



Queensland

Fisheries Amendment Regulation (No. 3) 2016

Subordinate Legislation 2016 No. 193

made under the

Fisheries Act 1994

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1 Short title

This regulation may be cited as the *Fisheries Amendment Regulation (No. 3) 2016*.

2 Regulation amended

This regulation amends the *Fisheries Regulation 2008*.

3 Amendment of s 15 (Who is a *commercial fisher*)

Section 15(2), ‘8 to 10’—

omit, insert—

7 to 11

4 Omission of s 40 (Surface trolling in Flat Rock (grey nurse shark protection area—western zone))

Section 40—

omit.

5 Amendment of s 51 (Regulated waters for div 5)

Section 51, 20th dot point, ‘Gill’—

omit, insert—

Gil

6 Amendment of s 125 (Person may carry out prohibited activity under permit)

Section 125—

insert—

(2) This section applies subject to part 12A.

7 Amendment of s 175 (Possession of mollusc shells for collection)

(1) Section 175, heading, ‘for collection’—

omit.

(2) Section 175(c)—

omit.

8 Amendment of s 188 (Possessing or using crab apparatus)

(1) Section 188(1)(b), from ‘with’—

omit, insert—

with subsections (2) and (3).

(2) Section 188(4)—

omit.

(3) Section 188(5)—

renumber as section 188(4).

9 Omission of s 192 (Using shell dredges)

Section 192—

omit.

10 Amendment of s 197 (Taking fish using fishing apparatus)

Section 197(1) and (3), ‘regulated’—

omit.

11 Omission of s 199 (Taking regulated coral reef fin fish)

Section 199—

omit.

12 Amendment of s 213 (Authorities in which inspectors may have an interest)

Section 213—

insert—

- (e) performing the inspector's functions.

13 Amendment of s 229 (Requirements for placing boat mark on authorised boat)

- (1) Section 229, heading, after 'for'—

*insert—***attaching or**

- (2) Section 229(6)—

omit, insert—

- (6) The boat mark must be—

(a) if the authorised boat is a primary boat or another boat identified in the authority—attached to each side of the primary boat's hull; and

(b) if the authorised boat is a tender boat or another boat not identified in the authority—placed on each side of the tender boat's hull; and

(c) placed on—

(i) if the boat has a deck or shelter at its front—the deck or shelter or an enclosed cabin or wheelhouse on the deck; or

(ii) otherwise—a flat surface on the boat.

- (3) Section 229(7)(a), after 'be'—

*insert—***attached or**

- (4) Section 229(7)—

insert—

- (c) be removed from the boat's hull, or replaced with another boat mark on the boat's hull, during a fishing trip on the boat.

14 Amendment of s 230 (Authorised boat must not be used without boat mark)

Section 230, after 'boat has been'—

insert—

attached to or

15 Amendment of s 231 (Requirement to remove boat mark)

Section 231(2), after 'mark has been'—

insert—

attached to or

16 Amendment of s 253BA (Restrictions on writing fishery symbol 'N3')

Section 253BA(2), "'N9','—

omit.

17 Omission of s 253BB (Restriction on writing fishery symbol 'N9')

Section 253BB—

omit.

18 Amendment of s 253BC (Restrictions on writing fishery symbol 'N12')

(1) Section 253BC(2)—

omit.

(2) Section 253BC(3), 'also'—

omit.

- (3) Section 253BC(4), ‘subsections (2) and (3)’—

omit, insert—

subsection (2)

- (4) Section 253BC(3) and (4)—

renumber as section 253BC(2) and (3).

19 Amendment of s 254 (Restriction on writing fishery symbols on licences allowing the use of boats of particular lengths in commercial fisheries)

Section 254(2), ‘sections 254A and’—

omit, insert—

section

20 Omission of s 254A (Exception for surrender or amendment of authority)

Section 254A—

omit.

21 Amendment of s 497A (Use of set mesh nets in nearshore waters between Burnett River and Baffle Creek)

Section 497A(2), ‘200m’—

omit, insert—

400m

22 Amendment of s 498 (Use of set mesh nets in nearshore waters between Baffle Creek and Cape Flattery)

Section 498(7), ‘200m’—

omit, insert—

400m

- 23 Amendment of s 503 (Use of set mesh nets in nearshore waters north of Cape Flattery)**
Section 503(4), ‘200m’—
omit, insert—
400m
- 24 Omission of ch 9, pt 4AA (Net fishery (Gulf of Carpentaria no. 2) (‘N9’))**
Chapter 9, part 4AA—
omit.
- 25 Amendment of s 529 (What fish may be taken)**
Section 529(1), after ‘Any’—
insert—
fin
- 26 Omission of ch 10, pt 1, div 3, sdiv 1, hdg (General provisions)**
Chapter 10, part 1, division 3, subdivision 1, heading—
omit.
- 27 Omission of ch 10, pt 1, div 3, sdiv 2 (SM (Flat Rock) fishery licence)**
Chapter 10, part 1, division 3, subdivision 2—
omit.
- 28 Amendment of s 565 (Definitions for pt 3)**
Section 565, definition *prior notice deadline*, paragraph (d), ‘3 hours’—
omit, insert—

1 hour

29 Amendment of s 566 (Notices to chief executive)

Section 566(2) and note—

omit, insert—

(2) The notice must be given to the chief executive—

(a) by using the AIVR system; or

Note—

See chapter 14, part 6 for provisions about the AIVR system, including the requirements and procedures applying to the operation and use of the system.

(b) in another way approved by the chief executive.

30 Amendment of s 573 (Requirement to give retained fish notice)

Section 573(2)(b), ‘3 hours’—

omit, insert—

1 hour

31 Amendment of s 577 (General requirement for unloading spanish mackerel)

Section 577(3), definition *authorised unloading time*, paragraph (b)(iv), ‘3 hours’—

omit, insert—

1 hour

32 Amendment of s 591W (Definitions for pt 3)

Section 591W, definition *prior notice deadline*, paragraph (d), ‘3 hours’—

omit, insert—

1 hour

33 Amendment of s 591X (Notices to chief executive)

Section 591X, after ‘AIVR system’—

insert—

or in another way approved by the chief executive

34 Amendment of s 591ZE (Requirement to give retained fish notice)

Section 591ZE(2)(b), ‘3 hours’—

omit, insert—

1 hour

35 Amendment of s 591ZH (General requirement for unloading fish)

Section 591ZH(3), definition *authorised unloading time*, paragraph (b)(iv), ‘3 hours’—

omit, insert—

1 hour

36 Amendment of s 596 (Permitted ways of taking crabs)

Section 596(1), after ‘crab pot’—

insert—

, collapsible trap

37 Amendment of s 606 (Use of primary boats)

Section 606, ‘20m’—

omit, insert—

25m

38 Amendment of s 614X (Notices to chief executive)

Section 614X, after ‘AIVR system’—

insert—

or in another way approved by the chief executive

39 Amendment of s 614ZE (Requirement to give retained fish notice)

Section 614ZE(2), ‘3 hours’—

omit, insert—

1 hour

40 Amendment of s 614ZG (General requirement for unloading permitted fish)

Section 614ZG(3), definition *authorised unloading time*, paragraph (b), ‘3 hours’—

omit, insert—

1 hour

41 Amendment of s 655 (Information requirements for wholesale sale of fisheries resources)

(1) Section 655(1), ‘containing’—

omit, insert—

signed by the seller that contains

(2) Section 655(2)—

omit, insert—

(2) The seller and buyer comply with subsection (1) if—

(a) the buyer prepares a sale docket; and

(b) the seller—

(i) checks the sale docket; and

- (ii) if the seller is satisfied the sale docket is accurate and contains all of the particulars mentioned in subsection (1)—signs the sale docket.

42 Amendment of sch 1 (Regulated waters)

- (1) Schedule 1, part 2, table, entry for Wide Bay Bar, column 2, second dot point—

omit, insert—

- to latitude 25°47.77' south, longitude 153°03.05' east

- (2) Schedule 1, part 2, table, entry for Townsville Harbour and Cleveland Bay, column 2, item 1, second dot point, '146°49.084'—

omit, insert—

146°49.84'

43 Amendment of sch 2 (Regulated fish declarations)

- (1) Schedule 2, part 2, table, entry beginning with banded rainbowfish, column 1, 'or threadfish rainbowfish'—

omit, insert—

, threadfish rainbowfish or Utchee Creek rainbowfish

- (2) Schedule 2, part 2, table, entry for Edgbaston, column 1, after 'Edgbaston'—

insert—

hardyhead or Myross hardyhead

- (3) Schedule 2, part 2, table, entry for Edgbaston, column 3, 'other than in the Thomson'—

omit, insert—

in the Thomson

-
- (4) Schedule 2, part 2, table, entry for grey reef shark, column 4, row 4, paragraph (b), ‘or ‘N9’—
omit.
- (5) Schedule 2, part 2, table, entry for guitarfish, column 4, row 4, paragraph (b), ‘or ‘N9’—
omit.
- (6) Schedule 2, part 2, table, entry for ray (other than guitarfish, manta ray and shovelnose ray), column 4, row 8, paragraph (b), ‘, ‘N9’—
omit.
- (7) Schedule 2, part 2, table, entry for shark (other than grey reef shark, whitetip reef shark, speartooth shark, white shark and sandtiger shark), column 4, row 8, paragraph (b), ‘, ‘N9’—
omit.
- (8) Schedule 2, part 2, table, entry for shovelnose ray, column 4, row 4, paragraph (b), ‘or ‘N9’—
omit.
- (9) Schedule 2, part 2, table, entry for tropical rocklobster, second row relating to dead tropical rocklobster—
omit.
- (10) Schedule 2, part 2, table, entry for whitetip reef shark, column 4, row 4, paragraph (b), ‘or ‘N9’—
omit.
- (11) Schedule 2, part 2, table, entry for any freshwater fish species not mentioned in part 2 or part 3, column 1, after ‘freshwater’—
insert—

fin

44 Amendment of sch 6 (Glossary of scientific names for particular fish other than regulated coral reef fin fish)

- (1) Schedule 6, part 3—

insert—

Edgbaston hardyhead	<i>Craterocephalus</i> sp.
Gulf Grunter	<i>Scortum ogilbyi</i>
Myross hardyhead	<i>Craterocephalus</i> sp.
Utchee Creek rainbowfish	<i>Melanotaenia utcheenis</i>

- (2) Schedule 6, part 5, entry for manta ray, ‘*birostris*’—
omit, insert—
spp.

45 Amendment of sch 9 (Other fees)

Schedule 9, table 1, under heading ‘Commercial net fisheries’,
item 13—
omit.

46 Amendment of schedule 10A (Prescribed stocked impoundments)

- (1) Schedule 10A, entry for Beebo Weir—
omit.
- (2) Schedule 10A—
insert—
- Cunningham (Beebo) Weir
- (3) Schedule 10A, entry for Gill Weir, ‘Gill’—
omit, insert—
Gil

47 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, part 2, definition *eastern non-tidal waters*,
paragraph (b), after ‘Gore Highway’—
insert—

, other than a listed impoundment

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

insert—

- Aplins Weir
- Ben Anderson Barrage
- Koombooloomba Dam
- Lake Belmore
- Lake Morris (Copperlode Falls Dam)
- Lake Gregory (Isis Balancing Storage)

(3) Schedule 11, part 2, definition *SM (Flat Rock) fishery licence*—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 26 October 2016.
- 2 Notified on the Queensland legislation website on 28 October 2016.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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