



Queensland

Fisheries Legislation Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 252

made under the

Fisheries Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003	
2	Plan amended	3
3	Amendment of s 149 (Serious fisheries offences)	3
Part 3	Amendment of Fisheries (East Coast Trawl) Management Plan 2010	
4	Plan amended	4
5	Amendment of s 188 (Serious fisheries offences)	4
Part 4	Amendment of Fisheries Regulation 2008	
6	Regulation amended in pt 4 and schedule	4
7	Amendment of s 101 (Exceptions for Wellesley Islands Protected Wildlife Area regulated waters)	5
8	Replacement of s 170 (Person possessing fish in regulated form for immediate consumption)	5
	170 Person possessing fish in regulated form for consumption on boat	5
9	Amendment of s 189 (Using fishing lines and hooks)	5
10	Amendment of s 204 (Types of permits)	5

Contents

11	Amendment of s 218A (Restriction on issue of general fisheries permit for taking fish in particular regulated waters)	6
12	Amendment of s 242 (General conditions of a commercial fisher licence)	6
13	Amendment of s 246 (Authorisation under a commercial fishing boat licence)	7
14	Omission of ch 8, pt 4 (Line fishery (south Queensland) ('L6', 'L7'))	7
15	Amendment of s 458 (Fishery area)	8
16	Amendment s 482 (Use of set mesh nets in rivers and creeks between Kauri and Baffle Creeks)	8
17	Amendment of s 492 (Marking nets)	8
18	Amendment of s 507 (Marking nets)	9
19	Amendment of s 507H (Use in a river or creek)	9
20	Amendment of s 507I (Use in nearshore waters)	9
21	Amendment of s 520 (Marking nets)	10
22	Omission of s 521J (Notice of entry to 'N3' waters)	10
23	Amendment of s 535A (Marking nets)	10
24	Omission of s 545 (Notice of entry to 'N3' waters)	10
25	Omission of s 545M (Notice of entry to Gulf of Carpentaria waters within 25n mile line)	11
26	Amendment of s 546 (Definitions for pt 1)	11
27	Amendment of s 549 (Fishery area)	11
28	Amendment of s 600Z (Fishery area)	11
29	Insertion of new ch 13, pt 1A	11
	Part 1A Prescribed criteria for suspension of licences	
	625A Criteria for suspension of licences—Act, s 68B	12
30	Amendment of s 627 (Using boats)	13
31	Amendment of s 629 (Taking fish for trade or commerce)	13
32	Amendment of sch 1 (Regulated waters)	13
33	Amendment of sch 2 (Regulated fish declarations)	17
34	Amendment of sch 3 (Declared fish habitat areas)	17
35	Amendment of sch 11 (Dictionary)	19
Part 5	Amendment of Fisheries Amendment Regulation (No. 1) 2012	
36	Regulation amended	19
37	Amendment of s 4 (Replacement of sch 9, tables 1, 2 and 3)	19
Schedule	Minor amendments to the Fisheries Regulation 2008	20

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fisheries Legislation Amendment Regulation (No. 1) 2012*.

Part 2 Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003

2 Plan amended

This part amends the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

3 Amendment of s 149 (Serious fisheries offences)

(1) Section 149(a)—

omit, insert—

‘(a) entering or using the marine national park zone in contravention of the *Great Barrier Reef Marine Park Act 1975* (Cwlth), section 38BA;’.

(2) Section 149—

insert—

‘(2) In this section—

marine national park zone means the Marine National Park Zone described in the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cwlth) made under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).’.

7 Amendment of s 101 (Exceptions for Wellesley Islands Protected Wildlife Area regulated waters)

- (1) Section 101(3)(c)—
omit.
- (2) Section 101(3)(d)—
renumber as section 101(3)(c).

8 Replacement of s 170 (Person possessing fish in regulated form for immediate consumption)

Section 170—
omit, insert—

'170 Person possessing fish in regulated form for consumption on boat

'A person may possess a fish in a regulated form if—

- (a) the person takes and possesses the fish on a boat for consumption on the boat; and
- (b) the fish remains on the boat at all times until it is consumed; and
- (c) the fish is consumed immediately after it is modified to its regulated form.'

9 Amendment of s 189 (Using fishing lines and hooks)

Section 189(4)—
omit.

10 Amendment of s 204 (Types of permits)

- (1) Section 204(d), from 'permits' to 'for activities'—
omit, insert—
'subject to subsection (2), permits (*general fisheries permits*) for activities'.
- (2) Section 204—

[s 11]

insert—

- ‘(2) For a general fisheries permit, other than a permit for taking fish in particular regulated waters mentioned in section 218A, the chief executive may only issue the permit for an activity for which any of the following is the sole or main purpose—
- (a) fisheries research;
 - (b) conducting a fisheries management trial;
 - (c) activities relating to disease and biosecurity;
 - (d) collection of fish and fisheries resources for aquaculture.
- ‘(3) In this section—

fisheries management trial means a trial for the management of fisheries under which the chief executive authorises fishing for a commercial purpose in a stated area and for a stated period for the purpose of conducting the trial.’.

11 Amendment of s 218A (Restriction on issue of general fisheries permit for taking fish in particular regulated waters)

- (1) Section 218A, ‘The’—

omit, insert—

‘Subject to subsection (2), the’.

- (2) Section 218A—

insert—

- ‘(2) Despite subsection (1), the chief executive may issue a general fisheries permit to the holder of a licence on which the fishery symbol ‘JE’ is written that allows the holder to harvest juvenile eels using dip nets and flow traps in the regulated waters mentioned in section 34A.’.

12 Amendment of s 242 (General conditions of a commercial fisher licence)

- (1) Section 242—

insert—

-
- ‘(3A) Subsections (5) and (6) apply to a commercial fisher operating under a commercial fishing boat licence in a commercial fishery, other than a commercial fisher to which subsections (2) and (3) apply.
- ‘(3B) The commercial fisher must not act in the commercial fishery under more than 1 commercial fishing boat licence at the same time.
- ‘(3C) Also, the commercial fisher must not direct an assistant fisher to act under more than 1 other commercial fishing boat licence in the commercial fishery at the same time.’.
- (3) Section 242(3A) to (5)—
renumber as section 242(4) to (8).
- (4) Section 242(7), as renumbered, ‘Subsection (5)’—
omit, insert—
‘Subsection (8)’.

13 Amendment of s 246 (Authorisation under a commercial fishing boat licence)

- (1) Section 246(1)(g)—
renumber as section 246(1)(h).
- (2) Section 246(1)—
insert—
‘(g) buy, sell or possess commercial fishing apparatus;’.
- (3) Section 246(1)(h), as renumbered, ‘paragraphs (a) to (f)’—
omit, insert—
‘paragraphs (a) to (g)’.

14 Omission of ch 8, pt 4 (Line fishery (south Queensland) (‘L6’, ‘L7’))

- Chapter 8, part 4—
omit.

15 Amendment of s 458 (Fishery area)

Section 458(a)—

omit, insert—

‘(a) a line—

- (i) from the eastern tip of Noosa Heads along the shore to the eastern tip of Inskip Point; and
- (ii) then to the southern tip of Fraser Island; and
- (iii) then along Fraser Island’s eastern shore to the island’s northern tip; and’.

16 Amendment s 482 (Use of set mesh nets in rivers and creeks between Kauri and Baffle Creeks)

(1) Section 482(1)(b), ‘150mm’—

omit, insert—

‘100mm’.

(2) Section 482(2)—

renumber as section 482(3).

(3) Section 482—

insert—

‘(2) No more than 3 set mesh nets may be used in the river or creek.’.

(4) Section 482(3), as renumbered, ‘Up to 3’—

omit, insert—

‘The’.

17 Amendment of s 492 (Marking nets)

Section 492(1)(b)(ii)—

omit, insert—

‘(ii) with either the commercial fisher’s name or the primary boat mark written on it at one end of the net.’.

18 Amendment of s 507 (Marking nets)

Section 507(1)(b)(ii)—

omit, insert—

‘(ii) with either the commercial fisher’s name or the primary boat mark written on it at the end of the net farthest from the shore.’.

19 Amendment of s 507H (Use in a river or creek)

(1) Section 507H(1)(c), before ‘a’—

insert—

‘has’.

(2) Section 507H(2) to (5)—

renumber as section 507H(3) to (6).

(3) Section 507H—

insert—

‘(2) No more than 6 nets may be set in the river or creek, regardless of the number of fishery symbols ‘N3’ written on the licence.’.

(4) Section 507H(3), as renumbered, ‘Up to 6’—

omit, insert—

‘The’.

20 Amendment of s 507I (Use in nearshore waters)

(1) Section 507I(3)—

omit, insert—

[s 21]

‘(3) No more than 6 nets may be set in nearshore waters, regardless of the number of fishery symbols ‘N3’ written on the licence.’.

(2) Section 507I(4), ‘Up to 6’—

omit, insert—

‘The’.

21 Amendment of s 520 (Marking nets)

Section 520(1)(a)(ii)—

omit, insert—

‘(ii) with either the commercial fisher’s name or the primary boat mark written on it; and’.

22 Omission of s 521J (Notice of entry to ‘N3’ waters)

Section 521J—

omit.

23 Amendment of s 535A (Marking nets)

Section 535A(1)(b)(ii)—

omit, insert—

‘(ii) with either the commercial fisher’s name or the primary boat mark written on it.’.

24 Omission of s 545 (Notice of entry to ‘N3’ waters)

Section 545—

omit.

25 Omission of s 545M (Notice of entry to Gulf of Carpentaria waters within 25n mile line)

Section 545M—

omit.

26 Amendment of s 546 (Definitions for pt 1)

(1) Section 546, definition *line fishery area*, paragraph (c)—

omit.

(2) Section 546, definition *line fishery area*, paragraph (d)—

renumber as paragraph (c).

(3) Section 546, definition *line fishery symbol*, “L3”, ‘L6’, ‘L7’—

omit, insert—

“L3”.

27 Amendment of s 549 (Fishery area)

(1) Section 549(c)—

omit.

(2) Section 549(d)—

renumber as section 549(c).

28 Amendment of s 600Z (Fishery area)

Section 600Z, before first dot point—

insert—

- waters north of the commercial spanner crab fishery (managed area A) and east of longitude 142°31'49" east’.

29 Insertion of new ch 13, pt 1A

Chapter 13—

insert—

‘Part 1A Prescribed criteria for suspension of licences

‘625A Criteria for suspension of licences—Act, s 68B

- ‘(1) This section prescribes criteria under section 68B(4)(b)(i) of the Act for a court suspending a commercial fisher licence or a commercial fishing boat licence under section 68(2) of the Act, unless—
- (a) the conviction is a spent conviction; or
 - (b) the prescribed criteria in any of the following provisions apply—
 - (i) section 590;
 - (ii) *Fisheries (East Coast Trawl) Management Plan 2010*, section 190;
 - (iii) *Fisheries (Coral Reef Fin Fish) Management Plan 2003*, section 150.
- ‘(2) The criteria prescribed for a court suspending the licence are, for the licence holder’s—
- (a) first conviction—3 to 9 months suspension; or
 - (b) second conviction—9 months to 5 years suspension; or
 - (c) third or subsequent conviction—5 years suspension.
- ‘(3) In this section—
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (b) that is not revived as prescribed by section 11 of that Act.’.

30 Amendment of s 627 (Using boats)

(1) Section 627(1)(a) and (b)—

renumber as section 627(1)(b) and (c).

(2) Section 627(1)—

insert—

‘(a) is acting under an authority that authorises the person to take the fish; and’.

31 Amendment of s 629 (Taking fish for trade or commerce)

Section 629(1)—

omit, insert—

‘(1) A person may take fish for trade or commerce only if—

(a) the person is acting under an authority that authorises the person to take the fish for trade or commerce; and

(b) the person—

(i) is a commercial fisher; or

(ii) is an assistant fisher acting under the direction of a commercial fisher.’.

32 Amendment of sch 1 (Regulated waters)

(1) Schedule 1, part 2, entry for Fraser Island (Indian Head–Waddy Point)—

omit, insert—

‘Fraser Island (Indian Head–Waddy Point)	FRW-061	sections 73 and 84’.
--	---------	----------------------

[s 32]

- (2) Schedule 1, part 2, entry for Pine River (north of Weipa)—
omit, insert—

'Pine River (north of Weipa)	FRW-256	section 74 part 9, division 2'.
------------------------------------	---------	---------------------------------------

- (3) Schedule 1, part 2, entry for Watson River—
omit, insert—

'Watson River	FRW-258	part 9, division 2'.
---------------	---------	-------------------------

- (4) Schedule 1, part 2, entry for Kirke River—
omit, insert—

'Kirke River	FRW-285	part 9, division 2'.
--------------	---------	-------------------------

- (5) Schedule 1, part 2, entry for Chapman River to Moonkan
Creek—
omit, insert—

'Chapman River to Moonkan Creek	FRW-261	part 9, division 2'.
--	---------	-------------------------

- (6) Schedule 1, part 2, entry for Mitchell River—
omit, insert—

'Mitchell River	FRW-262	part 9, division 2'.
--------------------	---------	-------------------------

- (7) Schedule 1, part 2, entry for South Mitchell River—
omit, insert—

'South Mitchell River	FRW-227	part 4, division 2, subdivision 1'.
--------------------------	---------	---

(8) Schedule 1, part 2, entry for Staaten River—

omit, insert—

'Staaten River	FRW-263	part 9, division 2'.
----------------	---------	----------------------

(9) Schedule 1, part 2, entry for Gilbert River—

omit, insert—

'Gilbert River	FRW-264	part 9, division 2'.
----------------	---------	----------------------

(10) Schedule 1, part 2, entry for Bronco's Creek—

omit, insert—

'Bronco's Creek	FRW-265	part 9, division 2'.
-----------------	---------	----------------------

(11) Schedule 1, part 2, entry for Norman River (downstream)—

omit, insert—

'Norman River (downstream)	FRW-266A	part 9, division 2'.
----------------------------	----------	----------------------

(12) Schedule 1, part 2, entry for Norman River (upstream)—

omit, insert—

'Norman River (upstream)	FRW-266B	part 9, division 2'.
--------------------------	----------	----------------------

(13) Schedule 1, part 2, entry for Bynoe River and Little Bynoe River—

omit, insert—

'Bynoe River and Little Bynoe River	FRW-267	part 9, division 2'.
-------------------------------------	---------	----------------------

[s 32]

- (14) Schedule 1, part 2, entry for Flinders River and Armstrong Creek—

omit, insert—

'Flinders River and Armstrong Creek	FRW-268	part 9, division 2'.
-------------------------------------	---------	----------------------

- (15) Schedule 1, part 2, entry for Albert River—

omit, insert—

'Albert River	FRW-269	part 9, division 2'.
---------------	---------	----------------------

- (16) Schedule 1, part 2, entry for Nicholson River—

omit, insert—

'Nicholson River	FRW-270	part 9, division 2'.
------------------	---------	----------------------

- (17) Schedule 1, part 2, entry for Gin Arm Creek—

omit, insert—

'Gin Arm Creek	FRW-271	part 9, division 2'.
----------------	---------	----------------------

- (18) Schedule 1, part 2, entry for Elizabeth River (Mornington Island)—

omit, insert—

'Elizabeth River (Mornington Island)	FRW-272	part 9, division 2'.
--------------------------------------	---------	----------------------

- (19) Schedule 1, part 2, entry for Sandalwood Place River (Mornington Island)—

omit, insert—

'Sandalwood Place River (Mornington Island)	FRW-273	part 9, division 2'.
---	---------	----------------------

33 Amendment of sch 2 (Regulated fish declarations)

(1) Schedule 2, part 2, entry for pipefish—

omit, insert—

'pipefish	N	for a boat in a trawl fishery— more than 50 for each boat	a person taking or possessing the fish'.
-----------	---	--	--

(2) Schedule 2, part 2, entry for shark (other than grey reef shark, whitetip reef shark, spartooth shark, white shark and sandtiger shark), second row, fourth column, 'fish taken'—

omit, insert—

'fish on a boat that is taken'.

(3) Schedule 2, part 2, entry for shark (other than grey reef shark, whitetip reef shark, spartooth shark, white shark and sandtiger shark), fourth row, fourth column, 'fish taken'—

omit, insert—

'fish on a boat that is taken'.

34 Amendment of sch 3 (Declared fish habitat areas)

(1) Schedule 3, entry for Bohle River FHA-027—

omit, insert—

'Bohle River FHA-027 (revision 1)	<p>The declared fish habitat area includes the tidal land on the following—</p> <ul style="list-style-type: none"> • lot 69 on plan EP2023 • lot 474 on plan OL357. <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 1 on plan AP15635 • lot 422 on plan EP1037 • lot 70 on plan EP2023 • lot 505 on plan NPW643 • lot 2 on plan SP126297'.
-----------------------------------	--

[s 34]

- (2) Schedule 3, entry for Burdekin FHA–005—
omit, insert—

<p>‘Burdekin FHA–005 (revision 1)</p>	<p>The declared fish habitat area includes the part of lot 2727 on plan PH1250 that is within the outer boundary shown on the plan.</p> <p>The declared fish habitat area excludes the areas under or within 50m of the boat ramps at the following places—</p> <ul style="list-style-type: none"> • the northern side of Ocean Creek • the northern side of Plantation Creek • the northern side of Hell Hole Creek • the southern side of Groper Creek • the eastern side of Yellow Gin Creek • Wallace’s Landing on the western side of Yellow Gin Creek • the eastern side of Molongle Creek. <p>The declared fish habitat area excludes land within the following lots that is not tidal land—</p> <ul style="list-style-type: none"> • lot 1 on AP2107 • lot 1 on AP6601 • lot 2 on AP6601 • lot 3 on AP6601.’.
---	--

- (3) Schedule 3, entry for Deception Bay FHA–013 (revision 1), column 1, ‘(revision 1)’—
omit, insert—
‘(revision 2)’.
- (4) Schedule 3, entry for Kinkuna FHA–002—
omit, insert—

<p>‘Kinkuna FHA–002 (revision 1)</p>	<p>The declared fish habitat area includes the part of lot 112 on plan CK3120 that is within the outer boundary shown on the plan.</p> <p>The declared fish habitat area excludes the national park land that is not tidal land within the outer boundary shown on the fish habitat area plan for the area.’.</p>
--	---

- (5) Schedule 3, entry for Kippa Ring FHA–014, column 1, after ‘FHA–014’—
insert—
‘(revision 1)’.

35 Amendment of sch 11 (Dictionary)

(1) Schedule 11, part 2, definition *bottom set net*—

omit, insert—

‘**bottom set net** means a mesh net that is set along the seabed.’.

(2) Schedule 11, part 2, definition *prescribed barramundi waterway*—

insert—

• Lake Fred Tritton’.

**Part 5 Amendment of Fisheries
Amendment Regulation (No. 1)
2012**

36 Regulation amended

This part amends the *Fisheries Amendment Regulation (No. 1) 2012*.

37 Amendment of s 4 (Replacement of sch 9, tables 1, 2 and 3)

Section 4, inserted table 1, under the heading ‘Commercial line fisheries’, items 5 to 7—

omit, insert—

‘5	L8	906.10’.
----	----	----------

Editor’s note—

Legislation ultimately amended—

• *Fisheries Regulation 2008*

Schedule **Minor amendments to the Fisheries Regulation 2008**

section 6

- 1** **Section 40, ‘symbol ‘L1’, ‘L6’, ‘L7’ or’—**
omit, insert—
‘symbol ‘L1’ or’.
- 2** **Chapter 2, part 7, division 2, subdivision 4, heading—**
omit, insert—
‘Subdivision 4 Sea cucumber’.
- 3** **Sections 76A, 296(1), 299, and schedule 1, part 1, entry
for Bêche-de-mer waters, column 1, ‘Bêche-de-mer’—**
omit, insert—
‘Sea cucumber’.
- 4** **Sections 76A, 275, 290, 293, 294, 295, 296, 297, 298, 299,
schedule 2, part 2, entry for bêche-de-mer, other than
black teatfish and schedule 6, part 6, column 1,
‘bêche-de-mer’—**
omit, insert—
‘sea cucumber’.
- 5** **Section 76A(a), ‘;’—**
omit, insert—
‘; or’.

- 6 Section 250(2)(b)(i), “L2’, ‘L3’ and ‘L6’—**
omit, insert—
“L2’ and ‘L3’”.
- 7 Section 250(2)(b)(ii), ‘symbols ‘L7’ or ‘L8’.’—**
omit, insert—
‘symbol ‘L8’.’.
- 8 Section 250(2), note, from “L1”—**
omit, insert—
“L1’ and chapter 8, part 2 provides for fishery symbols ‘L2’ and ‘L3’”.
- 9 Section 271(3)(c), “L3’, ‘L6’, ‘L7’—**
omit, insert—
“L3”.
- 10 Chapter 7, part 2, heading, ‘Bêche-de-mer’—**
omit, insert—
‘Sea cucumber’.
- 11 Section 700(1), ‘section 204(c)’—**
omit, insert—
‘section 204(1)(c)’.
- 12 Schedule 9, table 1, under the heading ‘Commercial line fisheries’, items 5 to 7—**
omit, insert—

‘5	L8	875.50’.
----	----	----------

13 Schedule 11, part 2, definition *SM (Flat Rock) fishery licence*, paragraph (a), ‘symbols ‘L1’, ‘L6’ or ‘L7’—

omit, insert—

‘symbol ‘L1’.

ENDNOTES

- 1 Made by the Governor in Council on 20 December 2012.
- 2 Notified in the gazette on 21 December 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Agriculture, Fisheries and Forestry.

© State of Queensland 2012