

### Queensland

### Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2011

### Subordinate Legislation 2011 No. 257

made under the

Marine Parks Act 2004

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### Part 1 Preliminary

### 1 Short title

This zoning plan may be cited as the Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2011.

### 2 Commencement

Part 2 commences on 1 February 2012.

# Part 2 Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

### 3 Zoning plan amended

This zoning plan amends the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004.

### 4 Amendment of s 28 (Entry or use without permission)

- (1) Section 28(3)
  - renumber as section 28(5).
- (2) Section 28—

insert—

- '(3) However, a person who is a commercial fisher who enters or uses an area under subsection (1)(a) for the purpose of bait netting must not—
  - (a) take a relevant fish while bait netting; or
  - (b) possess a relevant fish taken in contravention of paragraph (a).

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- '(4) For subsection (3)(a), a commercial fisher does not take a relevant fish while bait netting if—
  - (a) the fish is taken unintentionally; and
  - (b) the fisher does not allow the net containing the fish to be out of the water other than to immediately remove the fish from the net; and
  - (c) the fisher immediately releases the fish into water deep enough to allow the fish to escape.'.
- (3) Section 28(5), as renumbered—

insert—

'possess, a relevant fish, means—

- (a) to have custody or control of the fish; or
- (b) to have an ability or right to readily obtain custody or control of the fish.

relevant fish means a fish of any of the following species—

- (a) bream of the genus Acanthopagrus or Rhabdosargus;
- (b) flathead of the genus *Platycephalus*;
- (c) whiting of the genus Sillago.'.

## 5 Amendment of sch 7 (Conservation park line fishing areas)

Schedule 7, authorising provision, '28(3)'— *omit, insert*—
'28(5)'.

6 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

'bait netting means bait netting using only—

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- (a) for a recreational fisher under the Fisheries Regulation—a cast, scoop or seine net complying with chapter 4, part 1, division 4 of that regulation; or
- (b) for a commercial fisher—a cast net or mesh net complying with the Fisheries Regulation, chapter 9, part 5.

commercial fisher means a commercial fisher under the Fisheries Regulation.'.

## Part 3 Amendment of Marine Parks (Great Sandy) Zoning Plan 2006

### 7 Zoning plan amended

This zoning plan amends the Marine Parks (Great Sandy) Zoning Plan 2006.

### 8 Replacement of s 81 (Bait netting)

Section 81—

omit, insert—

### '81 Bait netting

- (1) A person may carry out bait netting in the marine park using only—
  - (a) for a recreational fisher under the Fisheries Regulation—a cast, scoop or seine net complying with chapter 4, part 1, division 4 of that regulation; or
  - (b) for a commercial fisher—a cast net or mesh net complying with the Fisheries Regulation, chapter 9, part 5.
- '(2) A commercial fisher who is bait netting in the conservation park zone (other than an area within the Great Sandy area) must not—

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- (a) take a relevant fish while bait netting; or
- (b) possess a relevant fish taken in contravention of paragraph (a).
- '(3) For subsection (2)(a), a commercial fisher does not take a relevant fish while bait netting if—
  - (a) the fish is taken unintentionally; and
  - (b) the fisher does not allow the net containing the fish to be out of the water other than to immediately remove the fish from the net; and
  - (c) the fisher immediately releases the fish into water deep enough to allow the fish to escape.
- '(4) In this section—

*commercial fisher* means a commercial fisher under the Fisheries Regulation.

possess, a relevant fish, means—

- (a) to have custody or control of the fish; or
- (b) to have an ability or right to readily obtain custody or control of the fish.

relevant fish means a fish of any of the following species—

- (a) bream of the genus Acanthopagrus or Rhabdosargus;
- (b) flathead of the genus *Platycephalus*;
- (c) whiting of the genus Sillago.'.

### 9 Omission of s 88 (Netting other than bait netting)

Section 88—

### 10 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

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'netting means netting carried out in compliance with the Fisheries Regulation.'.

# Part 4 Amendment of Marine Parks (Moreton Bay) Zoning Plan 2008

### 11 Zoning plan amended

This zoning plan amends the Marine Parks (Moreton Bay) Zoning Plan 2008.

### 12 Replacement of s 92 (Bait netting)

Section 92—

omit, insert—

### '92 Bait netting

- (1) A person may carry out bait netting in the marine park using only—
  - (a) for a recreational fisher—a cast, scoop or seine net complying with the Fisheries Regulation, chapter 4, part 1, division 4; or
  - (b) for a commercial fisher—a cast net or mesh net complying with the Fisheries Regulation, chapter 9, part 5.
- '(2) A commercial fisher who is bait netting in the conservation park zone must not—
  - (a) take a relevant fish while bait netting; or
  - (b) possess a relevant fish taken in contravention of paragraph (a).
- '(3) For subsection (2)(a), a commercial fisher does not take a relevant fish while bait netting if—

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- (a) the fish is taken unintentionally; and
- (b) the fisher does not allow the net containing the fish to be out of the water other than to immediately remove the fish from the net; and
- (c) the fisher immediately releases the fish into water deep enough to allow the fish to escape.
- '(4) In this section—

commercial fisher means a commercial fisher under the Fisheries Regulation.

possess, a relevant fish, means—

- (a) to have custody or control of the fish; or
- (b) to have an ability or right to readily obtain custody or control of the fish.

*relevant fish* means a fish of any of the following species—

- (a) bream of the genus Acanthopagrus or Rhabdosargus;
- (b) flathead of the genus *Platycephalus*;
- (c) whiting of the genus Sillago.'.

#### **ENDNOTES**

- 1 Approved by the Governor in Council on 1 December 2011.
- 2 Notified in the gazette on 2 December 2011.
- 3 Laid before the Legislative Assembly on . . .
- The administering agency is the Department of Environment and Resource Management.

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