 National Parks, Sport and Racing (NPSR) and Queensland Boating and Fisheries Patrol (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 NPSR 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 attached maps 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 Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004.

Reference materials

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

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 National Parks, Sport and Racing should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

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Date

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