



Queensland

# **Fisheries Amendment Bill 2008**





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# Fisheries Amendment Bill 2008

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**2008**

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**A Bill**

for

**An Act to amend the *Fisheries Act 1994* for particular purposes**

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	<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Fisheries Amendment Act 2008</i> .	3
<b>Clause 2</b>	<b>Commencement</b>	4
	This Act commences on a day to be fixed by proclamation.	5
<b>Clause 3</b>	<b>Act amended</b>	6
	This Act amends the <i>Fisheries Act 1994</i> .	7
<b>Clause 4</b>	<b>Amendment of s 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.)</b>	8
	(1) Section 14, heading—	10
	<i>omit, insert—</i>	11
<b>'14</b>	<b>Defence for Aborigines and Torres Strait Islanders for particular offences'</b>	12
	(2) Section 14(1)—	13
	<i>omit, insert—</i>	14
	'(1) It is a defence in a proceeding against a person for an offence against this Act relating to the taking, using or keeping of fisheries resources, or the using of fish habitats, for the person to prove—	16
	(a) the person is an Aborigine, who at the time of the offence was acting under Aboriginal tradition, or the person is a Torres Strait Islander, who at the time of the offence was acting under Island custom; and	17
	(b) the taking, using or keeping of the fisheries resources, or the using of the fish habitats, was for the purpose of satisfying a personal, domestic or non-commercial	18
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communal need of the Aborigine or Torres Strait Islander; and	1 2
(c) depending on whichever of the following applies—	3
(i) for an offence relating to the taking or using of fisheries resources, or the using of fish habitats—the taking or using of the fisheries resources, or using of the fish habitats, was carried out using recreational fishing apparatus in waters other than prescribed waters; or	4 5 6 7 8 9
(ii) for an offence relating to the keeping of fisheries resources—	10 11
(A) the fisheries resources kept were taken using recreational fishing apparatus in waters other than prescribed waters; and	12 13 14
(B) at the time of the offence, the fisheries resources were not in prescribed waters.’.	15 16
(3) Section 14(2), ‘or management plan’—	17
<i>omit.</i>	18
(4) Section 14(3)—	19
<i>omit, insert—</i>	20
‘(3) In this section—	21
<b><i>prescribed waters</i></b> means waters—	22
(a) that are regulated waters under a regulation under this Act; and	23 24
(b) that are prescribed specifically under a regulation for the purpose of this section; and	25 26
(c) where the taking of any fish, or the possession of any fish taken, by any person is prohibited.	27 28

[s 4]

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*recreational fishing apparatus* means fishing apparatus that  
is recreational fishing apparatus under a regulation under this  
Act.’

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