



Queensland

Fisheries Legislation (Spanish Mackerel and Bar Rockcod) Amendment Declaration 2023

Subordinate Legislation 2023 No. 80

made under the

Fisheries Act 1994

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Part 1 Preliminary

1 Short title

This declaration may be cited as the *Fisheries Legislation (Spanish Mackerel and Bar Rockcod) Amendment Declaration 2023*.

2 Commencement

This declaration commences on 1 July 2023.

Part 2 Amendment of Fisheries Declaration 2019

3 Declaration amended

This part amends the *Fisheries Declaration 2019*.

4 Insertion of new ch 2, pt 5, div 3A

Chapter 2, part 5—

insert—

Division 3A Spanish mackerel

27A Taking or possessing spanish mackerel in regulated periods—northern spanish mackerel waters

- (1) A person must not in the northern spanish mackerel waters—
 - (a) take a spanish mackerel in a regulated period; or

[s 4]

- (b) possess a spanish mackerel in a regulated period, whether or not the fish has been taken in the waters.
- (2) For subsection (1), each of the following periods is a regulated period—
- (a) from 12 October 2023 to 2 November 2023;
 - (b) from 10 November 2023 to 1 December 2023;
 - (c) from 30 September 2024 to 21 October 2024;
 - (d) from 29 October 2024 to 19 November 2024;
 - (e) from 18 October 2025 to 8 November 2025;
 - (f) from 17 November 2025 to 8 December 2025.

27B Taking or possessing spanish mackerel in regulated periods—southern spanish mackerel waters

- (1) A person must not in the southern spanish mackerel waters—
- (a) take a spanish mackerel in a regulated period; or
 - (b) possess a spanish mackerel in a regulated period, whether or not the fish has been taken in the waters.
- (2) For subsection (1), each of the following periods is a regulated period—
- (a) from 1 February to 21 February;
 - (b) from 1 March to 21 March.

27C Exception for recreational fishing

Despite section 27A(1)(b) or 27B(1)(b), a person may possess a spanish mackerel on a boat in the northern spanish mackerel waters or southern spanish mackerel waters if—

- (a) the fish has not been taken in the waters in contravention of section 27A(1)(a) or 27B(1)(a); and
- (b) the person is in possession of the fish for the purpose of consumption on the boat; and
- (c) the boat is not a commercial fishing boat and does not have a fishing line, spear or spear gun on board.

27D Exception for commercial fishing

(1) Despite section 27A(1)(b) or 27B(1)(b), a person may possess a spanish mackerel on a boat in the northern spanish mackerel waters or southern spanish mackerel waters if—

- (a) the fish has not been taken in the waters in contravention of section 27A(1)(a) or 27B(1)(a); and
- (b) the fish has been taken under SM units and is on an authorised boat for the holder of the SM units; and
- (c) either—
 - (i) the boat is at a relevant landing place or in a relevant defined port area; or
 - (ii) the boat is not at a place or in an area mentioned in subparagraph (i) and it is during a permitted period for the waters.

(2) In this section—

authorised boat, for the holder of SM units,

[s 4]

means an authorised boat, within the meaning of the *Fisheries (Commercial Fisheries) Regulation 2019*, for the primary commercial fishing licence under which spanish mackerel, taken under the SM units, are taken.

permitted period means—

- (a) for the northern spanish mackerel waters—
 - (i) a period other than a regulated period mentioned in section 27A(2); or
 - (ii) the period from the beginning of the first day of a regulated period mentioned in section 27A(2) to 6p.m. on the day; or
- (b) for the southern spanish mackerel waters—
 - (i) a period other than a regulated period mentioned in section 27B(2); or
 - (ii) the period from the beginning of 1 February to 6p.m. on that day; or
 - (iii) the period from the beginning of 1 March to 6p.m. on that day.

relevant defined port area means the area of any of the following ports mentioned in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2—

- (a) Port of Abbot Point;
- (b) Port of Cairns;
- (c) Port of Cooktown;
- (d) Port of Gladstone;
- (e) Port of Mackay;
- (f) Port of Mourilyan;
- (g) Port of Townsville.

relevant landing place, for an authorised boat for

the holder of SM units, means the place stated in a prior notice given under the *Fisheries (Commercial Fisheries) Regulation 2019*, chapter 6, part 2, division 2 as the place where the boat will be landed.

5 Omission of ss 38A and 38B

Sections 38A and 38B—

omit.

6 Omission of s 118 (Recreational fisher taking other particular fin fish)

Section 118—

omit.

7 Amendment of sch 1 (Regulated waters)

- (1) Schedule 1, part 1, entry for northern spanish mackerel waters, column 3, ‘section 38A’—

omit, insert—

sections 27A, 27C and 27D

- (2) Schedule 1, part 1, entry for southern spanish mackerel waters, column 3, ‘section 38B’—

omit, insert—

sections 27B, 27C and 27D

8 Amendment of sch 2 (Regulated fish declarations)

- (1) Schedule 2, part 2, after entry for barred javelin—

insert—

[s 9]

bar rockcod			if the prescribed commercial catch for the fish is more than 24.67t—a person taking or possessing the fish while acting under a licence on which is written the fishery symbol 'L1', 'L2', 'L3' or 'L8'
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- (2) Schedule 2, part 2, entry for spanish mackerel, column 3, first row, '3'—

omit, insert—

1

9 Amendment of sch 5 (Dictionary)

Schedule 5, definition *relevant day*, paragraph (a), after 'waters,'—

insert—

bar rockcod,

Part 3 Amendment of Fisheries Quota Declaration 2019

10 Declaration amended

This part amends the *Fisheries Quota Declaration 2019*.

11 Amendment of sch 1 (Total quota entitlements)

Schedule 1, part 4, entry for spanish mackerel fishery, entry for spanish mackerel, column 2, '578.013t'—

omit, insert—

165t

ENDNOTES

- 1 Made by the chief executive of the Department of Agriculture and Fisheries on 19 June 2023.
- 2 Notified on the Queensland legislation website on 30 June 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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