



Queensland

Fisheries (Sustainability of Molluscs and Black Jewfish) Amendment Regulation 2019

Subordinate Legislation 2019 No. 61

made under the

Fisheries Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Fisheries (Sustainability of Molluscs and Black Jewfish) Amendment Regulation 2019*.

2 Commencement

Sections 5, 7, 9(2) and 11 commence on 13 May 2019.

3 Regulation amended

This regulation amends the *Fisheries Regulation 2008*.

4 Omission of ch 2, pt 5, div 7 (Gastropods or bivalve molluscs)

Chapter 2, part 5, division 7—
omit.

5 Amendment of s 139 (Fish declared to be regulated fish in more than 1 way)

Section 139, example, from ‘black’ to ‘waters’—
omit, insert—
 , Australian bass

6 Replacement of s 175 (Possession of mollusc shells)

Section 175—
omit, insert—

175 Person taking or possessing empty mollusc shells

A person may—

- (a) take an empty mollusc shell if the person does not take the shell for trade or commerce; or
- (b) possess a shell taken under paragraph (a).

7 Insertion of new ch 16, pt 2, div 9

Chapter 16, part 2—

insert—

Division 9 Transitional provision for Fisheries (Sustainability of Molluscs and Black Jewfish) Amendment Regulation 2019

765 Prescribed commercial catch for black jewfish for 2019

- (1) For 2019, the prescribed commercial catch for black jewfish is the total weight of fish of the species taken by all commercial fishers that is—
 - (a) calculated periodically by the chief executive from the commencement to the day the calculation is made; and
 - (b) published by the chief executive in a form that is likely to be accessible for commercial fishers.

Examples of a form of publication for paragraph (b)—

a recorded message on the AIVR system or a notice published on the department's website

- (2) Subsection (1) applies despite schedule 11, part 2, definition *prescribed commercial catch*, paragraph (b).

8 Amendment of sch 1 (Regulated waters)

Schedule 1, part 2, entries for Wynnum (gastropod area), Nudgee Beach, Bramble Bay and Deception Bay—

omit.

[s 9]

9 Amendment of sch 2 (Regulated fish declarations)

(1) Schedule 2, part 2, after entry for billfish—

insert—

bivalve mollusc or gastropod, other than pipi			<p>a person—</p> <p>(a) taking the fish in—</p> <p>(i) the Moreton Bay Marine Park mentioned and described in the <i>Marine Parks (Declaration) Regulation 2006</i>, schedule 1; or</p> <p>(ii) tidal waters or foreshores of waterways that flow into the marine park; or</p> <p>(b) possessing the fish taken under paragraph (a)</p>
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(2) Schedule 2, part 2, entry for black jewfish—

omit, insert—

black jewfish			<p>1 if the prescribed commercial catch for the fish in waters other than the Gulf of Carpentaria waters is more than 20t—a person taking the fish for trade or commerce in the waters or possessing the fish taken for trade or commerce in the waters</p> <p>2 if the prescribed commercial catch for the fish in the Gulf of Carpentaria waters is more than 6t—a person taking the fish for trade or commerce in the waters or possessing the fish taken for trade or commerce in the waters</p>
	F	the fish in a form other than whole	a person possessing the fish on a boat
	N	more than 1	a recreational fisher taking or possessing the fish
	S	less than 60cm	a person taking the fish in the Gulf of Carpentaria waters or possessing the fish taken in the waters

	S	less than 75cm	a person taking the fish in waters other than the Gulf of Carpentaria waters or possessing the fish taken in the waters
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10 Amendment of sch 6 (Glossary of scientific names for particular fish other than regulated coral reef fin fish)

Schedule 6, part 5—

insert—

bivalve mollusc	class Bivalvia
gastropod	class Gastropoda
pipi	family Donacidae

11 Amendment of sch 11 (Dictionary)

Schedule 11, part 2, definition *prescribed commercial catch*—

omit, insert—

prescribed commercial catch means—

- (a) for a species of fish other than black jewfish—the total weight of fish of the species taken by all commercial fishers that is—
 - (i) calculated periodically by the chief executive from the end of the previous 30 June to the day the calculation is made; and
 - (ii) published by the chief executive in a form that is likely to be accessible for commercial fishers; or

Examples of a form of publication for subparagraph (ii)—

a recorded message on the AIVR system or a notice published on the department’s website

[s 11]

- (b) for black jewfish—the total weight of fish of the species taken by all commercial fishers that is—
 - (i) calculated periodically by the chief executive from the end of the previous 31 December to the day the calculation is made; and
 - (ii) published by the chief executive in a form that is likely to be accessible for commercial fishers.

Examples of a form of publication for subparagraph (ii)—

a recorded message on the AIVR system or
a notice published on the department's
website

ENDNOTES

- 1 Made by the Governor in Council on 24 April 2019.
- 2 Notified on the Queensland legislation website on 26 April 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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