



Queensland

Fisheries Amendment Regulation (No. 4) 2008

Subordinate Legislation 2008 No. 384

made under the

Fisheries Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Fisheries Amendment Regulation (No. 4) 2008*.

2 Commencement

Section 15(2) commences on 1 March 2009.

3 Regulation amended

This regulation amends the *Fisheries Regulation 2008*.

4 Amendment of s 47 (Prohibited activities and regulated periods)

Section 47(2)(c)—
omit.

5 Amendment of s 50 (Commercial fishing)

(1) Section 50, ‘A regulated person’—
omit, insert—

‘(1) A regulated person’.

(2) Section 50(1)(b)(i), as renumbered, ‘division 2, subdivision 4’—
omit, insert—

‘division 4’.

(3) Section 50(3)—
renumber as section 50(2).

6 Amendment of s 58 (Prohibited activities and regulated periods)

(1) Section 58(1)(a) and (c), ‘a regulated’—
omit, insert—

‘the regulated’.

(2) Section 58(2) and (3)—

omit, insert—

‘(2) For subsection (1)(a), the regulated taking period is from midday on 20 September to midday on 1 November.

‘(3) For subsection (1)(c), the regulated possession period is from 6p.m. on 20 September to midday on 1 November.’.

7 Amendment of s 185 (Shell dredges)

Section 185, ‘must’—

omit.

8 Insertion of new s 185A

Chapter 4, part 1, division 4, subdivision 1—

insert—

‘185A Crab apparatus

‘(1) A recreational fisher must not possess on a boat in any waters more than a total of 4 items of crab apparatus.

‘(2) In this section—

crab apparatus means—

(a) a crab pot, collapsible trap, dilly or inverted dilly; or

(b) any combination of things mentioned in paragraph (a).’.

9 Amendment of s 188 (Using crab apparatus)

(1) Section 188(3)(b)—

omit, insert—

‘(b) the crab apparatus is attached to a float that complies with subsection (4).’.

(2) Section 188(4), ‘subsection (3)(b)(ii)’—

omit, insert—

‘subsection (3)(b)’.

10 Amendment of s 596 (Permitted ways of taking crabs)

Section 596(2)—

omit, insert—

- ‘(2) No more than a total of 50 items of crab apparatus, including any combination of items of crab apparatus, may be used at a time.
- ‘(3) Also, no more than 10 items of crab apparatus may be fixed to a single line or attached to each other in sequence.’.

11 Insertion of new ss 596A and 596B

After section 595—

insert—

‘596A Use of particular crab apparatus

‘Two or more items of crab apparatus that are fixed to a single line, or attached to each other in sequence, must not be used in the following waters—

- (a) Moreton Bay (whole);
- (b) the waters of Great Sandy Strait south of a line between Point Vernon on the mainland and Moon Point on Fraser Island.

‘596B Possession of crab apparatus

‘A commercial fisher must not possess on a boat in the fishery area more than a total of 50 items of crab apparatus, including any combination of items of crab apparatus.’.

12 Amendment of s 600 (Marking of fishing apparatus)

Section 600(2)—

omit, insert—

-
- ‘(2) Also, the crab apparatus must have attached to it a float.
- ‘(3) However—
- (a) if 2 or more items of crab apparatus are fixed to a line—
 - (i) each end of the line must have attached to it a float; and
 - (ii) each float must have attached to it a flag that is at least 2m above the water; and
 - (b) if 2 or more items of crab apparatus are attached to each other in sequence—
 - (i) the apparatus at each end must have attached to it a float; and
 - (ii) each float must have attached to it a flag that is at least 2m above the water.
- ‘(4) In this section—
- float*, in relation to crab apparatus, means a float that—
- (a) is light coloured and clearly visible on the surface of the water; and
 - (b) is at least 15cm in all its dimensions; and
 - (c) is marked with the boat mark for the primary boat of the owner of the apparatus.’.

13 Amendment of sch 2 (Regulated fish declarations)

- (1) Schedule 2, part 2, entries for blue swimmer crab, cuttlefish, octopus, pinkies and slipper lobster—

omit.
- (2) Schedule 2, part 2—

[s 13]

insert—

'blue swimmer crab	N	more than 100	a person taking the fish— (a) for trade or commerce under a licence on which is written the fishery symbol 'M1', 'M2' or 'T5'; and (b) in the Moreton Bay (whole) waters or waterways adjoining the waters
	N	more than 500 (see also note 3)	for each continuous period of fishing of 7 days, or part of 7 days—a person taking the fish for trade or commerce under a licence on which is written the fishery symbol 'T1', 'T2', 'T5', 'T6', 'T7', 'T8' or 'T9' in waters other than the following— (a) Moreton Bay (whole) waters; (b) waterways adjoining the waters mentioned in paragraph (a)
	F	the crab with its carapace separated from the body	a person possessing the fish
	G	female blue swimmer crab	a person taking or possessing the fish
	S	less than 11.5cm	a person taking or possessing the fish

octopus	V	more than 0.0612m ³ (see also note 3)	for each continuous period of fishing of 7 days, or part of 7 days—a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and (b) the fish is frozen
	V	more than 66L (see also note 3)	for each continuous period of fishing of 7 days, or part of 7 days—a person possessing the fish if— (a) the fish has been taken under a licence on which is written the fishery symbol ‘M1’, ‘M2’, ‘T1’, ‘T2’, ‘T5’, ‘T6’, ‘T7’, ‘T8’ or ‘T9’; and (b) the fish is not frozen
slipper lobster	G	egg bearing slipper lobster	a person taking or possessing the fish
	N	more than 20 (see also note 3)	for each continuous period of fishing of 7 days, or part of 7 days—a person taking the fish for trade or commerce under a licence on which is written the fishery symbol ‘T1’ or ‘T2’ in waters other than the following— (a) Moreton Bay (whole) waters; (b) waterways adjoining the waters mentioned in paragraph (a)’.

- (3) Schedule 2, part 2, entry for camouflage rockcod, column 3, ‘100cm’—

omit, insert—

‘70cm’.

- (4) Schedule 2, part 2, entry for flowery cod, column 3, ‘100cm’—

omit, insert—

‘70cm’.

- (5) Schedule 2, part 3, notes—

insert—

- ‘3 Under the regulated fish declaration, for example—
- (a) fish in excess of the number or volume stated for the fish are declared to be regulated fish, if the duration of the period of fishing is not more than 7 days; and
 - (b) fish in excess of 3 times the number or volume stated for the fish are declared to be regulated fish, if the duration of the period of fishing is more than 14 but not more than 21 days.’.

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

- (1) Schedule 6, part 4—

insert—

‘slipper lobster

Scyllarides spp.’.

- (2) Schedule 6, part 6, entry for slipper lobster—

omit.

15 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, part 1, section 8(5), note, ‘division 2, subdivision 4’—

omit, insert—

‘division 4’.

- (2) Schedule 11, part 2, definition *crab pot*—

omit, insert—

‘***crab pot*** means fishing apparatus consisting of a cage for trapping crabs that—

- (a) has a round opening, of not more than 45cm in circumference, in the top; or
- (b) an elongated opening (parallel to the base), of not more than 45cm in circumference, in the side.’.

ENDNOTES

- 1 Made by the Governor in Council on 27 November 2008.
- 2 Notified in the gazette on 28 November 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Primary Industries and Fisheries.

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