Queensland

Fisheries Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 74

made under the

Fisheries Act 1994

Contents

1   Short title

This regulation may be cited as the *Fisheries Amendment Regulation (No. 1) 2016*.

2   Commencement

This regulation commences on 1 July 2016.

3   Regulation amended

This regulation amends the *Fisheries Regulation 2008*.

Note—

See also the amendments in schedule 1.

4   Insertion of new s 218C

Chapter 5, part 4, division 1—

insert—

218C Prohibition on issue of permits for taking or possessing freshwater fish for trade or commerce

(1) The chief executive can not issue a permit allowing the taking or possession of freshwater fish for trade or commerce.

(2) However, subsection (1) does not apply if the permit is a general fisheries permit for the collection of freshwater fish to be used by the permit holder for broodstock for aquaculture.

5   Amendment of s 524 (Fishery area)

(1) Section 524, from 'The fishery area' to 'the following areas—'—

omit, insert—

The fishery area under section 522(a) consists of the area of foreshore waters, other than foreshore

waters of a river or creek, in the area of the following—

(2) Section 524(a), sixth dot point—

omit.

(3) Section 524(b) to (d)—

renumber as section 524(c) to (e).

(4) Section 524—

insert—

    (b) within the boundary—

- from latitude 27º22'37" south, longitude 153º9'35" east

- along the mainland shore to latitude 27º21'38" south, longitude 153º8'35" east

- to latitude 27º21'32" south, longitude 153º8'38" east

- to latitude 27º21'26" south, longitude 153º8'59" east

- to latitude 27º21'13" south, longitude 153º9'10" east

- to latitude 27º21'37" south, longitude 153º10'15" east

- to latitude 27º22'37" south, longitude 153º9'35" east;

6 Amendment of s 700 (Prescribed entities for delegating power to issue stocked impoundment permits—Act, s 21)

Section 700(2)(b) to (e)—

omit, insert—

    (b) Australia Post;

(c) an entity that operates an Australia Post retail service under an agreement or arrangement with Australia Post.

Examples of an agreement or arrangement for paragraph (c)—

- a licence
- a franchise agreement
- an arrangement for an entity to supply services that are ancillary to its other services

7 Insertion of new ch 16, pt 2, div 8

After section 762—

insert—

Division 8 Transitional provisions for Fisheries Amendment Regulation (No. 1) 2016

763 Particular existing permits for taking or possessing freshwater fish for trade or commerce

(1) This section applies if, immediately before the commencement, a person held a permit allowing the taking or possession of freshwater fish for trade or commerce, other than a general fisheries permit for the collection of freshwater fish to be used by the person for broodstock for aquaculture.

(2) Section 218C does not apply in relation to the permit.

764 Undecided applications for particular permits for taking or possessing freshwater fish for trade or commerce

(1) This section applies if—

(a) before the commencement, a person applied for a permit allowing the taking or possession of freshwater fish for trade or commerce, other than a general fisheries permit for the collection of freshwater fish to be used by the person for broodstock for aquaculture; and

(b) immediately before the commencement, the application had not been decided.

(2) The application ends and the chief executive must refund to the applicant any fee paid for the application.

8 Amendment of sch 10A (Prescribed stocked impoundments)

Schedule 10A—

insert—

- Aplins Weir

- Baroon Pocket Dam

- Beebo Weir

- Beehive Dam

- Ben Anderson Barrage

- Ben Dor Weir

- Black Weir

- Bonshaw Weir

- Caboolture River Weir

- Cecil Plains Weir

- Chinchilla Weir

- Claude Wharton Weir

- Ewen Maddock Dam

- Gill Weir

- • Gleeson Weir
- • Glenarbon Weir
- • Goondiwindi (Hilton) Weir
- • Hinze Dam
- • Inglewood Town Weir
- • Jones Weir
- • Koombooloomba Dam
- • Lake Belmore
- • Lake Kurwongbah
- • Lemon Tree Weir
- • Miles Weir
- • Surat Weir
- • Talgai Weir
- • Whetstone Weir
- • Woodford Weir
- • Wyaralong Dam
- • Yarramalong Weir

Schedule 1   Minor amendments

section 3

1   Each of the following provisions is amended by inserting 'the area of' after 'consists of'—

- section 274(1)
- section 292
- section 303
- section 313
- section 322
- section 330
- section 338
- section 357
- section 366
- section 372
- section 380
- section 387
- section 395
- section 403
- section 411
- section 427
- section 437
- section 440
- section 443
- section 446
- section 449
- section 452

- section 455
- section 458
- section 470
- section 495
- section 507C
- section 521C(1)
- section 528
- section 538(1)
- section 545F(1)
- section 594
- section 600C
- section 600Z
- section 603
- section 611

2   Sections 521C(2), 538(2) and 545F(2) after 'include' —

insert—

the area of

3   Schedule 11, part 2, definition *east coast trawl fishery area*, after 'means' —

insert—

the area of

Authorised by the Parliamentary Counsel

ENDNOTES

1   Made by the Governor in Council on 16 June 2016.
2   Notified on the Queensland legislation website on 17 June 2016.
3   The administering agency is the Department of Agriculture and Fisheries.

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