

# Fisheries Prohibition and Declaration 2010 (No 1)

## Disallowable Instrument DI2010—248

Made under the

*Fisheries Act 2000*, section 13 (Fishing closures), section 15 (Declaration of fish of prohibited size or weight), section 16 (Declaration of fish quantity) and section 17 (Declaration of fishing gear)

## EXPLANATORY STATEMENT

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The *Fisheries Prohibition and Declaration 2010 (No 1)* was made for several purposes under the *Fisheries Act 2000* (the Act). Part 3 of the Act enables the Minister to set restrictions on fishing in several ways –

- section 13 permits the Minister, by way of a disallowable instrument, to prohibit the taking of fish absolutely or conditionally from public waters;
- section 15 permits the Minister, by way of a disallowable instrument, to set limits on the size and weight of fish taken;
- section 16 permits the Minister, by way of a disallowable instrument, to set limits on the number of fish taken; and
- section 17 permits the Minister, by way of a disallowable instrument, to regulate the types of fishing gear that may be used.

Section 49 of the *Legislation Act 2001* allows an instrument to deal with more than one matter.

This instrument revokes DI 2000–290, which was the previous instrument dealing with restrictions and requirements on fishing (the previous instrument) and commences on the day after its notification on the ACT Legislation Register.

This instrument differs from the previous instrument in two substantive ways. First, this instrument increases the minimum size of Murray Cod that may be taken to 60 centimetres. Secondly, the instrument also limits the number of Murray Cod longer than 100 centimetres that a person may take to one fish per day.

No other substantive changes have been made to fishing restrictions or requirements in the ACT, although the opportunity has been taken to redraft the previous instrument in line with current drafting principles.