



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 160
Tuesday, 1 October 2002

Published under authority by the Government Printing Service

SPECIAL SUPPLEMENT

ORDER

I, Robert John Debus, MP, Attorney General, in pursuance of section 17 (1) of the Civil Liability Act 2002, by this order, declare the amount that is to apply for the purposes of section 16(2) of the Civil Liability Act to be \$365 000 from 1 October 2002.

Signed at Sydney, this 30th day of September 2002.

BOB DEBUS, M.P.,
Attorney General

Fisheries Management (General) Amendment (Fees) Regulation 2002

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002* to insert proposed clause 133A which prescribes the fees payable for the issue of permits under section 37 of the *Fisheries Management Act 1994* with respect to marine parks.

Section 37 of the Act provides that the Minister may issue a permit authorising a person to take and possess fish or marine vegetation of any kind or of a specified kind for specified purposes, including, research, aquaculture or aquarium collection purposes or any purpose prescribed by the regulations or approved by the Minister.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 37 (6) and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Fees) Regulation 2002

Fisheries Management (General) Amendment (Fees) Regulation 2002

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Fees) Regulation 2002*.

2 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

Fisheries Management (General) Amendment (Fees) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 133A

Insert after clause 133:

133A Fees for permits under section 37 of the Act

- (1) For the purposes of section 37 (6) of the Act:
 - (a) the fee for a Jervis Bay purse seine net permit is \$2054, and
 - (b) the fee for any other permit under section 37 with respect to a marine park is \$54.
- (2) In this clause:

Jervis Bay purse seine net permit means a permit issued under section 37 of the Act that expressly permits the taking of fish by use of a purse seine net at a location that is in a habitat protection zone in Jervis Bay Marine Park.

marine park means a marine park declared under the *Marine Parks Act 1997*.

F97/326

FISHERIES MANAGEMENT ACT 1994
Section 8 Notification - Fishing Closure
 Dam and Weir Closures
Migrating Bass Stocks in Richmond River Catchment

I, Edward Obeid, prohibit the taking of fish by the methods of fishing described in Column 1 of Schedules 1 & 2 of this notification, from the waters described in Column 2 of those schedules.

This prohibition will be effective from 29 September 2002 to 28 September 2007, inclusive.

The Hon Edward Obeid OAM, MLC
Minister for Mineral Resources
Minister for Fisheries

Schedule 1
 Toonumbar Dam Wall Closure
 Richmond River

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of all methods.	That section of the stream below the Toonumbar Dam wall to the Toonumbar Dam access road crossing.

Schedule 2
 Toonumbar Dam Access Crossing and Norco Weir Closure
 (Bass and Estuary Perch Stocks) Richmond River

<i>Column 1</i> Methods	<i>Column 2</i> Waters
By means of all methods.	That part of Iron Pot Creek extending 1km downstream from the Toonumbar Dam access crossing.
	That part of Richmond River extending 1 km downstream from the Norco Weir.
Conditions:	
1. This schedule only applies to the taking of Australian Bass and Estuary Perch.	
2. This schedule only applies from to 1 August to 31 October in each year.	

F97/263

FISHERIES MANAGEMENT ACT 1994**Section 8 Notification - Fishing Closure
Lady Denman Heritage Complex Fish Enclosure - Huskisson**

I Edward Obeid, prohibit the taking of fish by all methods of fishing from the whole of the waters of 'The Lady Denman Heritage Complex Fish Enclosure', at Huskisson (Lady Denman Reserve Number 96376).

This prohibition will be effective from 3 October 2002 to 2 October 2007, inclusive.

**The Hon Edward Obeid OAM, MLC
Minister for Mineral Resources
Minister for Fisheries**

Marine Parks Amendment (Jervis Bay) Regulation 2002

under the

Marine Parks Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Parks Act 1997*.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

The *Marine Parks Act 1997* and the *Marine Parks Regulation 1999* (the **Principal Regulation**) provide for the classification of areas within marine parks for different uses by means of zoning plans. Currently, the Principal Regulation provides for four zones in marine parks (a sanctuary zone, a habitat protection zone, a general use zone and a special purpose zone) and sets out objects and special provisions applying to those zones.

The object of this Regulation is to provide for a zoning plan for the Jervis Bay Marine Park. The zoning plan, which is to be included in Schedule 1 to the Principal Regulation, divides the Jervis Bay Marine Park into the various zones and contains special provisions regulating and prohibiting the carrying out of certain activities in those zones.

This Regulation also amends the Principal Regulation to make further provision for the management of marine parks. For example, provision is made for the relevant Ministers to only give consent to the carrying out of activities that harm animals, plants or habitats in marine parks for research, environmental protection, public health or public safety purposes or, in certain special purpose zones, for the purpose of satisfying personal, domestic or non-commercial communal needs of Aboriginal people. Provision is also made to remove the requirement for consent under the Principal Regulation to the carrying out of development or an activity in a marine

Marine Parks Amendment (Jervis Bay) Regulation 2002

Explanatory note

park if consent or approval with respect to the development or activity has been given under the *Environmental Planning and Assessment Act 1979*. Further defence provisions are also included in the Principal Regulation.

This Regulation is made under the *Marine Parks Act 1997*, including sections 15, 16, 17 and 48 (the general regulation-making power).

Marine Parks Amendment (Jervis Bay) Regulation 2002

Clause 1

Marine Parks Amendment (Jervis Bay) Regulation 2002

1 Name of Regulation

This Regulation is the *Marine Parks Amendment (Jervis Bay) Regulation 2002*.

2 Amendment of Marine Parks Regulation 1999

The *Marine Parks Regulation 1999* is amended as set out in Schedule 1.

Marine Parks Amendment (Jervis Bay) Regulation 2002

Schedule 1 Amendment of Marine Parks Regulation 1999

Schedule 1 Amendment of Marine Parks Regulation 1999

(Clause 2)

[1] Clause 7 Protection of animals, plants and habitat in sanctuary zone

Insert at the end of clause 7:

- (2) Consent is only to be given under subclause (1) for research, environmental protection, public health or public safety purposes.

[2] Clause 8A Dredging and beach replenishment activities not permitted in sanctuary zone

Omit "Subclause (3) does prevent" from clause 8A (4).

Insert instead "Subclause (3) does not prevent".

[3] Clause 11 Protection of animals, plants and habitat in habitat protection zone

Insert at the end of clause 11:

- (2) Consent is only to be given under subclause (1) for research, environmental protection, public health or public safety purposes.

[4] Clause 12 Limited fishing activities in habitat protection zone

Insert after clause 12 (3):

- (3AA) Consent is only to be given under subclause (3) for research, environmental protection, public health or public safety purposes.

[5] Clause 15 Protection of animals, plants and habitat in general use zone

Insert at the end of clause 15:

- (2) Consent is only to be given under subclause (1) for research, environmental protection, public health or public safety purposes.

Marine Parks Amendment (Jervis Bay) Regulation 2002

Amendment of Marine Parks Regulation 1999

Schedule 1

[6] Clause 16 Limited fishing activities in general use zone

Insert after clause 16 (3):

- (4) Consent is only to be given under subclause (3) for research, environmental protection, public health or public safety purposes.

[7] Clause 18A Protection of animals, plants and habitat in special purpose zone

Insert at the end of clause 18A:

- (2) Consent is only to be given under subclause (1) for research, environmental protection, public health or public safety purposes.
- (3) Despite subclause (2), if the objects of the special purpose zone include providing for traditional use of the area, consent may be given for the purpose of satisfying personal, domestic or non-commercial communal needs of Aboriginal people.

[8] Clause 18B Limited fishing activities

Insert after clause 18B (2):

- (3) Consent is only to be given under subclause (2) for research, environmental protection, public health or public safety purposes.
- (4) Despite subclause (3), if the objects of the special purpose zone include providing for traditional use of the area, consent may be given for the purpose of satisfying personal, domestic or non-commercial communal needs of Aboriginal people.

[9] Clause 19 Possession of animals or plants taken illegally or of equipment used to take animals or plants

Omit clause 19 (3) (d). Insert instead:

- (d) that the equipment was in the person's possession for a purpose that was lawful in the part of the marine park that the person was in.

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Schedule 1 Amendment of Marine Parks Regulation 1999

[10] Clause 22 Domesticated animals

Insert after clause 22 (1):

- (1A) A person who brings a domesticated animal into a marine park must collect any faeces deposited by that animal and remove the faeces from the marine park.

Maximum penalty: 5 penalty units.

[11] Clause 24 Commercial activities

Insert after clause 24 (2):

- (3) A person does not commit an offence against this clause if the person carries out an activity described in subclause (1) (a), (b) or (c) in a marine park without the consent of the relevant Ministers within 12 months after the declaration of the marine park.

[12] Clause 26 Organised sporting, educational and recreational activities

Insert at the end of clause 26:

- (2) A person does not commit an offence against this clause if the person carries out an activity described in subclause (1) (a), (b), (c) or (d) in a marine park without the consent of the relevant Ministers within 12 months after the declaration of the marine park.

[13] Clause 37AA

Insert after clause 37:

37AA Consent by relevant Ministers not required for certain acts

- (1) A provision of this Regulation (other than clause 7, 8A, 11, 12, 15, 16, 18A or 18B) does not require the consent of the relevant Ministers to the doing of any act if planning approval has been given with respect to that act.
- (2) In this clause:
planning approval means:
(a) development consent under the *Environmental Planning and Assessment Act 1979*, or

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Schedule 1

- (b) approval of a determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Note. Section 19 of the Act make specific provision in relation to the application of the *Environmental Planning and Assessment Act 1979* to development within marine parks.

[14] Clause 38A Defences relating to harm to animals, plants or habitat

Omit clause 38A (1). Insert instead:

- (1) It is a defence to a prosecution for an offence under this Regulation relating to the taking of fish in a habitat protection zone, general use zone or special purpose zone of a marine park if the person charged satisfies the court that:
- (a) the taking of the fish occurred in the carrying out of an activity that was a lawful activity for that part of the marine park, and
- (b) on becoming aware of the taking of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.

[15] Clause 38A (2)

Omit “in connection with the lawful taking of animals or plants”.

Insert instead “in connection with a lawful activity”.

[16] Schedule 1 Zoning plans for marine parks

Insert at the end of Schedule 1:

Part 2 Jervis Bay Marine Park Zoning Plan

Note. The GPS coordinates used to describe the boundaries of the Jervis Bay Marine Park in Part 1 of Schedule 4 to the Act are in datum AGD 66. The GPS coordinates used to describe the boundaries of the zones of the marine park in this Part are in datum WGS 84, which is the datum more commonly used by marine park users.

Division 1 Preliminary

1 Definitions

- (1) In this Part:

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extensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

map means a map set out in Division 11.

marine park means the Jervis Bay Marine Park, as described in Part 1 of Schedule 4 to the Act.

personal watercraft means a power-driven vessel that:

- (a) has a fully enclosed hull, and
- (b) does not retain water taken on if it capsizes, and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on the vessel but not seated within the vessel.

set line has the same meaning as it has in the *Fisheries Management (General) Regulation 2002*.

table means a table set out in Division 10.

- (2) In this Part, a reference to a net or trap is a reference to that net or trap as described under the *Fisheries Management Act 1994*.

Division 2 Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

Hammer Head

From point 2A at 34° 58' 34"S, 150° 47' 09"E 500 metres due east of the southern side of Bulls Waterhole, then generally south following the shoreline at 500 metres from the mean high water mark to point 2B at 34° 59' 18"S, 150° 47' 29"E, then due east approximately 0.9 km to point 2C at 34° 59' 18"S, 150° 48' 03"E, then due south approximately 1.2 kilometres to point 2D at 34° 59' 59"S, 150° 48' 03"E then due west to point 2E at the intersection of 34° 59' 59"S latitude and the mean high water mark, then generally north following the mean high water mark to point 2F intersecting 34° 58' 34"S latitude, returning to point 2A, as shown on map 2.

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Blacks Cave Creek

The whole of the tidal waters and tidal lands of Blacks Cave Creek, including all its creeks, bays and tributaries upstream of the intersection of 35° 01' 10" S latitude and the mean high water mark on the western bank at point 3A and the eastern bank at point 3B, as shown on map 3.

Drum and Drum Sticks

From the mean high water mark to 50 metres seaward around Drum and Drum Sticks, as shown on map 4.

Point Perpendicular—Crocodile Head

From point 5A at the intersection of 35° 04' 35" S latitude and the marine park boundary, approximately 1.5 kilometres east of the mean high water mark of the south-eastern extremity of Crocodile Head, then generally south-west approximately 3 kilometres to point 5B at the intersection of 35° 05' 41" S latitude and the marine park boundary, then due west to the southern extremity of Point Perpendicular to point 5C at the intersection of 35° 05' 41" S latitude and the mean high water mark, then generally north-east following the mean high water mark to point 5D intersecting 35° 04' 35" S latitude, returning to point 5A, as shown on map 5.

The Docks

From point 6A at 35° 04' 59" S, 150° 47' 45" E, then generally north-west on a bearing of 312° to the intersection of the mean high water mark at point 6B (on the southern extremity of the headland, approximately 400 metres west of Bream Creek - Boat Harbour), then generally south-east following the mean high water mark to point 6C (on the northern side of Gardeners Gully), at the intersection of a bearing of 132° from point 6A, including all creeks, bays and tributaries to the mean high water mark and the tidal limits then, returning generally north-west to point 6A, as shown on map 6.

Groper Coast

From point 7A at 35° 03' 34" S, 150° 46' 21" E, then due east 300 metres to point 7B intersecting 35° 03' 34" S latitude and the mean high water mark (approximately 200 metres south of Honeymoon Bay), then generally south following the shoreline at the mean high water mark to the southern-most part of Dart Point to point 7C intersecting 35° 04' 43" S latitude, then 300

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metres due west to point 7D at 35° 04' 43"S, 150° 46' 11"E then generally north at a distance of 300 metres from the mean high water mark returning to point 7A, as shown on map 7.

Hare Bay

From point 8A at 35° 01' 42"S, 150° 44' 57"E (approximately 3.3 kilometres west of "the Ladders"), then approximately 4.1 kilometres due north to the mean high water mark at Red Point at point 8B intersecting 150° 44' 57"E longitude, then following the mean high water mark generally south-east, including all creeks, bays and tributaries of Carama Inlet to the mean high water mark and to the tidal limits, to point 8C intersecting 35° 01' 42"S latitude at "the Ladders", approximately 250 metres south of Montagu Point, then due west returning to point 8A, as shown on map 8.

Wowly Gully

From the mean high water mark on the western bank of Wowly Gully at point 9A at 34° 59' 43"S, 150° 43' 42"E then generally north-east to the mean high water mark on the eastern bank to point 9B at 34° 59' 42"S, 150° 43' 45"E including all creeks, bays and tributaries to the mean high water mark and tidal limits, as shown on map 9.

Upper Currambene Creek

The whole of the tidal waters and tidal lands to the mean high water mark of Upper Currambene Creek, including all its creeks, bays and tributaries upstream of the intersection of 150° 38' 37"E longitude and the mean high water mark on the northern bank at point 10A and the southern bank at point 10B, as shown on map 10.

Currambene Creek Mudflats

From a port navigation marker at point 11A at 35° 01' 33"S, 150° 40' 05"E in Currambene Creek, then generally south east to a port navigation marker at point 11B at 35° 01' 34"S, 150° 40' 09"E, then continuing south east to a port navigation marker at point 11C at 35° 01' 36"S, 150° 40' 16"E, then generally south to a port navigation marker at point 11D at 35° 01' 41"S, 150° 40' 21"E, then generally south to a port navigation mark at point 11E at 35° 01' 49"S, 150° 40' 19"E, then generally south to a port navigation maker at point 11F at 35° 01' 52"S, 150° 40' 17"E, then generally south to point 11G

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at 35° 02' 01" S, 150° 40' 13" E, then due west to intersect 35° 02' 01" S latitude and the mean high water mark at point 11H (in line with the channel draining the Fish Reserve at the Lady Denman Heritage Complex), then generally north following the mean high water mark to point 11I (approximately 100 metres downstream of the Woollamia Regional Boat Ramp) intersecting with a line bearing 230° from point 11A, then returning generally north east to point 11A, as shown on map 11.

Huskisson

From point 11J at 35° 01' 46" S, 150° 40' 52" E (approximately 1.1 kilometres north east of the southern bank of the entrance to Currumbene Creek), then due east approximately 1 km to point 11K at 35° 01' 46" S, 150° 41' 32" E, then due south approximately 1.3 kilometres to point 11L at 35° 02' 28" S, 150° 41' 32" E, then generally south-west approximately 1.3 km to point 11M at 35° 02' 44" S, 150° 40' 43" E, then generally north-west to point 11N at the intersection of a bearing of 325° from point 11M to the mean high water mark, then following the mean high water mark to the southern bank of the entrance to Currumbene Creek to point 11O at the intersection of a bearing of 220° from point 11J and the mean high water mark, then returning generally north-east to point 11J, described above, as shown on map 11.

Moona Moona Creek

The whole of the tidal lands and tidal waters to mean high water mark, including all creeks, bays and tributaries of Moona Moona Creek upstream of a line from point 12A 35° 03' 05" S, 150° 40' 27" E (approximately 50 metres upstream of the western side of the road bridge) generally north-west on a bearing of 330° to the intersection of the mean high water mark on the northern bank of Moona Moona Creek at point 12B, then generally south-east on a bearing of 150° to the intersection of the mean high water mark on the southern bank to point 12C, as shown on map 12.

Hyams Beach

From a navigation marker approximately 1 kilometre east of Plantation Point at point 13A at 35° 04' 22" S, 150° 42' 24" E, then due east approximately 2 kilometres to point 13B at 35° 04' 22" S, 150° 43' 44" E, then due south to the intersection of

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150° 43' 44"E longitude and the Commonwealth waters boundary at point 13C, then generally south-west along the Commonwealth boundary to the intersection of HMAS Creswell special purpose zone at point 13D, described below, then following the boundary of the special purpose zone to point 13E, described below, at the intersection of the Commonwealth waters boundary, then generally northwards following the shoreline at a distance of 100 metres from the mean high water mark along Sailors Beach, Hyams Beach and Chinamans Beach to point 13F at an intersection with 35° 05' 34"S latitude, then due west 100 metres to point 13G at the intersection of 35° 05' 34"S latitude and the mean high water mark, then generally north following the mean high water mark to point 13H at the intersection of a bearing of 240° from point 13A and the mean high water mark, then returning to point 13A, described above, as shown on map 13.

Bowen Island

From point 14A, 100 metres due east of the mean high water mark at "the Tumbledown" on latitude 35° 07' 10"S, then generally south-west at a distance of 100 metres from the mean high water mark then the Commonwealth waters boundary to point 14B at the intersection with the mean high water mark on Governor Head, then generally north following the shoreline at the mean high water mark to point 14C at the intersection of the mean high water mark and the Commonwealth waters boundary, then following the Commonwealth boundary generally north-east and at the mean high water mark on Bowen Island to point 14D at the intersection of the mean high water mark and 35° 07' 10"S latitude, then returning to point 14A, described above, as shown on map 14.

St Georges Head—Steamers Head

From point 15A due south of the eastern extremity of Steamers Head at the intersection of 150° 44' 18 longitude and the marine park boundary, then generally south-west following the marine park boundary to point 15B at 35° 12' 48.3"S, 150° 41' 46.2"E, then due north to St Georges Head to point 15C at the intersection of 150° 41' 46.2"E longitude and the mean high water mark, then following the mean high water mark generally north-east to the eastern extremity of Brooks Rock to point 15D at the intersection of 35° 10' 44"S latitude and the mean high

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water mark, then on a bearing of 89° to the western extremity of Steamers Head to intersect with mean high water mark at point 15E, then following the shoreline at the mean high water mark to the eastern extremity of Steamers Head to point 15F at the intersection of 150° 44' 18"E longitude and the mean high water mark, then returning to point 15A, described above, as shown on map 15.

Division 3 Habitat protection zone

3 Description of habitat protection zones

The habitat protection zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, general use zone or special purpose zone.

4 Taking of certain plants permitted

Note. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers or in accordance with the zoning plan for the marine park. This clause makes it clear that taking of sea lettuce, baitweed and seaweed is permitted in the habitat protection zone.

- (1) A person may take plants of a species listed in table A in the habitat protection zone of the marine park.
- (2) A person may take seaweed from a beach in the habitat protection zone of the marine park.
- (3) This clause applies despite clause 11 (Protection of animals, plants and habitat in habitat protection zone) of this Regulation.

Note. The taking of plants in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act.

5 Permitted fishing activities

Note. Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

- (1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part. Accordingly, that

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subclause is not to be construed as authorising any fishing activity that would contravene a provision of this Part.

- (2) Subject to clause 6 of this Part, the following fishing activities are permitted in the habitat protection zone of the marine park:

(a) **Netting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

- (i) push or scissors net (prawns),
- (ii) hoop or lift net,
- (iii) spanner crab net.

(b) **Bait trapping**

The taking of fish by use of a bait trap, but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale).

(c) **Fish trapping**

The taking of fish by the use of a fish trap.

(d) **Eel trapping**

The taking of eels by use of an eel trap.

(e) **Lobster trapping**

The taking of lobsters by use of a trap.

(f) **Crab trapping**

The taking of mud crabs and blue swimmer crabs by use of a trap.

Note. The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act.

6 Prohibited fishing activities

Note.

- 1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in the habitat protection zone unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.
- 2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

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- (1) A person must not, while in the habitat protection zone, take or attempt to take:
- (a) any fish the harming of which is prohibited under the *Fisheries Management Act 1994*, or
 - (b) any fish of a species not listed in table B.
- (2) A person must not, while in the habitat protection zone, take or attempt to take a fish by the use of any hauling net unless:
- (a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits commercial hauling at a location that is in a habitat protection zone in the marine park and the person was first issued with a permit of that kind within 12 months after the commencement of this subclause, and
 - (b) the person is taking or attempting to take fish at one of the following beaches:
 - (i) Currarong Beach (outside the sanctuary zone),
 - (ii) Long Beach (outside the sanctuary zone),
 - (iii) North Western Hare Bay Beach (between Wowly Gully and Red Point),
 - (iv) Callala Beach (but not within 300 metres of Currambene Creek),
 - (v) Whiting Beach,
 - (vi) Mary Beach,
 - (vii) Bherwerre Beach (but not within 300 metres of the north-eastern end of the beach).
- (3) A person must not, in the habitat protection zone, take or attempt to take fish by the method known as gar fish net (hauling) or bull ringing unless:
- (a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits gar fishing at a location that is in a habitat protection zone in the marine park and the person was first issued with a permit of that kind within 12 months after the commencement of this subclause, and
 - (b) the person is taking gar fish only in one of the following areas:
 - (i) Longnose Point to the western edge of The Docks sanctuary zone,

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-
- (ii) between Currarong Creek and Gum Getters Inlet.
- (4) A person must not, in the habitat protection zone, take or attempt to take fish by use of a submersible lift net (bait) unless:
- (a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits the taking of fish by use of a submersible lift net (bait) at a location that is in a habitat protection zone in the marine park and the person was first issued with a permit of that kind within 12 months after the commencement of this subclause, and
 - (b) the person takes the fish for use as bait by the fisher (and not for the purposes of sale), and
 - (c) the person is taking or attempting to take the fish in a designated area described in table E.
- (5) A person must not, in the habitat protection zone, take or attempt to take fish by use of a purse seine net unless:
- (a) the person holds a permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits the taking of fish by use of a purse seine net at a location that is in a habitat protection zone in the marine park, and
 - (b) the fish are taken for use as bait by the fisher (and not for the purposes of sale), and
 - (c) the person takes or attempts to take fish in a designated area described in table E.
- (6) A person must not, in the Hyams Beach habitat protection zone, take or attempt to take fish by spearfishing.

7 Aquaculture

Despite clause 13 (Aquaculture) of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park, except extensive aquaculture of shellfish on long-lines.

Note. The *Jervis Bay Marine Park Operational Plan* made under Part 4 of the Act provides for operational matters in relation to the carrying out of aquaculture activities in the marine park.

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Division 4 General Use Zone

8 Description of general use zones

The general use zones of the marine park comprise the following areas:

From point 16A at 34° 57' 48"S, 150° 47' 16"E, at the boundary of the marine park, then generally south-east, following the boundary of the marine park, to point 16B at 34° 59' 30"S, 150° 50' 34"E, then due south to point 16C at 34° 59' 58"S, 150° 50' 34"E, then generally west and north following the shoreline at a distance of 500 metres from the mean high water mark, then following the eastern boundary of Hammer Head sanctuary zone, as described above, then generally north following the shoreline at a distance of 500 metres from the mean high water mark returning to point 16A, as described above, as shown on map 16.

From point 16D at the intersection of 150° 39' 56"E longitude and the southern boundary of the marine park, then generally north and west following the shoreline at a distance of 2.5 kilometres from the mean high water mark from the southern extremity of St Georges Head around Kittys Point, Blacks Harbour, Shelleys Point, Summercloud Bay, Mary Bay, Cave Beach, Bherwerre Beach and Sussex Inlet to the intersection of 150° 37' 30"E longitude and the boundary of the marine park at point 16E, then returning generally south-east to point 16D, described above, as shown on map 16.

9 Fishing permitted

- (1) A person must not take fish in the general use zone of the marine park if the taking of the fish, and the method used to take the fish, is unlawful under the *Fisheries Management Act 1994*.
- (2) This clause is subject to the other provisions of this Part. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Part.

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Division 5 Special Purpose Zone

10 Description of special purpose zones

The special purpose zones of the marine park comprise the following areas:

Huskisson Wharf

From point 11H described above, then generally south following the shoreline at the mean high water mark to the entrance of Currumbene Creek to point 11O described above, then on a bearing of 337° intersecting the mean high water mark of the northern bank of Currumbene Creek at point 11P, then generally north following the mean high water mark on the eastern bank of Currumbene Creek to point 11Q, at the intersection of 35° 02' 01" S latitude and the mean high water mark, then returning due west to point 11H, as described above, as shown on map 11.

HMAS Creswell

From point 13I 35° 07' 19" S, 150° 42' 20" E (HMAS Creswell boat harbour) on the Commonwealth boundary, then generally north-east 500 metres following the boundary of Commonwealth waters to point 13D 35° 07' 17" S, 150° 42' 36" E, then generally north then west at approximately 500 metres radius around the HMAS Creswell boat harbour, to point 13E 35° 07' 22" S, 150° 42' 04" E at the intersection of the boundary of Commonwealth waters and Hyams Beach sanctuary zone, then following the boundary of Commonwealth waters generally north-east returning to point 13I, described above, as shown on map 13.

11 Zone objects

- (1) The object of the Huskisson Wharf special purpose zone is to provide for the management of boating and wharf related requirements.
- (2) The object of the HMAS Creswell special purpose zone is to provide for the safe operations and maintenance of naval infrastructure.

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12 Permitted fishing activities

- (1) A person must not, while in a special purpose zone in the marine park, take, or attempt to take, any fish unless the person is engaging in a permitted fishing activity (as referred to in subclause (2)).
- (2) The fishing activities that are permitted in a special purpose zone of the marine park are the fishing activities that are permitted in a habitat protection zone of the marine park, subject to clauses 13 and 15 of this Part.

13 Anchoring vessels prohibited in HMAS Creswell special purpose zone

A person must not anchor a vessel in HMAS Creswell special purpose zone.

14 Aquaculture

Note. Clause 18C of this Regulation permits aquaculture in a special purpose zone of a marine park, but only with the consent of the relevant Ministers.

Aquaculture is not permitted in the Huskisson Wharf special purpose zone or HMAS Creswell special purpose zone.

Division 6 General prohibitions

15 Drift-lining, estuary mesh netting and scallop dredging

A person must not, while in any part of the marine park, take or attempt to fish, as follows:

- (a) by use of a drift line,
- (b) by use of an estuary mesh net,
- (c) by dredging for scallops.

16 Beach hauling prohibited at certain times

- (1) A person must not, while in any part of the marine park, take or attempt to take fish by the method known as beach hauling:
 - (a) at night, or
 - (b) on a Saturday, Sunday or public holiday.

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(2) Despite subclause (1), a shot may be held on a Sunday night, but the net must not be cast during the night.

(3) In this clause:

night means the period between sunset and sunrise.

17 Fish trapping

A commercial fisher must not set more than 10 fish traps within the boundaries of the marine park at any one time.

18 Spearfishing not permitted in lakes, rivers, creeks or lagoons

A person must not take or attempt to take fish from a lake, river, creek or lagoon in the marine park by use of a spear or spear gun.

19 Shell, shell grit and fossil collecting restricted

(1) A person may collect shell or shell grit for recreational purposes while in the marine park, other than in the sanctuary zone.

(2) A person may collect fossils only for research purposes while in the marine park.

(3) Subclause (1) is subject to the *Fisheries Management Act 1994*.

Note. Pursuant to clause 23 (Organised research activities) of this Regulation a person requires the consent of the Minister before carrying out research referred to in subclause (2) if the research is for any purpose other than the person's personal interest or enjoyment.

20 Taking fish for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish for aquarium collection purposes.

(2) A person does not commit an offence against subclause (1) if:

(a) the fish were taken while in the habitat protection zone or general use zone, and

(b) the activity was not carried out for a commercial purpose, and

(c) the activity was carried out with the consent of the relevant Ministers.

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Division 7 Species protection

21 Species protection (whole park)

A person must not, while in any part of the marine park, harm or attempt to harm any fish of a species:

- (a) the harming of which is prohibited under the *Fisheries Management Act 1994*, or
- (b) listed in table C.

Note. Fish protected under the *Fisheries Management Act 1994* include grey nurse shark (*Charcharius taurus*), great white shark (*Carcharodon carcharias*), black cod (*Epinephelus daemeli*), eastern blue devil fish (*Paraplesiops bleekeri*), elegant wrasse (*Anampses elegans*), estuary cod (*Epinephelus coidides*) and giant Queensland groper (*Epinephelus lanceolatus*).

Division 8 Domesticated animals

22 Areas in which domesticated animals prohibited

- (1) A person may bring a domesticated animal into the marine park, except as provided by subclause (2).
- (2) A person must not bring a domesticated animal into the following areas:
 - (a) the rock platform at Green Point,
 - (b) the Currumbene Creek Mudflats sanctuary zone,
 - (c) the sand spit at the southern end of Callala Beach.
- (3) Despite subclause (2), a person may bring a domesticated animal into any part of the marine park:
 - (a) if the animal is an assistance animal (within the meaning of the *Companion Animals Act 1998*) being used by a person with a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth), or
 - (b) if the animal remains confined to a vessel, or
 - (c) with the consent of the relevant Ministers.

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- (4) This clause applies despite clause 22 (Domesticated animals) of this Regulation.

Note. Clause 22 of this Regulation makes it an offence to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

- (5) This clause is subject to the following:
- (a) the provisions of the *Companion Animals Act 1998*,
 - (b) any notice relating to the use of animals erected by a council under section 632 of the *Local Government Act 1993*.

Note.

- 1 Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.
- 2 Section 632 of the *Local Government Act 1993* gives a council power to prohibit the bringing of domestic animals into public areas. The council is required to erect notices in the area concerned indicating that domestic animals are prohibited in the area.

Division 9 Use of vessels and vehicles

23 Areas in which personal watercraft are prohibited

Note. Clause 27 of this Regulation makes it an offence to use any motorised vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a personal watercraft in a sanctuary zone in the marine park unless:

- (a) the personal watercraft is transiting directly to or from the location where it was launched, and
- (b) the personal watercraft is being used in such a manner as not to exceed a speed of 10 knots per hour.

24 Cruise ships

Note. Clause 27 of this Regulation makes it an offence to use any motorised vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a cruise ship in the marine park, except with the consent of the relevant Ministers.

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25 Hovercraft

Note. Clause 27 of this Regulation makes it an offence to use any motorised vessel in a marine park in contravention of the zoning plan for the marine park.

For the purposes of clause 27 of this Regulation, a person must not use a motorised vessel that is a hovercraft in the marine park, except with the consent of the relevant Ministers.

26 Areas in which use of vehicles prohibited

Note. Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

- (1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching and retrieving vessels from designated boat-launching facilities.
- (2) This clause does not apply to or in respect of:
 - (a) an authorised vehicle, a police vehicle or an emergency vehicle, or
 - (b) a commercial fisher (within the meaning of the *Fisheries Management Act 1994*) who may lawfully use a vehicle on a beach in connection with his or her fishing activities.

- (3) In this clause:

authorised vehicle means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

- (a) the Authority,
- (b) the National Parks and Wildlife Service,
- (c) NSW Fisheries,
- (d) Shoalhaven City Council,
- (e) the Department of Land and Water Conservation,
- (f) the Commonwealth Department of Defence.

designated boat-launching facility means a facility in the marine park designated by the Authority or another relevant government agency as appropriate for boat-launching.

emergency vehicle has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

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police vehicle has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

27 Anchoring and mooring

- (1) A person must not anchor a vessel within a sanctuary zone in the marine park, except in a designated anchoring area described in table D.
- (2) A person is permitted to moor a vessel in a sanctuary zone at a mooring provided by the Authority or the Waterways Authority for that purpose.
- (3) A person must not moor a vessel at a mooring owned by the Authority for more than 24 hours.

Note. Subclause (3) applies despite clause 28 (1) (b) of this Regulation which provides that a person must not attach a vessel, for a period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority.

28 Vessels not to be anchored at certain sites

- (1) A person must not anchor a vessel within The Tubes Seasonal Anchoring Area from 1 November to 30 April in any year (both dates inclusive).
- (2) In this clause, *The Tubes Seasonal Anchoring Area* is comprised of an area from point 6A described above generally south-east to point 6C described above, then generally south following the mean high water mark to the intersection of 35° 05' 23"S latitude and the mean high water mark at point 6D, then due west to point 6E at 35° 05' 23"S, 150° 47' 45"E, then due north returning to point 6A, described above, as shown on map 6.

Division 10 Tables

Table A—Plants that may be taken in habitat protection zone

Common name	Class/family	Species
Sea lettuce		<i>Ulva lactuca</i>
Baitweed		<i>Enteromorpha intestinalis</i>

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Table B—Fish that may be taken in habitat protection zone

Common name	Class/family	Species
Finfish	Class Osteichthyes	
Sharks and rays	Class Chondrichthyes	
Beach worms	Family Eunicidae	All species
Eastern rock lobsters, Southern rock lobsters	Family Palinuridae	<i>Jasus verreauxi</i> <i>Jasus edwardsii</i>
Mud crabs, Blue swimmer crabs	Family Portunidae	<i>Scylla serrata</i> <i>Portunus pelagicus</i>
Red crabs	Family Grapsidae	<i>Plagusia chabrus</i>
Prawns	Family Penaeidae	All species
Ghost shrimp, marine yabbies, nippers	Family Callinassidae	All species
Arrow squid, Southern calamari	Family Loliginidae	<i>Nototodarus gouldi</i> <i>Septeuthis australis</i>
Abalone	Family Haliotidae	All species
Turban shell	Family Turbinadae	All species
Pipis	Family Donacidae	<i>Donax deltoides</i>
Commercial scallops, Doughboy scallops	Family Pectinidae	<i>Pecten fumatus</i> <i>Chlamys asperrimus</i>
Blue mussels	Family Mytilidae	<i>Mytilus planulatus</i>
Sydney cockles	Family Arcidae	<i>Anadara trapezia</i>
Mud oysters	Family Ostreidae	<i>Ostrea angasi</i>

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Common name	Class/family	Species
Sea urchins	Class Echinoidea	<i>Centrostephanus rodgersii</i> Heliocidaris erythrogramma
Spanner crab	Family Raninidae	Ranina ranina

Table C—Protected fish

Common name	Class/Family/Order	Species
Corals	Class Anthozoa	
Soft corals and gorgonians	Subclass Octocorallia	
Hard corals	Order Scleractinia	
Black corals	Order Antipatharia	
Sea anemones	Order Actinaria	
Zoanthids	Order Zoanthidea	
Corallimorphs	Order Corallimorpharia	
All seahorses and pipefishes	Family Syngnathidae	

Table D—Designated anchoring areas within sanctuary zone

Sanctuary zone name	Designated area
Hammer Head	Entire zone
Drum and Drum Sticks	Entire zone
Point Perpendicular-Crocodile Head	Entire zone
The Docks	Entire zone

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Sanctuary zone name	Designated area
Groper Coast	Entire zone
Hare Bay	The areas described below as Hare Bay designated anchoring area and Red Point designated anchoring area
Huskisson	The area described below as Shark Net Beach designated anchoring area
Hyams Beach	Areas outside the prohibited anchoring area as designated on Chart AUS 193
Bowen Island	Entire zone
St Georges-Steamers Head	Entire zone

Hare Bay designated anchoring area

From point 16F at 35° 00' 48"S, 150° 45' 49"E, due east to the intersection of 35° 00' 48"S latitude and the mean high water mark at point 16G, then generally south-east following the shoreline at the mean high water mark to point 16H described above, then due west to point 16I at 35° 01' 42"S, 150° 45' 49"E, then returning due north to point 16F, as shown on map 16.

Red Point designated anchoring area

The area from the mean high water mark at the most eastern extremity of Red Point at point 16J at the intersection of 150° 45' 02"E longitude and the mean high water mark, then generally north-east 200 metres to the intersection of 150° 45' 04"E longitude and the mean high water mark at point 16K, then generally south then west in a radius of 200 metres from point 16J to the intersection of the boundary of Hare Bay sanctuary zone at point 16L, 34° 59' 36"S, 150° 44' 57"E then due north to the intersection of 150° 44' 57"E longitude and the mean high water mark at point 16M, then returning generally east to point 16J, described above, as shown on map 16.

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Shark Net Beach designated anchoring area

The area adjacent to Shark Net Beach from the mean high water mark at point 16N at 35° 02' 24"S, 150° 40' 25"E, then generally north following the mean high water mark to point 16O which is 200 metres from point 16N, then generally east then south in a radius of 200 metres from point 16N to the intersection of the mean high water mark at point 16P, then returning generally north following the mean high water mark to point 16N, described above, as shown on map

Table E—Designated areas for purse seining and lift netting in habitat protection zone

- (a) From point 16Q 35° 03' 23"S, 150° 44' 12"E, then generally south-west to point 16R 35° 04' 09"S, 150° 42' 32"E, then generally north to point 16S 35° 02' 59"S, 150° 42' 35"E, then generally north-east to point 16T 35° 01' 42"S, 150° 44' 0"E, then back to point 16Q as shown on map 16.
- (b) From point 16U 35° 06' 23"S, 150° 45' 53"E, then due south to point 16V at the intersection of 150° 45' 53"E longitude and the boundary of Commonwealth waters, then generally south-west to point 16W at the intersection of 150° 44' 50"E longitude and the boundary of Commonwealth waters, then due north to point 16X 35° 06' 23"S 150° 44' 50"E, then back to point 16U, as shown on map 16.

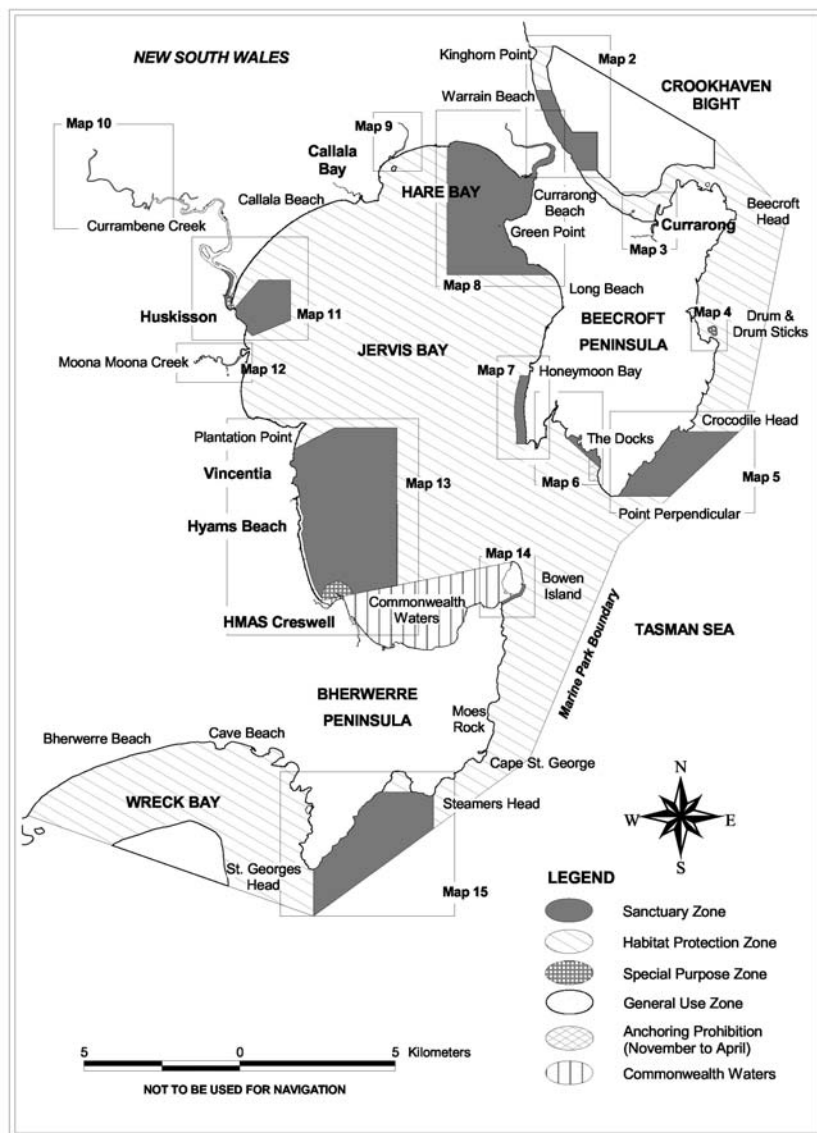
Marine Parks Amendment (Jervis Bay) Regulation 2002

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Division 11 Maps

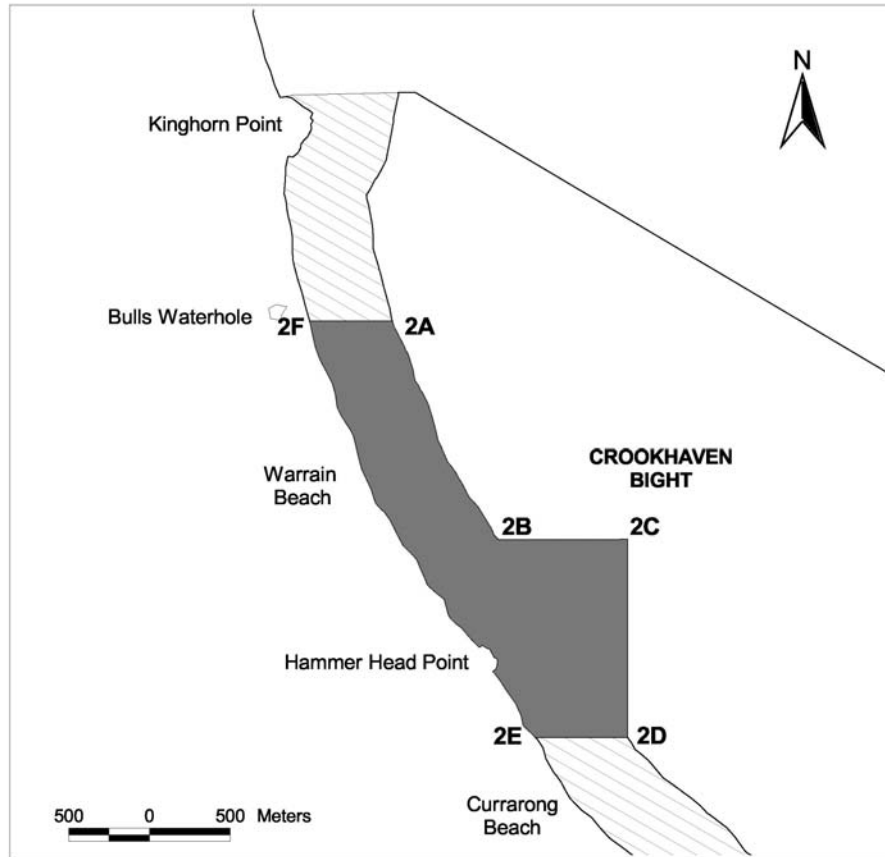
Map 1: Jervis Bay Marine Park (Overview)



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Map 2: Hammer Head



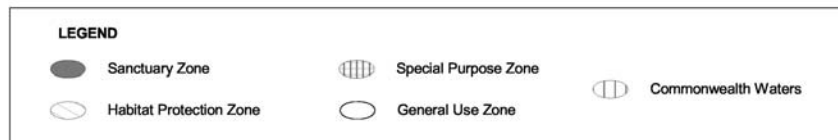
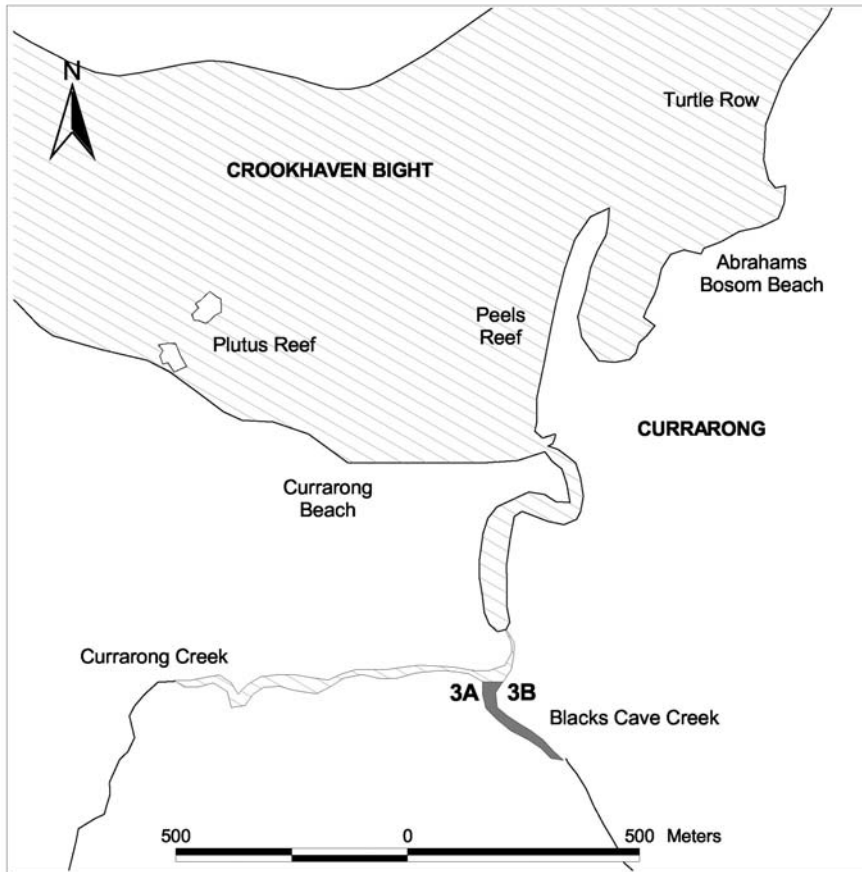
LEGEND		
Sanctuary Zone	Special Purpose Zone	Commonwealth Waters
Habitat Protection Zone	General Use Zone	

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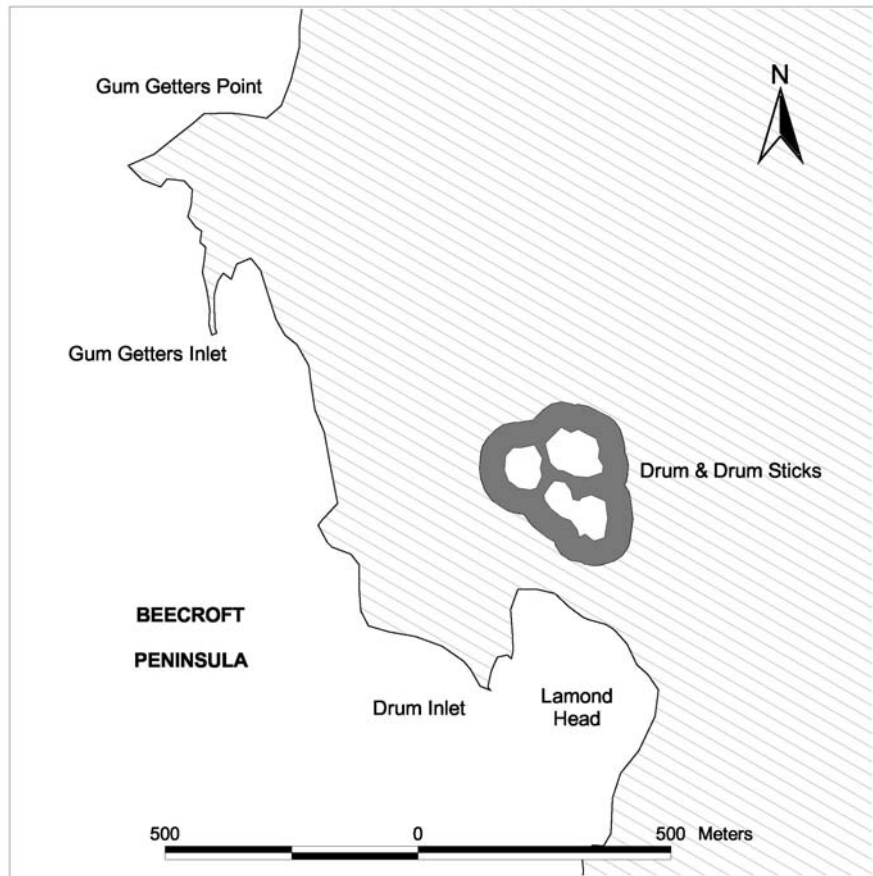
Map 3: Currarong and Blacks Cave Creek








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Map 4: Drum and Drum Sticks



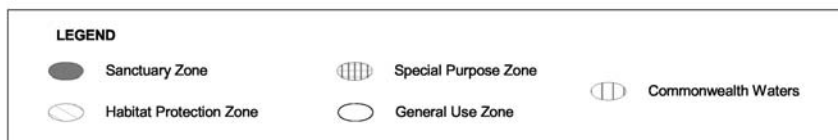
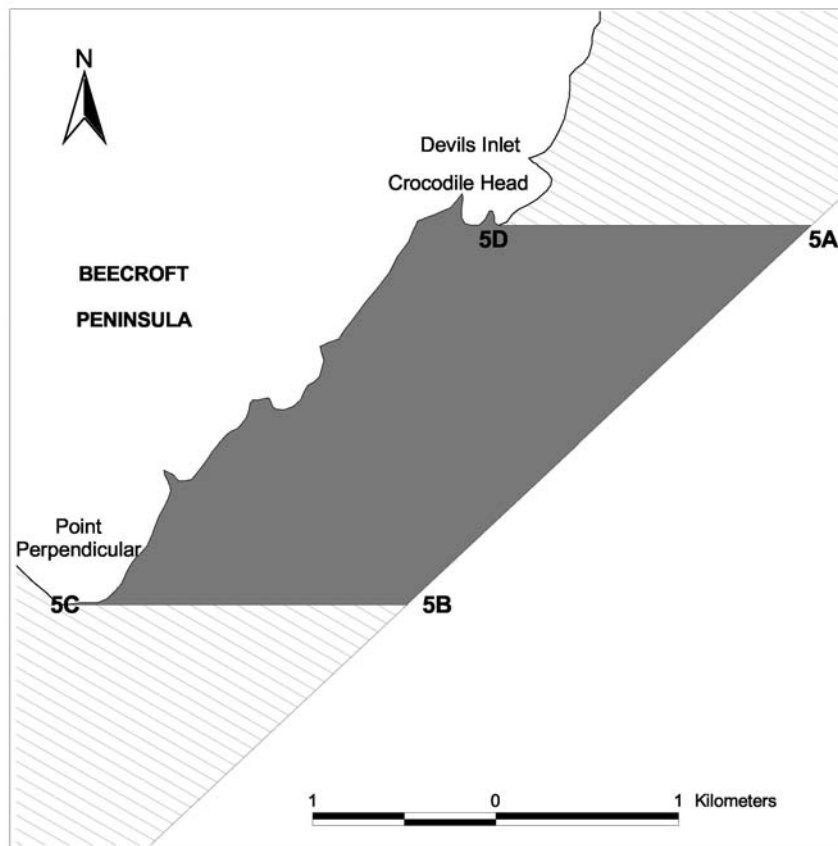
LEGEND					
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	Habitat Protection Zone		General Use Zone		

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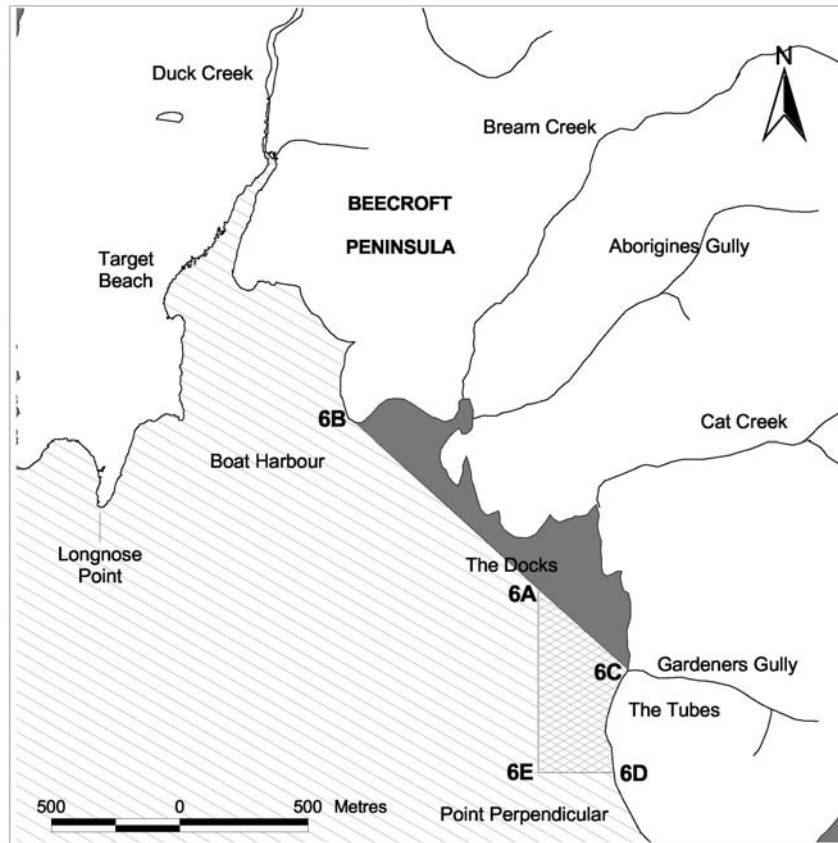
Map 5: Point Perpendicular—Crocodile Head



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Map 6: The Docks



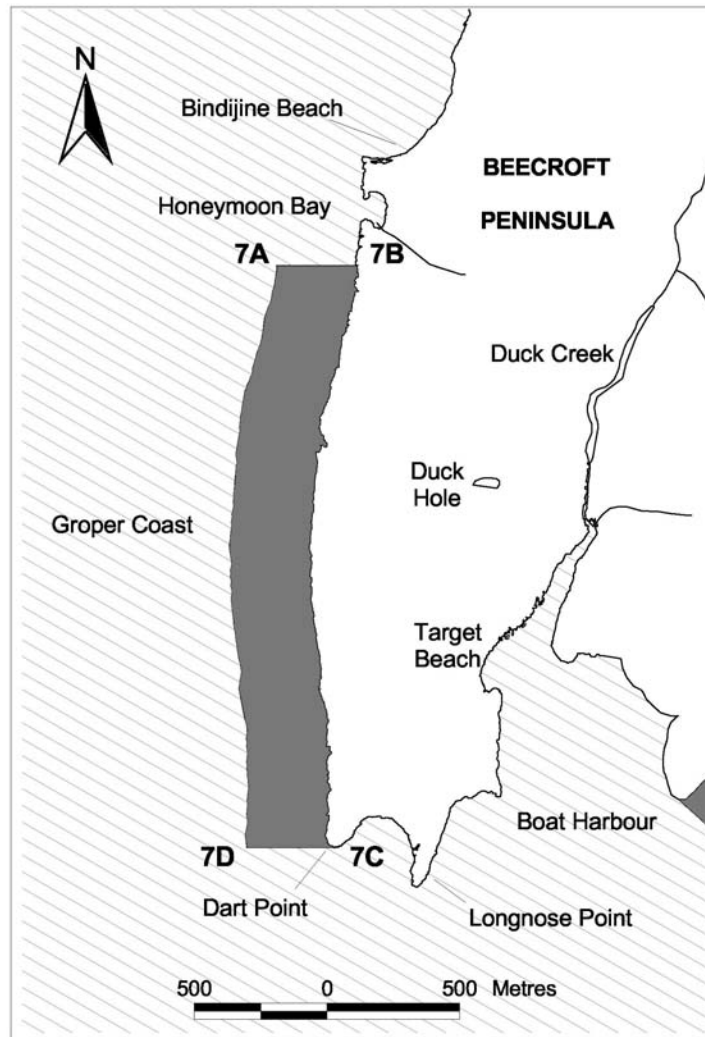
LEGEND		
Sanctuary Zone	Special Purpose Zone	Anchoring Prohibition (November to April)
Habitat Protection Zone	General Use Zone	Commonwealth Waters

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Map 7: Groper Coast

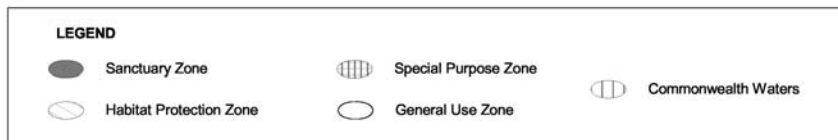
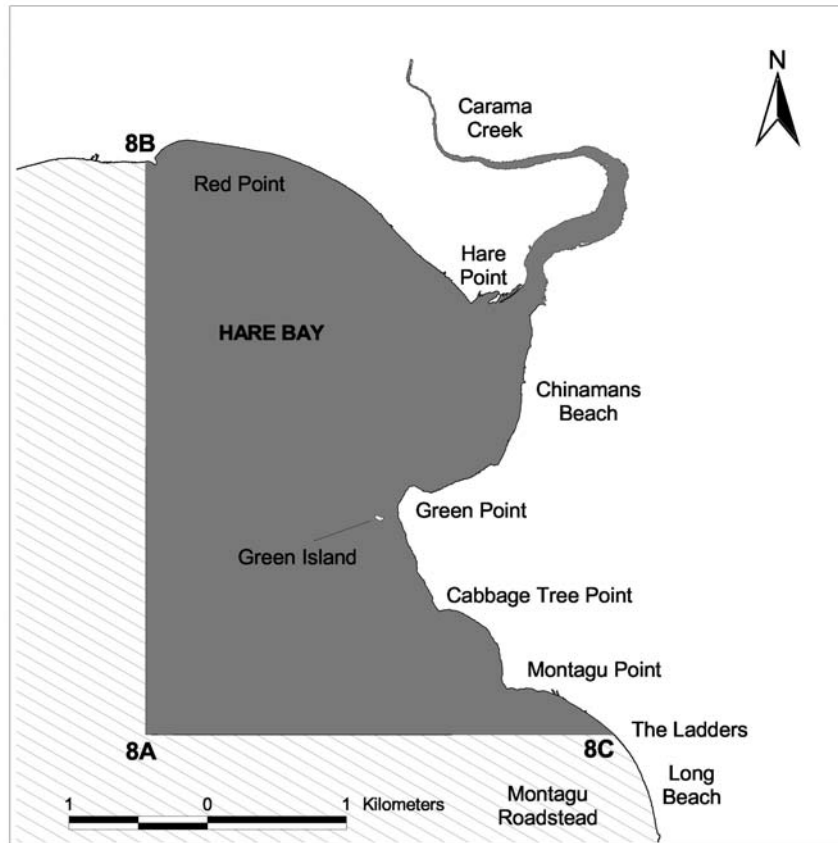


LEGEND					
	Sanctuary Zone		Special Purpose Zone		Commonwealth Waters
	Habitat Protection Zone		General Use Zone		

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Map 8: Hare Bay

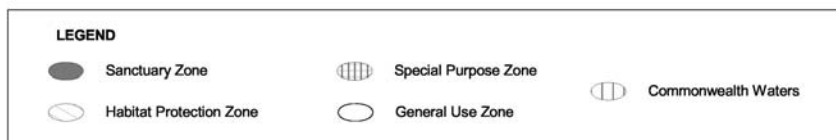
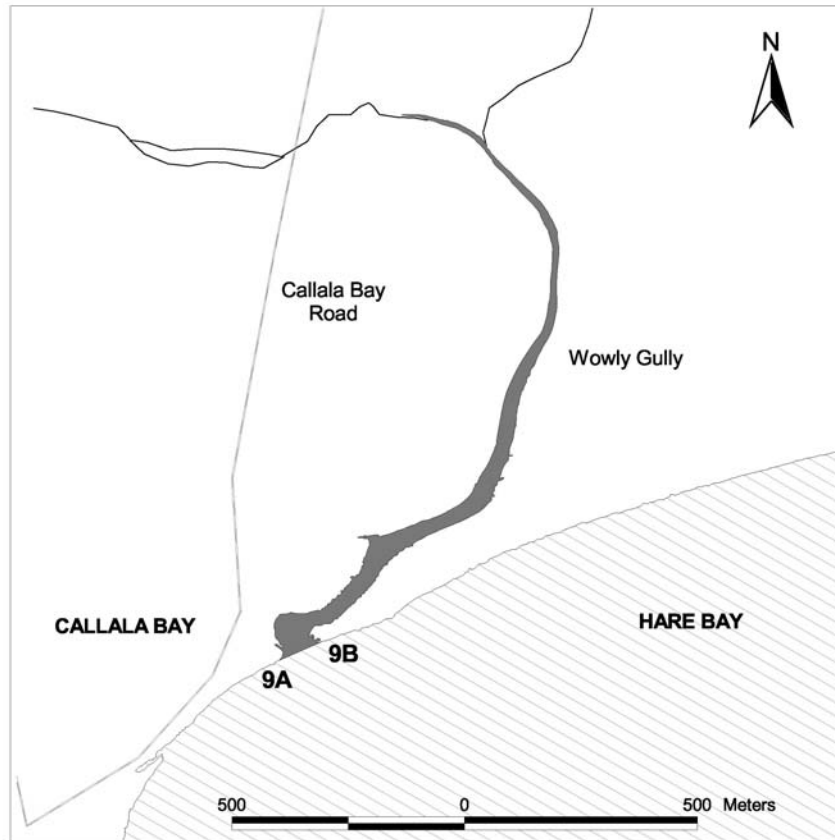


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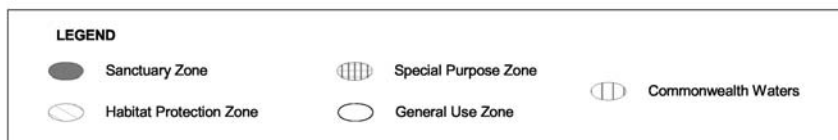
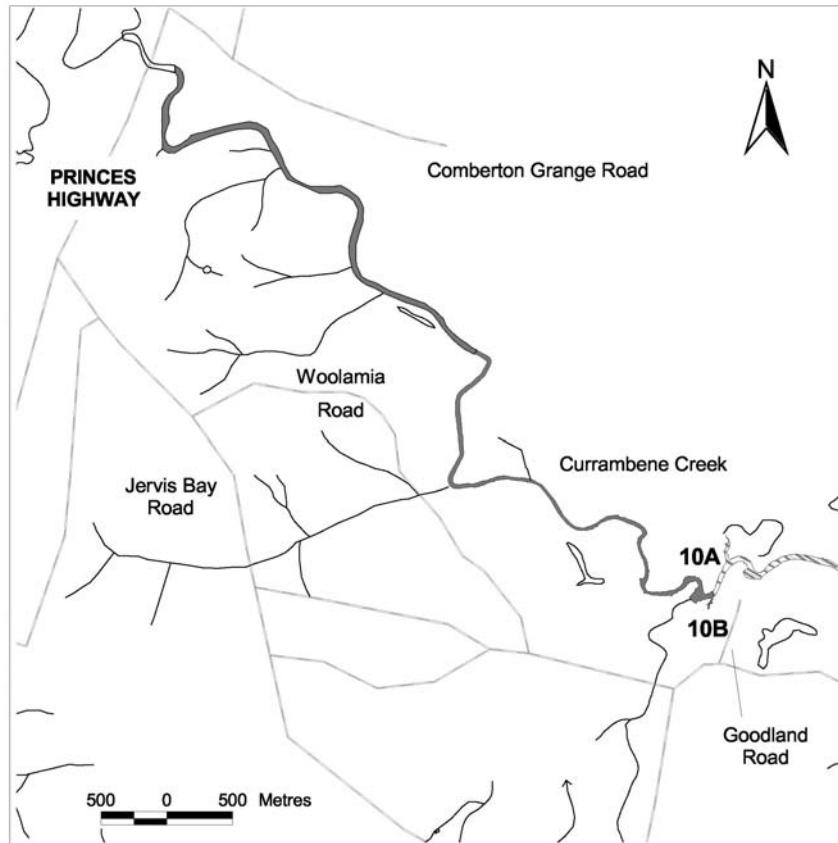
Map 9: Wowly Gully



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Map 10: Currambene Creek

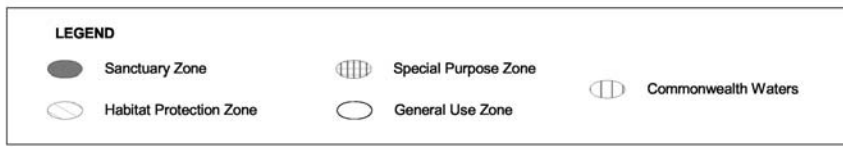
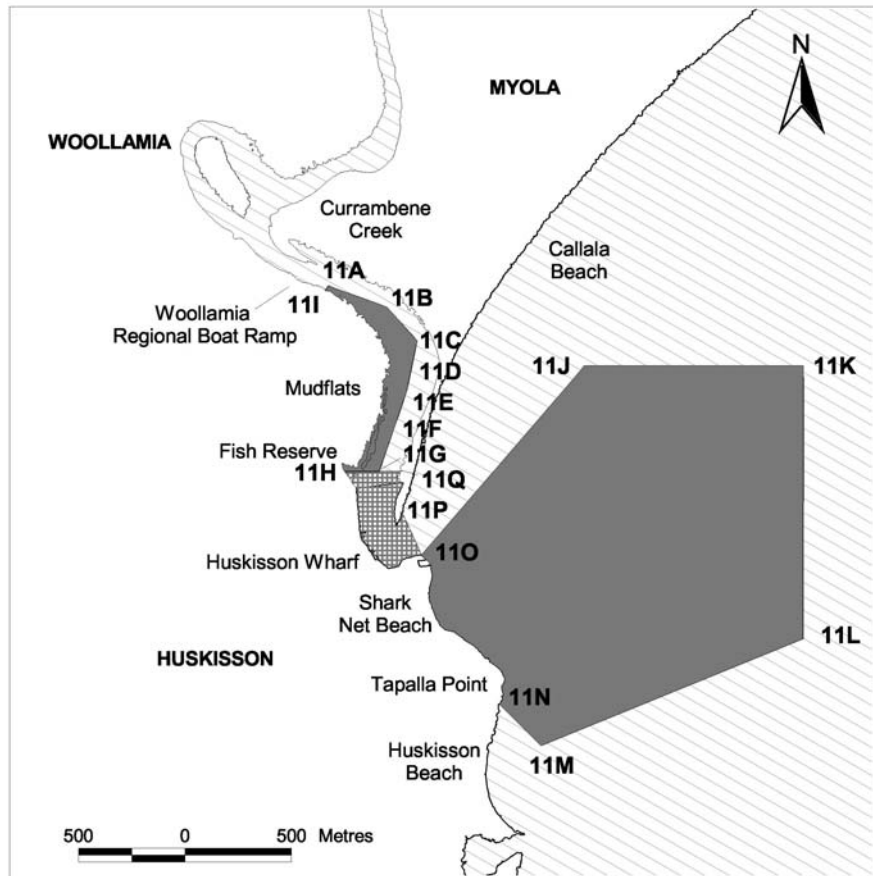


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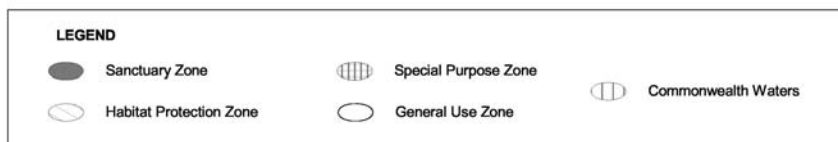
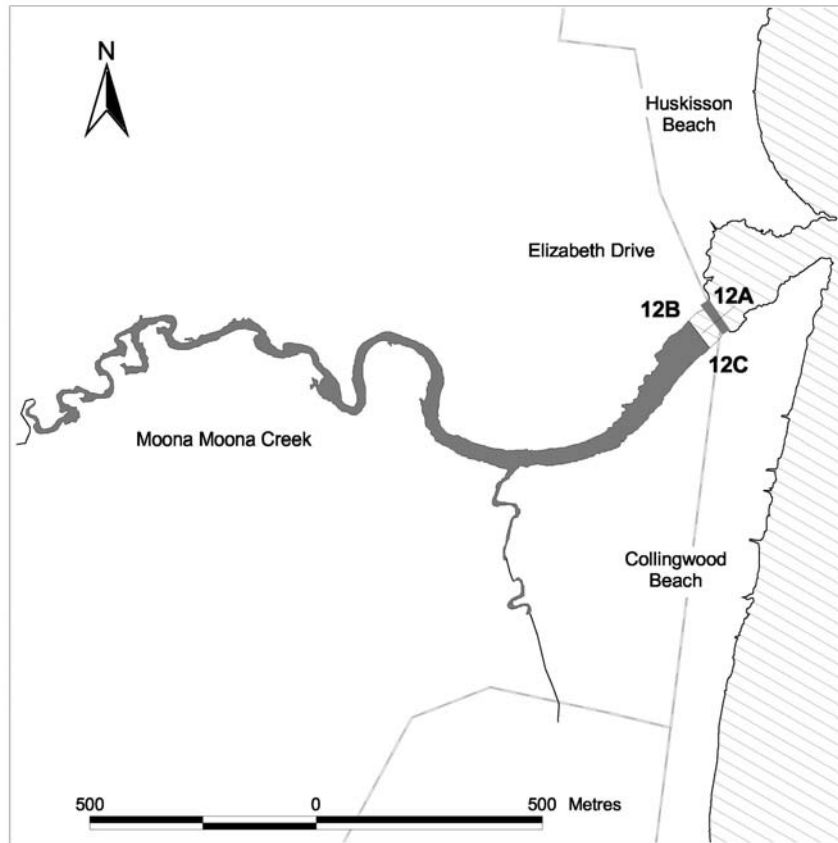
Map 11: Huskisson and Currambene Creek Mudflats



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Map 12: Moona Moona Creek

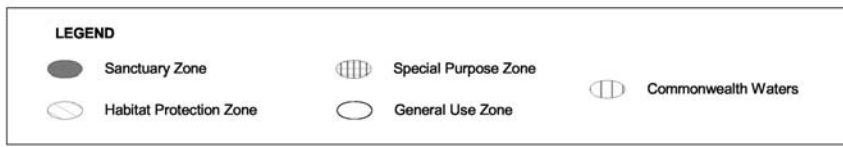
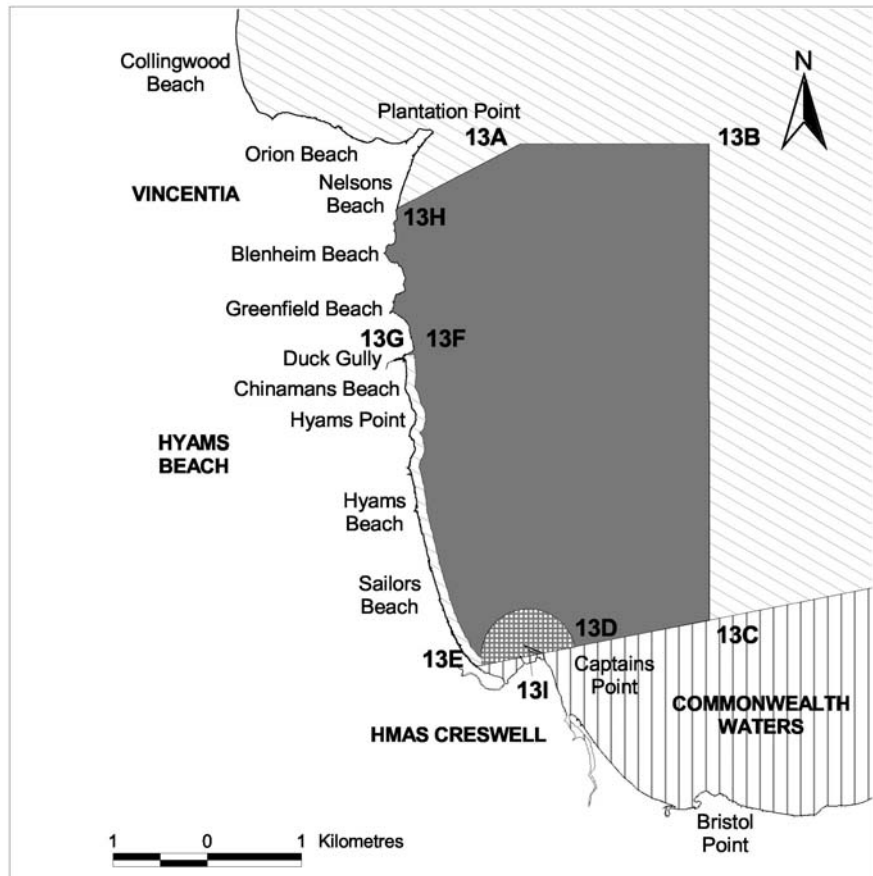


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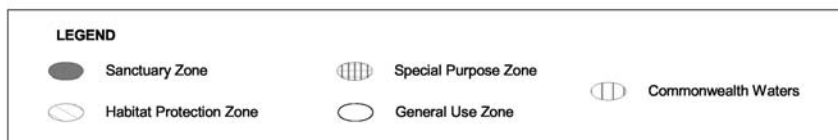
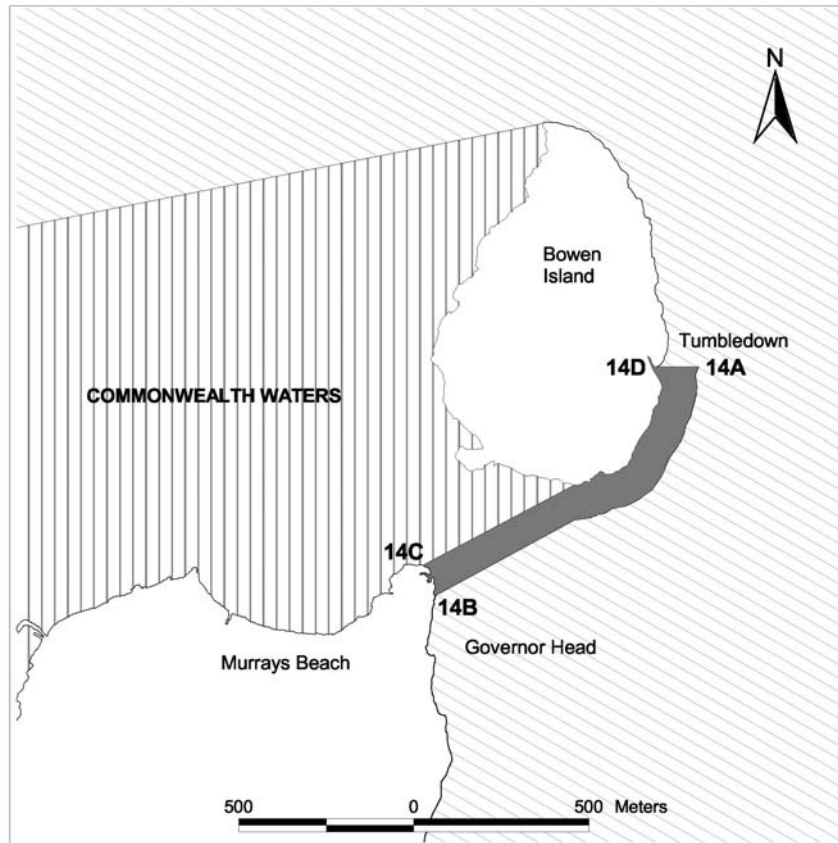
Map 13: Hyams Beach



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Map 14: Bowen Island

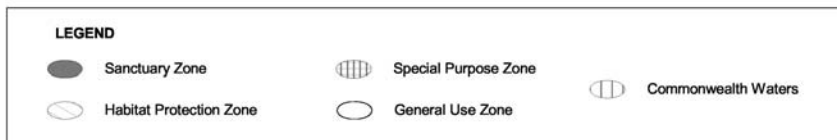
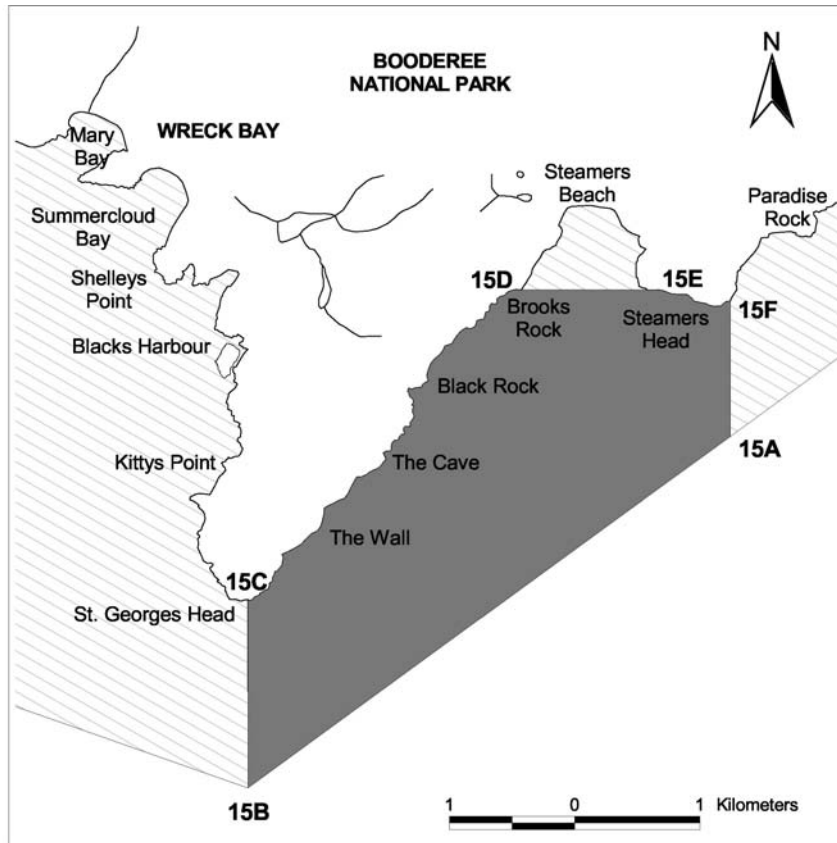


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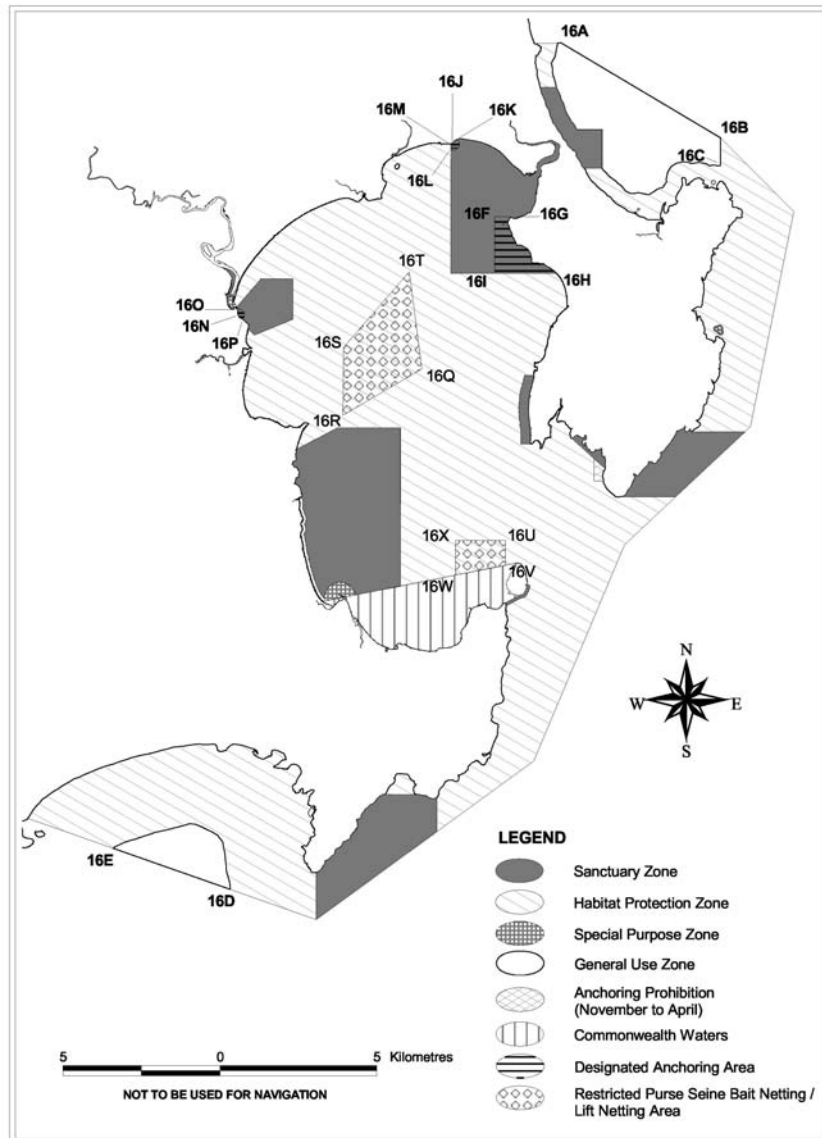
Map 15: St Georges Head—Steamers Head



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Map 16: General Use Zones, Designated Anchoring Areas, and Restricted Purse Seine Bait Netting/Lift Netting Areas



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Division 12 Miscellaneous

29 Transitional arrangements for aquaculture

A person who immediately before the commencement of this Part carried out aquaculture in the marine park under a permit issued under the *Fisheries Management Act 1994* may continue to carry out the activity in the marine park for a period ending 18 months after that commencement.

[17] Schedule 2 Penalty notice offences

Insert in appropriate order in Columns 1 and 2:

Clause 22 (1A)	\$220
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ISSN 0155-6320

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