



Australian Capital Territory

Fisheries Regulation 2001

SL2001-29

made under the

Fisheries Act 2000

Republication No 6

Effective: 29 November 2006 – 10 July 2007

Republication date: 29 November 2006

Last amendment made by A2006-48

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Fisheries Regulation 2001*, made under the *Fisheries Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 29 November 2006. It also includes any amendment, repeal or expiry affecting the republished law to 29 November 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Fisheries Regulation 2001

made under the

Fisheries Act 2000

Contents

| | Page |
|---|------|
| 1 Name of regulation | 2 |
| 2 Notes | 2 |
| 2A Offences against regulation—application of Criminal Code etc | 2 |
| 3 Prescribed number of fish—Act, s 37 (1) | 2 |
| 4 Prescribed quantity of fish—Act, s 45 (1) | 2 |
| 4A Commercial quantity—Act, dictionary | 3 |
| 5 Hoop nets | 3 |
| | |
| Endnotes | |
| 1 About the endnotes | 4 |
| 2 Abbreviation key | 4 |
| 3 Legislation history | 5 |

R6
29/11/06

Fisheries Regulation 2001
Effective: 29/11/06-10/07/07

contents 1

Contents

| | | |
|---|------------------------|------|
| | | Page |
| 4 | Amendment history | 5 |
| 5 | Earlier republications | 6 |



Australian Capital Territory

Fisheries Regulation 2001

made under the

Fisheries Act 2000

1 Name of regulation

This regulation is the *Fisheries Regulation 2001*.

2 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

2A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

3 Prescribed number of fish—Act, s 37 (1)

The number of fish prescribed for any period is zero.

4 Prescribed quantity of fish—Act, s 45 (1)

The quantity of fish prescribed is 0kg.

4A Commercial quantity—Act, dictionary

The quantity of fish of a priority species that is a commercial quantity is as follows:

- (a) for abalone—100 or more;
- (b) for rock lobster—20 or more.

5 Hoop nets

- (1) This section applies if the Minister declares under the Act, section 17 (Declaration of fishing gear) that hoop nets are fishing gear that may be used for taking fish (or a particular kind of fish).
- (2) A person must not use a hoop net other than by lowering it into the water and drawing it out by hand vertically.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|--|--|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

This regulation was originally the *Fisheries Regulations 2001*. It was renamed under the *Legislation Act 2001*.

Fisheries Regulation 2001 A2001-29

notified 30 August 2001 (Gaz 2001 No 35)
commenced 30 August 2001 (s 2)

as amended by

Statute Law Amendment Act 2002 A2002-30 pt 3.30

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.30 commenced 17 September 2002 (s 2 (1))

Fisheries Amendment Regulations 2004 (No 1) SL2004-2

notified LR 15 January 2004
s 1, s 2 commenced 15 January 2004 (LA s 75 (1))
remainder commenced 16 January 2004 (s 2)

Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.22

notified LR 27 October 2005
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))
sch 1 pt 1.22 commenced 24 November 2005 (s 2)

Fisheries Amendment Act 2006 A2006-48 s 24

notified LR 28 November 2006
s 1, s 2 commenced 28 November 2006 (LA s 75 (1))
s 24 commenced 29 November 2006 (s 2)

4 Amendment history

Name of regulation

s 1 am R4 LA

Notes

s 2 om LA s 89 (4)
ins A2005-54 amdt 1.154

Offences against regulation—application of Criminal Code etc

s 2A ins A2005-54 amdt 1.154

Prescribed number of fish—Act, s 37 (1)

s 3 sub A2002-30 amdt 3.374

Endnotes

5 Earlier republications

Prescribed quantity of fish—Act, s 45 (1)

s 4 sub A2002-30 amdt 3.374

Commercial quantity—Act, dictionary

s 4A ins A2006-48 s 24

Hoop nets

s 5 sub A2005-54 amdt 1.155

Infringement notice offences—Act, s 90, def of *infringement notice offence*

s 6 om SL2004-2 s 4

Infringement notice penalties—Act, s 90, def of *infringement notice penalty*

s 7 om SL2004-2 s 4

Cost of serving reminder notice—Act, s 90, def of *infringement notice penalty, par (b)*

s 8 om SL2004-2 s 4

Infringement notice offences and penalties

sch 1 om SL2004-2 s 4

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|---------------------------|------------------------------|------------------------|---------------------------|
| R1 30 Aug 2001 | 30 Aug 2001– 16 Sept 2002 | not amended | new regulation |
| R2 23 Sept 2002 | 17 Sept 2002– 15 Jan 2004 | A2002-30 | amendments by A2002-30 |
| R3 16 Jan 2004 | 16 Jan 2004– 1 Nov 2004 | SL2004-2 | amendments by SL2004-2 |

| Republication No and date | Effective | Last amendment made by | Republication for |
|--------------------------------------|-----------------------------|---------------------------------------|--|
| R4 2 Nov 2004 | 2 Nov 2004– 23 Nov 2005 | SL2004-2 | includes editorial amendments under Legislation Act |
| R5 24 Nov 2005 | 24 Nov 2005– 28 Nov 2006 | A2005-54 | amendments by A2005-54 |

© Australian Capital Territory 2006