



Queensland

# Fisheries Amendment Regulation (No. 2) 2008

## Subordinate Legislation 2008 No. 156

made under the

*Fisheries Act 1994*

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**1 Short title**

This regulation may be cited as the *Fisheries Amendment Regulation (No. 2) 2008*.

**2 Regulation amended**

This regulation amends the *Fisheries Regulation 2008*.

**3 Amendment of s 6 (Scientific names for species of fish)**

Section 6(3), ‘subsections’—

*omit, insert—*

‘subsection’.

**4 Amendment of ch 2, pt 4, div 3, sdiv 3 hdg (Exceptions for div 3)**

Chapter 2, part 4, division 3, subdivision 3 heading, ‘div’—

*omit, insert—*

‘**division**’.

**5 Amendment of ch 2, pt 5, div 4, sdiv 2 hdg (Exceptions for div 4)**

Chapter 2, part 5, division 4, subdivision 2 heading, ‘div’—

*omit, insert—*

‘**division**’.

**6 Amendment of s 96 (Prohibited activities)**

(1) Section 96, table, ‘hauled or not fixed’—

*omit, insert—*

‘neither fixed nor hauled’.

(2) Section 96, table, entry for Pioneer River (downstream), column 2, paragraph (a), ‘481’—

[s 7]

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*omit, insert—*

‘section 481’.

- (3) Section 96, table, entry for Hinchinbrook Channel (fishing apparatus area 2)—

*omit, insert—*

|  |                              |
|--|------------------------------|
| ‘Hinchinbrook Channel (fishing apparatus area 2) | any commercial fishing net’. |
|--|------------------------------|

## **7 Amendment of s 109 (Prohibited activities)**

- (1) Section 109(1) and (2)—

*omit, insert—*

- ‘(1) A regulated person must not use a mesh net in the Port Clinton (greater dugong protection area) regulated waters unless—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; or
- (b) the person is using the net under a licence on which is written the fishery symbol ‘N6’.

*Note—*

For conditions about using nets under a licence on which is written the fishery symbol ‘N6’, see sections 532 and 533.

- ‘(2) Also, a regulated person must not in the waters—

- (a) use a set mesh net on a foreshore; or
- (b) use a set mesh net in offshore waters; or
- (c) use a mesh net that is neither fixed nor hauled.’.

- (2) Section 109(3), ‘Also, despite subsection (1)’—

*omit, insert—*

‘Despite subsection (2)’.

## **8 Insertion of new s 110A**

Chapter 2, part 11, division 5—

*insert—*

**‘110A Prohibited activities—using mesh nets generally**

‘A regulated person must not use a mesh net in the Upstart Bay (greater dugong protection area) regulated waters unless—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; or
- (b) the person is using the net under a licence on which is written the fishery symbol ‘N6’.

*Note—*

For conditions about using nets under a licence on which is written the fishery symbol ‘N6’, see sections 532 and 533.’.

**9 Replacement of s 112 (Prohibited activities—using set mesh net offshore or net hauled or not fixed)**

Section 112—

*omit, insert—*

**‘112 Prohibited activities—using set mesh net offshore or net neither fixed nor hauled**

‘A regulated person must not in the Upstart Bay (greater dugong protection area) regulated waters—

- (a) use a set mesh net in offshore waters; or
- (b) use a mesh net that is neither fixed nor hauled.’.

**10 Replacement of s 114 (Prohibited activities)**

Section 114—

*omit, insert—*

**‘114 Prohibited activities**

‘(1) A regulated person must not use a mesh net in the Hinchinbrook Island (dugong protection area) regulated waters unless—

- (a) the net has a mesh size of at least 50mm but no more than 115mm; or

[s 11]

---

- (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

*Note—*

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

- '(2) Also, a regulated person must not in the waters—
  - (a) use a set mesh net in a river or creek; or
  - (b) use a set mesh net on a foreshore; or
  - (c) use a set mesh net in offshore waters; or
  - (d) use a mesh net that is neither fixed nor hauled.'

## **11 Amendment of s 116 (Prohibited activities)**

- (1) Section 116(1) and (2)—

*omit, insert—*

- '(1) A regulated person must not use a mesh net in the regulated waters unless—
  - (a) the net has a mesh size of at least 50mm but no more than 115m; or
  - (b) the person is using the net under a licence on which is written the fishery symbol 'N6'.

*Note—*

For conditions about using nets under a licence on which is written the fishery symbol 'N6', see sections 532 and 533.

- '(2) Also, a regulated person must not in the waters—
  - (a) use a set mesh net on a foreshore; or
  - (b) use a set mesh net in offshore waters; or
  - (c) use a mesh net that is neither fixed nor hauled.'
- (2) Section 116(3), 'Also, despite subsection (1)'—

*omit, insert—*

'Despite subsection (2)'.

**12 Amendment of s 189 (Using fishing lines and hooks)**

(1) Section 189(3)—

*renumber* as section 189(4).

(2) Section 189—

*insert*—

‘(3) A recreational fisher must not use a set line.’.

**13 Amendment of s 193 (Using seine nets)**

Section 193—

*insert*—

‘*Note*—

For regulated fishing apparatus declarations regulating the possession of cast nets and scoop nets, see sections 182 and 183.’.

**14 Amendment of s 194 (Using spears or spear guns)**

Section 194—

*insert*—

‘*Note*—

See schedule 11, part 2, definition *recreational fishing apparatus*, paragraphs (o) and (p).’.

**15 Amendment of s 208 (Authorisations subject to regulation, management plans and authorities)**

Section 208(1)(a)(i), ‘10’—

*omit, insert*—

‘9’.

**16 Amendment of sch 2 (Regulated fish declarations)**

(1) Schedule 2, part 1, section 747—

*renumber* as section 1.

[s 16]

- (2) Schedule 2, part 2, entries for Balmain bug, bug, burnett salmon, cuttlefish, giant trevally, king threadfin or king salmon, mantis shrimp, octopus, pinkies, queenfish, Queensland school mackerel, shark and tailor—

*omit.*

- (3) Schedule 2, part 2—

*insert—*

|              |   |  |   |
|--------------|---|--|---|
| ‘Balmain bug | F | the bug with its carapace damaged or separated from the body | a person possessing the fish on a boat                    |
|              | F | bug-meat   | a person possessing the fish on a boat                    |
|              | G | an egg bearing female  | a person possessing the fish                              |
|              | G | a female from which the eggs have been removed               | a person possessing the fish on a commercial fishing boat |
|              | S | less than 10cm   | a person taking or possessing the fish                    |
| bug          | F | the bug with its carapace damaged or separated from the body | a person possessing the fish on a boat                    |
|              | F | bug-meat   | a person possessing the fish on a boat                    |
|              | G | a female from which the eggs have been removed               | a person possessing the fish on a commercial fishing boat |
|              | G | an egg bearing female  | a person possessing the fish                              |
|              | S | less than 7.5cm  | a person taking or possessing the fish                    |



|   |   |                                |  |
|---|---|--------------------------------|--|
| cuttlefish  | V | more than 0.0612m <sup>3</sup> | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is frozen     |
|   | V | more than 66L                  | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is not frozen |
| giant trevally  | S | less than 35cm                 | a person—<br>(a) taking the fish in the Gulf of Carpentaria waters; or<br>(b) possessing the fish taken in the Gulf of Carpentaria waters  |
| great white shark                                       |   |                                | a person taking or possessing the fish unless the person takes or possesses the fish under an agreement with the State for taking, tagging or disposing of the fish                                  |
| grey nurse shark of the species <i>Odontaspis ferox</i> |   |                                | a person taking or possessing the fish unless the person takes or possesses the fish under an agreement with the State for taking, tagging or disposing of the fish                                  |

[s 16]

|                |   |                                |  |
|----------------|---|--------------------------------|--|
| king threadfin | S | less than 60cm                 | a person—<br>(a) taking the fish in the Gulf of Carpentaria waters; or<br>(b) possessing the fish taken in the Gulf of Carpentaria waters  |
|                | S | less than 40cm                 | a person—<br>(a) taking the fish in the waters other than the Gulf of Carpentaria waters; or<br>(b) possessing the fish taken in the waters mentioned in paragraph (a)   |
|                | N | more than 5                    | a recreational fisher taking the fish in the Gulf of Carpentaria waters  |
| mantis shrimp  | V | more than 0.0153m <sup>3</sup> | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and<br>(b) the fish has been taken in the Moreton Bay (whole) waters or waterways adjoining the waters; and<br>(c) the fish is frozen     |
|                | V | more than 15L                  | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9'; and<br>(b) the fish has been taken in the Moreton Bay (whole) waters or waterways adjoining the waters; and<br>(c) the fish is not frozen |

|                            |   |                                |  |
|----------------------------|---|--------------------------------|--|
| octopus                    | V | more than 0.0612m <sup>3</sup> | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is frozen     |
|                            | V | more than 66L                  | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is not frozen |
| pinkies                    | V | more than 0.1989m <sup>3</sup> | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is frozen     |
|                            | V | more than 198L                 | a person possessing the fish if—<br>(a) the fish has been taken under a licence on which is written the fishery symbol ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and<br>(b) the fish is not frozen |
| queenfish                  | S | less than 45cm                 | a person—<br>(a) taking the fish in the Gulf of Carpentaria waters; or<br>(b) possessing the fish taken in the Gulf of Carpentaria waters  |
| Queensland school mackerel | N | more than 10 (see also note 1) | a recreational fisher taking the fish in the Gulf of Carpentaria waters  |
|                            | N | more than 30 (see also note 1) | a recreational fisher taking the fish in the waters other than the Gulf of Carpentaria waters  |
|                            | S | less than 50cm                 | a person taking or possessing the fish   |

[s 16]

|        |   |  |  |
|--------|---|--|--|
| shark  | F | the fish divided into portions in a way that does not allow an inspector to count the number of the fish reasonably easily | a person possessing the fish on a boat   |
|        | F | the fin separated from the body of the fish  | a person possessing the shark fin on a boat unless the person also possesses on the boat the body of the shark from which the fin was separated  |
| tailor | N | more than 20   | a recreational fisher taking the fish  |
|        | N | more than 30   | a recreational fisher taking the fish if the fish is taken within 400m of the shore of Fraser Island and an inspector is satisfied the fisher took the fish while staying on the island for 3 consecutive days |
|        | S | less than 30cm   | a person taking or possessing the fish   |
|        | W | more than 100kg  | a person taking the fish for trade or commerce if the prescribed commercial catch for tailor is more than 120t'.   |

- (4) Schedule 2, part 2, entry for blue swimmer crab, 'N', 'more than 500', column 4, after 'fish'—

*insert—*

'for trade or commerce'.

- (5) Schedule 2, part 2, entry for jungle perch, 'N', 'more than 35cm', column 2, 'N'—

*omit, insert—*

'S'.

- (6) Schedule 2, part 2, entry for trochus, column 3, from 'or' to 'than'—

*omit, insert—*

'or more than'.

**17 Amendment of sch 6 (Glossary of scientific names for particular fish other than regulated coral reef fin fish)**

- (1) Schedule 6, part 6, entries for Burnett salmon, grey nurse shark and king threadfin or king salmon—

*omit.*

- (2) Schedule 6, part 6—

*insert—*

‘Burnett salmon—see entry for king threadfin

grey nurse shark

*Odontaspis ferox*

king threadfin

*Polydactylus macrochir* (previously *P. sheridani*)’.

**18 Amendment of sch 11 (Dictionary)**

- (1) Schedule 11, part 1—

*insert—*

**‘2A Meaning of *fishing line***

- ‘(1) A ***fishing line*** means, generally, fishing apparatus consisting of a line that is hand-held or attached to a rod or reel.

- ‘(2) However, a ***fishing line*** does not include the following—

- (a) a bottom set line;
- (b) a drop line;
- (c) a drum line;
- (d) a free-floating line;
- (e) a set line.’.

- (2) Schedule 11, part 2, definitions *bottom set line*, *drop line*, *fishing line*, *mesh net*, *seine net* and *set mesh net*—

*omit.*

- (3) Schedule 11, part 2—

*insert—*

***‘bottom set line*** means a line, to which hooks are attached, that is anchored to the bed of a body of water in which the line is being used.

***drop line*** means a weighted line, to which hooks are attached, that is vertical while it is being used in water.

***drum line*** means a line, to which a hook is attached, that is suspended from a float anchored to the bed of a body of water in which the line is being used.

***fishing line*** see section 2A of this schedule.

***free-floating line*** means a line—

- (a) with or without a float; and
- (b) to which is attached a hook; and
- (c) that is not fixed.

***mesh net*** means a net that can be used for taking fish, including, for example, as a gill net, ring net, seine net, set mesh net or net that is neither fixed nor hauled.

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

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

***seine net*** means a net, with or without a pocket, that can be used as a beach seine net or a haul seine net by being shot in a way to partly encircle fish.

***set line*** means a line used to take fish that is attached to—

- (a) a boat; or
- (b) something else outside, but not floating on, the water in which it is being used.

*Example for paragraph (b)—*

a line used to take fish that is attached to a branch of a tree growing in the water in which the line is being used if the attachment is at a point above the surface of the water

*set mesh net* means a net used to take fish by anchoring or fixing it at more than 1 place.’.

(4) Schedule 11, part 2, definition *recreational fishing apparatus*—

*insert*—

‘(q) a set line.’.

## **Schedule                      Other amendments**

section 2

- 1            Sections 80 and 87, and schedule 1, part 2, ‘Mooloola River’—**  
*omit, insert—*  
‘Mooloolah River’.
  
- 2            Sections 119(1) and (2), 123(4), 472(2), 476(1), 477(2), 478(5), 479, 480(1), 481(1), (2)(b)(i) and (6), 492(4), 500(1), 512(2), 513(2), 514(1) and (3), 515(1) and (2), 516(1), 525(4) and 540(5), ‘hauled or not fixed’—**  
*omit, insert—*  
‘neither fixed nor hauled’.
  
- 3            Sections 208(2), examples, first bullet point and 557(4), examples, first bullet point, ‘chapters’—**  
*omit, insert—*  
‘chapter’.
  
- 4            Sections 460, 471, 496, 511, 529 and 539, ‘Any fish may’—**  
*omit, insert—*  
‘Any fish, other than barramundi or regulated coral reef fin fish, may’.



ENDNOTES

- 1 Made by the Governor in Council on 12 June 2008.
- 2 Notified in the gazette on 13 June 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Primary Industries and Fisheries.

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