



Australian Capital Territory

# **Fisheries Regulation 2001**

**SL2001-29**

made under the

**Fisheries Act 2000**

**Republication No 8**

**Effective: 18 November 2019**

Republication date: 18 November 2019

Last amendment made by [A2019-27](#)

## 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 18 November 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 18 November 2019.

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](http://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 includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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
4AA	Aquaculture capacity limit—Act, s 48	3
4A	Commercial quantity—Act, dict, def <i>commercial quantity</i>	3
5	Hoop nets	3

---

R8  
18/11/19

Fisheries Regulation 2001  
Effective: 18/11/19

contents 1

## Contents

---

	Page
<b>Endnotes</b>	
1 About the endnotes	4
2 Abbreviation key	4
3 Legislation history	5
4 Amendment history	6
5 Earlier republications	7



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.

**4AA Aquaculture capacity limit—Act, s 48**

The prescribed aquaculture capacity limit is 10 000L.

**4A Commercial quantity—Act, dict, def *commercial quantity***

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

- (a) for abalone—100 or more;
- (b) Murray Cod—20 or more;
- (c) 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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)

#### **Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.14**

notified LR 20 June 2007

s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))

sch 3 pt 3.14 commenced 11 July 2007 (s 2 (1))

#### **Fisheries Legislation Amendment Act 2019 A2019-27 pt 3**

notified LR 2 October 2019

s 1, s 2 commenced 2 October 2019 (LA s 75 (1))

pt 3 commenced 18 November 2019 (s 2 and [CN2019-17](#))

## Endnotes

4 Amendment history

---

### 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

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

s 4 sub [A2002-30](#) amdt 3.374

#### Aquaculture capacity limit—Act, s 48

s 4AA ins [A2019-27](#) s 77

#### Commercial quantity—Act, dict, def *commercial quantity*

s 4A hdg sub [A2007-16](#) amdt 3.62  
s 4A ins [A2006-48](#) s 24  
am [A2019-27](#) s 78; pars renum R8 LA

#### 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	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R3 16 Jan 2004	16 Jan 2004– 1 Nov 2004	<a href="#">SL2004-2</a>	amendments by <a href="#">SL2004-2</a>
R4 2 Nov 2004	2 Nov 2004– 23 Nov 2005	<a href="#">SL2004-2</a>	includes editorial amendments under <a href="#">Legislation Act</a>
R5 24 Nov 2005	24 Nov 2005– 28 Nov 2006	<a href="#">A2005-54</a>	amendments by <a href="#">A2005-54</a>
R6 29 Nov 2006	29 Nov 2006– 10 July 2007	<a href="#">A2006-48</a>	amendments by <a href="#">A2006-48</a>
R7 11 July 2007	11 July 2007– 17 Nov 2019	<a href="#">A2007-16</a>	amendments by <a href="#">A2007-16</a>

© Australian Capital Territory 2019