



Queensland

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

Subordinate Legislation 2011 No. 257

made under the

Marine Parks Act 2004

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004	
3	Zoning plan amended.	3
4	Amendment of s 28 (Entry or use without permission)	3
5	Amendment of sch 7 (Conservation park line fishing areas)	4
6	Amendment of sch 11 (Dictionary)	4
Part 3	Amendment of Marine Parks (Great Sandy) Zoning Plan 2006	
7	Zoning plan amended.	5
8	Replacement of s 81 (Bait netting)	5
	81 Bait netting	5
9	Omission of s 88 (Netting other than bait netting)	6
10	Amendment of sch 5 (Dictionary)	6
Part 4	Amendment of Marine Parks (Moreton Bay) Zoning Plan 2008	
11	Zoning plan amended.	7
12	Replacement of s 92 (Bait netting)	7

Contents

92	Bait netting	7
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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).

[s 5]

- ‘(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—

[s 9]

- (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—

omit.

10 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

[s 12]

- (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
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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 . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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