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NEW SOUTH WALES

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SPECIAL SUPPLEMENT



New South Wales

Proclamation

under the

Physiotherapists Act 2001 No 67

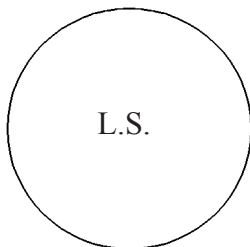
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Physiotherapists Act 2001*, do, by this my Proclamation, appoint 1 August 2002 as the day on which the following provisions of that Act commence:

- (a) section 134 in its application to Schedule 6.1 [1]–[6] and 6.6 [1]–[6],
- (b) Schedule 6.1 [1]–[6] and 6.6 [1]–[6].

Signed and sealed at Sydney, this 31st day of July 2002.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Explanatory note

This proclamation commences some miscellaneous amendments to the *Chiropractors Act 2001* and the *Osteopaths Act 2001*. The substantive provisions of the *Physiotherapists Act 2001* remain uncommenced, as do certain other amendments to the *Chiropractors Act 2001* and the *Osteopaths Act 2001* that are consequential on the enactment of the *Physiotherapists Act 2001*.



Proclamation

under the

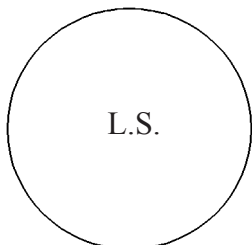
Chiropractors Act 2001 No 15

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Chiropractors Act 2001*, do, by this my Proclamation, appoint 1 August 2002 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 31st day of July 2002.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Explanatory note

Certain provisions of the *Chiropractors Act 2001* relating to the Chiropractors Registration Board commenced on 1 February 2002. This proclamation commences the remaining provisions of that Act.



New South Wales

Proclamation

under the

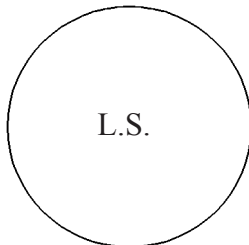
Osteopaths Act 2001 No 16

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Osteopaths Act 2001*, do, by this my Proclamation, appoint 1 August 2002 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 31st day of July 2002.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

Explanatory note

Certain provisions of the *Osteopaths Act 2001* relating to the Osteopaths Registration Board commenced on 1 February 2002. This proclamation commences the remaining provisions of that Act.

Chiropractors Regulation 2002

under the

Chiropractors Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Chiropractors Act 2001*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

This Regulation provides for certain matters under the *Chiropractors Act 2001*, including:

- (a) setting out procedures for meetings of the Chiropractors Registration Board (*the Board*), and
- (b) prescribing certain information about insurance arrangements as information to be furnished in an annual return by a chiropractor, and
- (c) setting out procedures for appeals on a point of law where the Board deals with a complaint against a registered chiropractor, and
- (d) prescribing the qualifications for a chiropractor appointed to sit on the Chiropractors Tribunal, and
- (e) prescribing certain offences relating to traffic and parking as offences that are not required to be notified to the Board, and
- (f) setting out procedures for notifying that a registered chiropractor has become a mentally incapacitated person, and
- (g) providing for an offence relating to advertising chiropractic services, and
- (h) prescribing fees for inspection of the Register or recording additional information in the Register.

Chiropractors Regulation 2002

Explanatory note

This Regulation is made under the *Chiropractors Act 2001*, in particular sections 20, 21, 22, 23, 30, 77 and 101 and Schedules 1 and 2, and section 132 (the general regulation-making power).

This Regulation comprises matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Chiropractors Regulation 2002

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Clause 1 Chiropractors Regulation 2002

Part 1 Preliminary

Chiropractors Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Chiropractors Regulation 2002*.

2 Commencement

This Regulation commences on 1 August 2002.

3 Definitions

In this Regulation:

patient means a person to whom medical treatment or other medical services are provided.

the Act means the *Chiropractors Act 2001*.

Chiropractors Regulation 2002

Clause 4

Proceedings of Board

Part 2

Part 2 Proceedings of Board

4 Proceedings of Board at ordinary meetings

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days' notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

5 Special and urgent meetings

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours' notice in writing of the time and place of any special or urgent meeting.

6 Lack of quorum

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

Clause 7 Chiropractors Regulation 2002

Part 3 Advertising

Part 3 Advertising

7 Advertising

A person must not advertise chiropractic services in a manner that:

- (a) is false, misleading or deceptive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of chiropractic services.

Maximum penalty: 10 penalty units.

Chiropractors Regulation 2002

Clause 8

Miscellaneous

Part 4

Part 4 Miscellaneous

8 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause, *excluded offence* means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) except for the following offences:
 - (a) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the registered chiropractor is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (b) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
 - (c) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address),
 - (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
 - (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed and other relevant matters),
 - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
 - (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),

Clause 8 Chiropractors Regulation 2002

Part 4 Miscellaneous

- (h) an offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the registered chiropractor from holding a driver licence.

9 Additional information to be included in annual return

For the purposes of section 20 (1) (l) of the Act, the following information is to be specified in a return:

- (a) the name of any insurer who has issued a policy of professional indemnity insurance to the registered chiropractor that is current at the time that the chiropractor furnishes the return,
- (b) the maximum amount for which the registered chiropractor is insured by such a policy of insurance.

10 Notice of mental incapacity of registered chiropractor

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
 - (a) in the case of a registered chiropractor who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution, or
 - (b) in the case of a registered chiropractor who is a mentally incapacitated person because of being a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered chiropractor is admitted to the institution or becomes a protected person, and is to specify the following:
 - (a) the name and residential address of the chiropractor,
 - (b) the date on which the chiropractor was admitted to the institution at which the chiropractor is a patient or became a protected person.

Chiropractors Regulation 2002

Clause 11

Miscellaneous

Part 4

11 Registrar not required to verify complaint by statutory declaration

For the purposes of section 30 (2) (g) of the Act, the Registrar is prescribed as a person who is not required to verify a complaint to the Board by statutory declaration.

12 Appeal on point of law: section 77

An appeal referred to in section 77 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1), to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

13 Qualification of chiropractor sitting on Tribunal

For the purposes of section 101 (3) (b) of the Act, the prescribed qualification for a registered chiropractor appointed by the Board to sit on the Tribunal is 7 years standing as a registered chiropractor (which may include time as a chiropractor registered under the *Chiropractors and Osteopaths Act 1991*).

14 Fee for inspection of Register

For the purposes of clause 21 (4) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

15 Fee for additional information to be recorded in Register

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

16 Repeal

The *Chiropractors Transitional Regulation 2002* is repealed.

Osteopaths Regulation 2002

under the

Osteopaths Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Osteopaths Act 2001*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

This Regulation provides for certain matters under the *Osteopaths Act 2001*, including:

- (a) setting out procedures for meetings of the Osteopaths Registration Board (*the Board*), and
- (b) prescribing certain information about insurance arrangements as information to be furnished in an annual return by an osteopath, and
- (c) setting out procedures for appeals on a point of law where the Board deals with a complaint against a registered osteopath, and
- (d) prescribing certain offences relating to traffic and parking as offences that are not required to be notified to the Board, and
- (e) prescribing the qualifications for an osteopath appointed to sit on the Osteopaths Tribunal, and
- (f) setting out procedures for notifying that a registered osteopath has become a mentally incapacitated person, and
- (g) providing for an offence relating to advertising osteopathy services, and
- (h) prescribing fees for inspection of the Register or recording additional information in the Register.

Osteopaths Regulation 2002

Explanatory note

This Regulation is made under the *Osteopaths Act 2001*, in particular sections 20, 21, 22, 23, 30, 77 and 101 and Schedules 1 and 2, and section 132 (the general regulation-making power).

This Regulation comprises matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Clause 1 Osteopaths Regulation 2002

Part 1 Preliminary

Osteopaths Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Osteopaths Regulation 2002*.

2 Commencement

This Regulation commences on 1 August 2002.

3 Definitions

In this Regulation:

patient means a person to whom medical treatment or other medical services are provided.

the Act means the *Osteopaths Act 2001*.

Osteopaths Regulation 2002

Clause 4

Proceedings of Board

Part 2

Part 2 Proceedings of Board

4 Proceedings of Board at ordinary meetings

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days' notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

5 Special and urgent meetings

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours' notice in writing of the time and place of any special or urgent meeting.

6 Lack of quorum

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

Clause 7 Osteopaths Regulation 2002

Part 3 Advertising

Part 3 Advertising

7 Advertising

A person must not advertise osteopathy services in a manner that:

- (a) is false, misleading or deceptive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of osteopathy services.

Maximum penalty: 10 penalty units.

Osteopaths Regulation 2002

Clause 8

Miscellaneous

Part 4

Part 4 Miscellaneous

8 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause, *excluded offence* means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) except for the following offences:
 - (a) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the registered osteopath is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (b) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
 - (c) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address),
 - (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
 - (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed and other relevant matters),
 - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
 - (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),

Clause 8 Osteopaths Regulation 2002

Part 4 Miscellaneous

- (h) an offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the registered osteopath from holding a driver licence.

9 Additional information to be included in annual return

For the purposes of section 20 (1) (l) of the Act, the following information is to be specified in a return:

- (a) the name of any insurer who has issued a policy of professional indemnity insurance to the registered osteopath that is current at the time that the osteopath furnishes the return,
- (b) the maximum amount for which the registered osteopath is insured by such a policy of insurance.

10 Notice of mental incapacity of registered osteopath

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
 - (a) in the case of a registered osteopath who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution, or
 - (b) in the case of a registered osteopath who is a mentally incapacitated person because of being a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered osteopath is admitted to the institution or becomes a protected person, and is to specify the following:
 - (a) the name and residential address of the osteopath,
 - (b) the date on which the osteopath was admitted to the institution at which the osteopath is a patient or became a protected person.

Osteopaths Regulation 2002

Clause 11

Miscellaneous

Part 4

11 Registrar not required to verify complaint by statutory declaration

For the purposes of section 30 (2) (g) of the Act, the Registrar is prescribed as a person who is not required to verify a complaint to the Board by statutory declaration.

12 Appeal on point of law: section 77

An appeal referred to in section 77 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1), to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

13 Qualification of osteopath sitting on Tribunal

For the purposes of section 101 (3) (b) of the Act, the prescribed qualification for a registered osteopath appointed by the Board to sit on the Tribunal is 7 years standing as a registered osteopath (which may include time as an osteopath registered under the *Chiropractors and Osteopaths Act 1991*).

14 Fee for inspection of Register

For the purposes of clause 21 (4) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

15 Fee for additional information to be recorded in Register

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

16 Repeal

The *Osteopaths Transitional Regulation 2002* is repealed.

Marine Parks Amendment (Solitary Islands) 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*.

BOB DEBUS, M.P.,
Minister for the Environment

The Hon 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 Solitary Islands Marine Park. The zoning plan, which is to be included in Schedule 1 to the Principal Regulation, divides the Solitary Islands 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, provisions dealing with the protection of plants, animals and habitat in special purpose zones are included in the Principal Regulation. Provision is also made for carrying out of activities in marine parks with the consent of the relevant Ministers, rather than the Marine Parks Authority. Further defence provisions are also included in the Principal Regulation.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Explanatory note

This Regulation also repeals the *Marine Parks (Solitary Islands) Regulation 2000* (a regulation taken to exist by virtue of clause 2 of Schedule 3 to the *Marine Parks Act 1997*), makes amendments consequential on the repeal of section 145B of the *Justices Act 1902*, and makes other minor and consequential amendments.

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 (Solitary Islands) Regulation 2002

Clause 1

Marine Parks Amendment (Solitary Islands) Regulation 2002

1 Name of Regulation

This Regulation is the *Marine Parks Amendment (Solitary Islands) Regulation 2002*.

2 Amendment of Marine Parks Regulation 1999

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

3 Repeal of Marine Parks (Solitary Islands) Regulation 2000

The *Marine Parks (Solitary Islands) Regulation 2000* is repealed.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3:

clean a fish includes to remove or discard part of a fish.

commercial fisher has the same meaning as in the *Fisheries Management Act 1994*.

[2] Clauses 3A and 3B

Insert after clause 3:

3A Regulation applies subject to other legislation

- (1) This Regulation has effect subject to section 22 of the Act.

Note. Section 22 of the Act provides that any requirements made by or under Part 3 of the Act are in addition to any requirement in any other Act or statutory instrument, such as requirements under the *Fisheries Management Act 1994* and the *National Parks and Wildlife Act 1974*.

- (2) Nothing in this Regulation is to be construed as authorising the harming of any particular species of plant or fish, or the harming of any plants or fish by a particular method, in contravention of the *Fisheries Management Act 1994*, the *National Parks and Wildlife Act 1974* or statutory instruments made under those Acts.
- (3) In addition, nothing in this Regulation is to be construed as authorising the carrying out of any activity in contravention of a marine park closure under section 20A of the Act.

3B Reference to relevant Ministers

- (1) In this Regulation, a reference to *the relevant Ministers* is a reference to the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Fisheries Management Act 1994*.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Amendments

Schedule 1

- (2) If a provision of this Regulation requires or authorises the relevant Ministers to take any action or decide any matter, the provision is taken only to require or authorise the relevant Ministers to take the action jointly or decide the matter jointly.

[3] Part 2, note

Insert after the heading to Part 2:

Note. In addition to the provisions set out in this Regulation, Division 2 of Part 3 of the Act also provides for the regulation of development and activities in a marine park. Those provisions apply in respect of development or activities that are subject to Part 4 or 5 of the *Environmental Planning and Assessment Act 1979*. The provisions require the objects and permissible uses of a zone to be taken into consideration before any development application for the carrying out of development in a marine park is determined under Part 4 of that Act or any activity under Part 5 of that Act is carried out or approved. They also require consultation with or the concurrence of the relevant Ministers.

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

Insert at the end of clause 7 (c):

, or

- (d) clean any fish or fishing gear,

[5] Clause 7

Omit “consent of the Authority”.

Insert instead “consent of the relevant Ministers”.

[6] Clause 8A

Insert after clause 8:

8A Dredging and beach replenishment activities not permitted in sanctuary zone

- (1) A person must not carry out any dredging activity or beach replenishment activity in the sanctuary zone of a marine park.
Maximum penalty: 100 penalty units.
- (2) A person does not commit an offence against this clause if the dredging activity or beach replenishment activity is carried out with the consent of the relevant Ministers.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Schedule 1 Amendments

- (3) Consent is not to be given to the carrying out of a dredging activity or beach replenishment activity in the sanctuary zone of a marine park unless the relevant Ministers are satisfied that the activity is necessary to prevent a serious risk of injury to a person, damage to property or harm to the environment.
- (4) Subclause (3) does prevent the relevant Ministers from consenting to any dredging activity being carried out as part of an organised research activity.
- (5) In this clause:
beach replenishment activity means the excavation of or extraction of sand or other material for the purpose of replenishing a beach.
dredging activity means any activity that involves the excavation of land submerged (whether permanently or intermittently) by water.

[7] Clause 9 Vessels to be anchored or moored only at designated sites

Omit “designated by the Authority for that purpose”.

Insert instead “(if any) designated by the relevant Ministers for that purpose”.

[8] Clause 9 (2)

Insert at the end of clause 9:

- (2) Despite subclause (1), a person may anchor or moor a vessel in an area or at a mooring that has not been designated by the relevant Ministers for that purpose in an emergency, where the action is necessary to protect life or property.

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

Omit “consent of the Authority or in accordance with the zoning plan for the marine park”.

Insert instead “consent of the relevant Ministers”.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Amendments

Schedule 1

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

Omit clause 12 (2). Insert instead:

- (2) A person must not, while in the habitat protection zone of a marine park:
 - (a) take or attempt to take any fish unless the person is engaging in a permitted fishing activity (as referred to in subclause (1)), or
 - (b) take or attempt to take any fish in contravention of the zoning plan for the marine park.

Maximum penalty: 100 penalty units.

[11] Clauses 12 (3), 16 (3), 20, 24 (1) and 27 (2)

Omit “consent of the Authority” wherever occurring.

Insert instead “consent of the relevant Ministers”.

[12] Clause 12 (3A)

Insert after clause 12 (3):

- (3A) This clause does not apply to aquaculture.

[13] Clause 13

Omit the clause. Insert instead:

13 Aquaculture

- (1) Aquaculture is permissible in the habitat protection zone of a marine park, but only with the consent of the relevant Ministers.
- (2) This clause is subject to the provisions of the zoning plan for a marine park.

Note. The *Fisheries Management Act 1994* regulates the conduct of aquaculture. In particular, it prohibits a person from undertaking aquaculture except under the authority of a permit issued under that Act and in accordance with the conditions of that permit.

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

Omit “consent of the Authority or in accordance with the zoning plan for the marine park”.

Insert instead “consent of the relevant Ministers”.

[15] Clause 17 Aquaculture

Omit “, but only in accordance with the zoning plan for the marine park”.

[16] Clause 18 Objects of special purpose zone

Insert at the end of clause 18 (b):

, or

- (c) such objects as may be set out in the zoning plan for a marine park.

[17] Clauses 18A–18C

Insert after clause 18:

18A Protection of animals, plants and habitat in special purpose zone

A person must not, while in the special purpose zone of a marine park:

- (a) harm, or attempt to harm, any animal (other than fish),
or
- (b) harm, or attempt to harm, any plant, or
- (c) damage, take or interfere with, or attempt to damage, take or interfere with, any part of the habitat (including soil, sand, shells or other material occurring naturally within the zone),

except with the consent of the relevant Ministers.

Maximum penalty: 100 penalty units.

18B Limited fishing activities

- (1) A person must not, while in the special purpose zone of a marine park, take or attempt to take any fish in contravention of the zoning plan for the marine park.

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Maximum penalty: 100 penalty units.

- (2) A person does not commit an offence against this clause for anything done with the consent of the relevant Ministers.

18C Aquaculture

Aquaculture is permissible in the special purpose zone of a marine park, but only with the consent of the relevant Ministers.

Note. The *Fisheries Management Act 1994* regulates the conduct of aquaculture. In particular, it prohibits a person from undertaking aquaculture except under the authority of a permit issued under that Act and in accordance with the conditions of that permit.

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

Omit “by or under this Regulation” from clause 19 (2).
Insert instead “by law”.

[19] Clause 19 (2A)–(2C)

Insert after clause 19 (2):

- (2A) A person who, while in any part of a marine park, is in possession of any equipment (including fishing gear) that is used, or designed to be used, for the purpose of taking an animal or plant is guilty of an offence if the use by that person of that equipment for taking an animal or plant from that part of the park, at that time, is prohibited by law.

Maximum penalty: 100 penalty units.

- (2B) For the purposes of this clause, a person who is on board a boat is taken to be in possession of any equipment (including fishing gear) found in the boat.

- (2C) It is a defence to a prosecution for an offence under subclause (1) if the person charged satisfies the court that the person could not reasonably have known that the animal or plant had been taken in contravention of a provision of this Regulation.

[20] Clause 19 (3)

Insert “or (2A)” after “subclause (2)”.

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[21] Clause 19 (3) (a)

Omit “written approval of the Authority” from clause 19 (3) (a).
Insert instead “consent of the relevant Ministers”.

[22] Clause 19 (3) (c) and (d)

Insert at the end of clause 19 (3) (b):

, or

- (c) that the person could not reasonably have known that the equipment was on board the boat concerned, or
- (d) that the equipment was in the person’s possession for a lawful purpose.

[23] Clause 20 Protection of marine park moorings, buoys, signs and facilities

Omit “in a marine park” from clause 20 (b).
Insert instead “owned or erected by the Authority in or adjacent to a marine park”.

[24] Clause 20 (2) and (3)

Insert at the end of clause 20 (before the maximum penalty):

- (2) If a mooring in a marine park that is provided by or on behalf of the Authority displays a sign designating a maximum carrying capacity for the mooring, a person must not attach a vessel to that mooring that exceeds that maximum capacity.
- (3) A person must not attach a vessel to another vessel that is attached to a mooring in a marine park that is provided by or on behalf of the Authority.

Note. See also clause 28 (1) (b).

[25] Clause 22 Domesticated animals

Omit “consent of the Authority or in accordance with the zoning plan for the marine park” from clause 22 (1) (a).
Insert instead “consent of the relevant Ministers”.

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[26] Clause 23 Organised research activities

Omit “the consent of the Authority” from clause 23 (1).
Insert instead “the consent of the relevant Ministers”.

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

Omit “the consent of the Authority”.
Insert instead “the consent of the relevant Ministers”.

[28] Clauses 27A–27B

Insert after clause 27:

27A Fish feeding

- (1) A person must not feed fish in any part of a marine park, except with the consent of the relevant Ministers.

Maximum penalty: 100 penalty units.

- (2) Consent is not to be given to the following:

- (a) commercial shark feeding in any part of a marine park,
(b) fish feeding in the sanctuary zone of a marine park.

- (3) A person does not commit an offence against this clause in respect of berleying in the course of fishing activities permitted by or under the Act in the part of the marine park concerned.

27B Cleaning of fish or fishing gear

A person must not clean a fish or any fishing gear in any part of a marine park in contravention of the zoning plan for the marine park.

Maximum penalty: 50 penalty units.

Note. Clause 7 (d) of this Regulation prohibits the cleaning of fish or fishing gear in the sanctuary zone of a marine park without the consent of the relevant Ministers.

[29] Clause 28 Camping or residing in marine park

Omit “consent of the Authority or in accordance with the zoning plan for the marine park” from clause 28 (1).

Insert instead “consent of the relevant Ministers”.

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[30] Clause 34 Penalty notice offices

Omit "Column 3" from clause 34 (b). Insert instead "Column 2".

[31] Clause 35

Omit the clause.

[32] Clauses 37 and 37A

Omit clause 37. Insert instead:

37 Giving of consent by relevant Ministers

- (1) The relevant Ministers are not to give consent to the carrying out of any activity in a marine park that, in the opinion of the relevant Ministers, is inconsistent with the objects of the Act.
- (2) The relevant Ministers are not to give consent to the carrying out of any activity in a zone of a marine park that, in the opinion of the relevant Ministers, is inconsistent with the objects of the zone, except in the case of an emergency.

37A Consent to be given in form of permit

- (1) The consent of the relevant Ministers under this Regulation is to be given in the form of a permit.
- (2) A permit under this clause:
 - (a) is subject to such conditions as are specified in the permit, and
 - (b) remains in force for the period of 1 year or such other period as is specified in the permit, and
 - (c) may be cancelled or suspended by the relevant Ministers at any time by notice given to the permit holder.
- (3) The relevant Ministers may from time to time, by notice given to the permit holder, vary the conditions of a permit under this clause.
- (4) A permit may authorise specified persons or a specified class of persons in addition to the person to whom the permit is granted to do the things authorised by the permit. In any such case, the specified persons, or class of persons, are taken to be holders of the permit for the purposes of this Regulation.

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- (5) The holder of a permit who contravenes any condition of the permit is guilty of an offence.

Maximum penalty: 100 penalty units.

[33] Clauses 38A and 38B

Insert after clause 38:

38A Defences relating to harm to animals, plants or habitat

- (1) It is a defence to a prosecution for an offence under this Regulation relating to the taking of fish in the habitat protection zone, the general use zone or the special purpose zone of the marine park if the person charged satisfies the court that, 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.
- (2) It is a defence to a prosecution for an offence under this Regulation relating to the harm of any animal or plant, or damaging, taking or interfering with any habitat, in a marine park if the person charged satisfies the court that the act or omission constituting the offence was a routine activity in connection with the lawful taking of animals or plants (unless it is an activity of a kind the zoning plan for the marine park concerned declares is not a routine activity for the purposes of this clause).

38B Offences under Fisheries Management Act 1994

A person cannot be convicted of both an offence under this Regulation and an offence under the *Fisheries Management Act 1994* (or the regulations under that Act) in respect of the same act or omission.

[34] Schedule 1 Zoning plans for marine parks

Omit the note in Schedule 1. Insert instead:

Part 1 Solitary Islands Marine Park Zoning Plan

Note. The GPS coordinates used to describe the boundaries of the Solitary Islands Marine Park in Part 2 of Schedule 4 to the Act are in

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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:

map means a map set out in Division 10.

marine park means the Solitary Islands Marine Park, as described in Part 2 of Schedule 4 to the Act.

Note. Map 1 provides an overview of the zoning plan for the marine park.

net—see subclause (2).

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 1995*.

table means a table set out in Division 9.

trap—see subclause (2).

(2) In this Part, a reference to a net or trap is a reference to that net or trap as described in the *Fisheries Management (General) Regulation 1995*.

Note. The *Fisheries Management (General) Regulation 1995* contains descriptions of the following nets and traps (which are referred to in this Part):

- (a) nets—spanner crab net, scoop net (prawns), landing net, push or scissors net (prawns), hoop or lift net, submersible lift net (bait), purse seine net,
- (b) traps—fish trap, crab trap, bait trap.

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Division 2 Sanctuary Zone

2 Description of sanctuary zone

The sanctuary zone of the marine park is comprised of the following areas:

Sandon River System (Northern Section)

The whole of the tidal waters and tidal lands of Toumbaal Creek, including all its creeks, bays and tributaries upstream of point 2A at 29° 40' 09.08"S, 153° 19' 00.08"E and a line drawn generally east of that point to the eastern bank, to the mean high water mark, as shown on map 2.

The whole of the tidal waters and tidal lands of the Sandon River arm of the Sandon River, including all its creeks, bays and tributaries upstream of point 2B at 29° 41' 08.29"S, 153° 18' 08.52"E and a line drawn generally north east of that point to the eastern bank, being the junction of the Sandon River and Candole Creek, to the mean high water mark, as shown on map 2.

The whole of the tidal waters and tidal lands incorporating the island/mudflat area in the main section of the Sandon River, to the mean high water mark, east of a line drawn between point 2C at 29° 40' 37.69"S, 153° 18' 55.90"E and point 2D at 29° 40' 43.49"S, 153° 18' 52.62"E, then following the western side of the estuarine islands to point 2E at 29° 40' 48.91"S, 153° 18' 46.05"E, then from a line between point 2E and 2F at 29° 40' 56.25"S, 153° 18' 46.64"E, as shown on map 2.

Northern Section

From point 3A at 29° 42' 55.50"S, 153° 18' 55.15"E, approximately 1 kilometre (0.5 nautical miles) seaward of Sandon Beach, due east approximately 6 kilometres (3 nautical miles) to the marine park boundary at point 3B at 29° 42' 55.50"S, 153° 22' 36.19"E, then generally south approximately 5 kilometres (2.6 nautical miles) following the boundary of the marine park to point 3C, in line with Rocky Point, at 29° 45' 39.44"S, 153° 21' 35.32"E then due west approximately 4 kilometres (2.1 nautical miles) to point 3D at 29° 45' 39.44"S,

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153° 18' 55.15"E approximately 1.7 kilometres (0.9 nautical miles) east of Rocky Point, then due north to point 3A, as described above and shown on map 3.

From the mean high water mark at point 3E on Minnie Water Back Beach (approximately 480m south of the northern tip of the beach) at 29° 47' 09.17"S, 153° 17' 37.06"E, due east approximately 6 kilometres (3 nautical miles) to the boundary of the marine park to point 3F at 29° 47' 09.17"S, 153° 21' 36.14"E, then generally south approximately 2 kilometres (1.2 nautical miles) following the boundary of the marine park to point 3G at 29° 48' 22.95"S, 153° 21' 06.56"E, then due west approximately 6 kilometres (3 nautical miles) to the southern tip of Minnie Water Back Beach at point 3H (29° 48' 22.95"S, 153° 17' 12.65"E), then returning north to point 3E, along the mean high water mark, as shown on map 3.

Wooli Wooli River and Diggers Camp (Northern Section)

The whole of the tidal waters and tidal lands of the northern arm of the Wooli Wooli River and central basin, including all its creeks, bays and tributaries upstream from a line drawn between point 4A at 29° 50' 22.95"S, 153° 13' 58.57"E and point 4B at 29° 50' 26.99"S, 153° 13' 56.09"E, at the forks, to the mean high water mark, as shown on map 4.

Station Creek

The whole of the tidal waters and tidal lands of Station Creek including all its creeks, bays and tributaries upstream from a line drawn between point 5A at 29° 56' 51.86"S, 153° 14' 45.89"E and point 5B at 29° 56' 52.70"S, 153° 14' 47.25"E, approximately 1.2 kilometres upstream of the mouth of the creek, to the mean high water mark, as shown on map 5.

Corindi River System and Pipe Clay Lake

The whole of the tidal waters and tidal lands of the Corindi River (lower reaches), north of the main channel from a line drawn between point 6A on the northern bank of the mouth of the river at 29° 58' 43.81"S, 153° 13' 57.29"E to point 6B at the south eastern point of the main island at 29° 58' 50.25"S, 153° 13' 39.15"E, then following the southern and western part of the island to the northern point at 6C at 29° 58' 38.11"S, 153° 13' 38.45"E, then generally north to the eastern point of the small island at 6D at 29° 58' 30.41"S, 153° 13' 36.01"E,

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then following the southern bank of the small island to the western side of the small island to point 6E at 29° 58' 29.50"S, 153° 13' 32.70"E, then due west upstream to point 6F on the northern bank of the river at 29° 58' 28.85"S, 153° 13' 29.87"E, then following the northern bank of the river to point 6G at 29° 58' 27.26"S, 153° 13' 16.53"E, then upstream to point 6H on a second small island at 29° 58' 35.06"S, 153° 13' 14.08"E, and continues upstream to point 6I at the junction of the Corindi River and Mullet Creek at 6I at 29° 58' 40.30"S, 153° 13' 16.47"E, and includes the whole of the tidal waters and tidal lands of Saltwater Creek, Mullet Creek and other creeks, bays and tributaries north of the area described above, to the mean high water mark, as shown on map 6.

Central Section

The north western part extends from the mean high water mark at point 7A at 29° 54' 31.36"S, 153° 16' 19.27"E, approximately 1.5 kilometres (0.8 nautical miles) south of Jones Point, due east approximately 1.5 kilometres (0.8 nautical miles) to point 7B at 29° 54' 31.36"S, 153° 17' 13.41"E, then due south approximately 3.6 kilometres (1.9 nautical miles) to point 7C at 29° 56' 26.88"S, 153° 17' 13.41"E, then due west approximately 2 kilometres (1 nautical mile) to point 7D at 29° 56' 26.88"S, 153° 16' 01.14"E (500 metres east of Pebbly Beach northern headland) then generally north for 1 kilometre (0.5 nautical miles) at 500 metres from the mean high water mark to point 7E at 29° 55' 52.15"S, 153° 15' 57.90"E, then due west 500 metres to point 7F at 29° 55' 52.15"S, 153° 15' 39.25"E at the mean high water mark at the southern tip of Freshwater Beach, then due north along the mean high water mark to point 7A described above, as shown on map 7.

The south eastern part extends from point 7C at 29° 56' 26.88"S, 153° 17' 13.41"E, approximately 2.5 kilometres (1.3 nautical miles) due east of Pebbly Beach northern headland, and extends due east approximately 2.7 kilometres (1.4 nautical miles) to point 7G at 29° 56' 26.88"S, 153° 19' 01.99"E, then due south approximately 3.5 kilometres (1.9 nautical miles) to point 7H at 29° 58' 23.07"S, 153° 19' 01.99"E, then due west approximately 2.7 kilometres (1.4 nautical miles), in line with the northern tip of North Rock, to point 7I at 29° 58' 23.07"S,

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153° 17' 13.41"E, then due north approximately 3.5 kilometres (1.9 nautical miles) to point 7C, as described above, as shown on map 7.

Jones Beach and Jones Point

From the mean high water mark at the eastern tip of the southern breakwall, generally south to point 7J at 29° 53' 24.16"S, 153° 16' 19.50"E, approximately 200 metres from the mean high water mark, then at 200 metres from the mean high water mark along Jones Beach and Jones Point to point 7K on the southern side of Jones Point at 29° 53' 38.09"S, 153° 16' 27.46"E, at a bearing of 107°, as shown on map 7.

Flat Top Point

From point 8E, at 30° 07' 39.67"S, 153° 12' 21.40"E then following Flat Top Point from the mean high water mark to 200 metres around Flat Top Point to point 8F at 30° 07' 57.37"S, 153° 12' 21.40"E, then returning due north to point 8E, as shown on map 8.

Southern Section

From the mean high water mark at the eastern tip of Bare Bluff at point 9A, at 30° 09' 23.28"S, 153° 12' 24.16"E, then generally east approximately 1.3 kilometres (0.7 nautical miles) in a line of sight with the northern most point of South West Solitary Island to point 9B at 500 metres from the mean high water mark of South West Solitary Island at 30° 09' 29.78"S, 153° 13' 12.62"E, and encompasses South West Solitary Island from the mean high water mark to 500 metres, then due south from point 9C at 30° 09' 58.66"S, 153° 13' 43.56"E, in line with the eastern most point of South West Solitary Island, approximately 5.3 kilometres (2.8 nautical miles) to point 9D at 30° 12' 51.62"S, 153° 13' 43.56"E, then due west approximately 5.6 kilometres (3 nautical miles), in line with Green Bluff to point 9E at 30° 12' 51.61"S, 153° 10' 12.47"E, at approximately 500 metres from the mean high water mark, then follows the mean high water mark at approximately 500 metres north around Green Bluff to point 9F at 30° 12' 24.32"S, 153° 09' 52.84"E, then extends generally north following the mean high water mark at 200 metres along

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Moonee Beach to point 9G at 30° 11' 53.57"S, 153° 10' 08.68"E, then due west to point 9H at 30° 11' 53.57"S, 153° 10' 01.20"E, at the mean high water mark, approximately 1.5 kilometres north of the northern side of Moonee Creek.

The sanctuary zone then extends from point 9H at 30° 11' 53.57"S, 153° 10' 01.20"E, generally north approximately 2.5 kilometres along the mean high water mark on Moonee Beach to point 9I at 30° 10' 48.96"S, 153° 10' 53.98"E, approximately 500 metres south of the northern tip of Moonee Beach, then follows Look at Me Now Headland at approximately 500 metres from the mean high water mark north to point 9J at 30° 10' 19.77"S, 153° 11' 38.96"E, at 200 metres from the mean high water mark at Dammerels Headland, then follows the shoreline north at 200 metres from the mean high water mark to point 9K at 30° 09' 53.33"S, 153° 11' 48.13"E at 200 metres from the mean high water mark at the northern tip of Fiddamans Beach, then due west to the northern tip of Fiddamans Beach to point 9L at the mean high water mark at 30° 09' 53.33"S, 153° 11' 41.56"E, then follows the mean high water mark north along Diggers Point, Back Sandy Beach and southern side of Bare Bluff to return to point 9A, as shown on map 9.

North Solitary Island

From the mean high water mark at point 11A at 29° 55' 23.45"S, 153° 23' 20.51"E, on the eastern side of Anemone Bay, due north approximately 50 metres to point 11B at 29° 55' 21.82"S, 153° 23' 20.51"E, then due west approximately 500 metres to point 11C at 29° 55' 21.82"S, 153° 22' 59.64"E, then in a direct line south east approximately 1.3 kilometres to point 11D at 29° 55' 58.70"S, 153° 23' 23.44"E, then due east approximately 200 metres to the most south westerly point of North Solitary Island at point 11E at 29° 55' 58.70"S, 153° 23' 31.76"E, then returning along the mean high water mark on the western side of the island to point 11A, as shown on map 11.

North West Rock

From the mean high water mark to 100 metres seaward around North West Rock, as shown on map 11.

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North West Solitary Island

From the mean high water mark at point 12A at 30° 00' 58.05"S, 153° 16' 17.76"E, on the most northerly point of North West Solitary Island, generally north west approximately 500 metres to point 12B at 30° 00' 45.48"S, 153° 16' 05.59"E, then in a direct line generally south approximately 1 kilometre to point 12C at 30° 01' 19.37"S, 153° 16' 02.90"E, and then generally north east approximately 370 metres to the mean high water mark at the southern end of North West Solitary Island at point 12D at 30° 01' 10.29"S, 153° 16' 14.88"E, and returning along the mean high water mark on the western side of the island to point 12A, as shown on map 12.

South West Solitary Island (Groper Islet)

From the mean high water mark to 500 metres seaward around South West Solitary Island (Groper Islet), as shown on map 13.

South Solitary Island

From the mean high water mark at point 14A at 30° 12' 26.71"S, 153° 15' 59.59"E, on the most south westerly point of the main island, due west approximately 200 metres to point 14B at 30° 12' 26.71"S, 153° 15' 52.11"E, then in a direct line generally north west 500 metres to point 14C at 30° 12' 13.13"S, 153° 15' 48.81"E, 200 metres from the most south westerly point of "Birdie", then due east to point 14D at 30° 12' 13.13"S, 153° 15' 52.55"E, 100 metres from the mean high water mark at "Birdie", then follows "Birdie" at 100 metres from the mean high water mark, around "Birdie" to point 14E at 30° 12' 15.61"S, 153° 16' 02.60"E, and returning along the mean high water mark on the northern and western sides of the island to point 14A, as shown on map 14.

Split Solitary Island

From the mean high water mark at point 15A at 30° 14' 23.71"S, 153° 10' 47.76"E, to 200 metres seaward to point 15B at 30° 14' 18.07"S, 153° 10' 43.81"E, then follows Split Solitary Island at 200 metres from the mean high water mark south west of the split through the island to point 15C at 30° 14' 33.61"S, 153° 10' 55.43"E, at 200 metres seaward of the mean high water mark, then to point 15D at the mean high

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water mark at 30° 14' 28.11"S, 153° 10' 51.45"E, and returning along the mean high water mark on the southern and western sides of the island to point 15A, as shown on maps 10 and 15.

3 Fish cleaning

- (1) A person must not clean any fish or any fishing gear while in the sanctuary zone of the marine park except at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.
- (2) This clause does not prohibit the cleaning of fish or fishing gear while on a vessel with the consent of the relevant Ministers.

Division 3 Habitat protection zone

4 Description of habitat protection zone

The habitat protection zone of the marine park is comprised of the following area:

From the mean high water mark at the most easterly point of Plover Island at point 1A at 29° 40' 17.70"S, 153° 19' 50.71"E, due east approximately 6 kilometres (3 nautical miles) to the marine park boundary at point 1B at 29° 40' 17.70"S, 153° 23' 28.61"E, then generally south along the marine park boundary to point 1C at 29° 48' 55.76"S, 153° 21' 07.72"E, generally in line with Diggers Camp Rock Platform, then due west to point 1D at 29° 48' 55.76"S, 153° 18' 54.42"E, then due south to point 1E at 29° 53' 18.28"S, 153° 18' 54.42"E, then due east to point 1F at 29° 53' 18.28"S, 153° 23' 55.84"E, then due south to point 1G at 29° 56' 26.88"S, 153° 23' 55.84"E, then due west to point 1H at 29° 56' 26.88"S, 153° 20' 02.11"E, then in a north westerly direction, following the boundary of the marine park to point 1I at 29° 56' 10.51"S, 153° 19' 57.37", then in a south westerly direction to point 1J as 29° 56' 26.88"S, 153° 19' 50.47"E, then due west to point 1K at 29° 56' 26.88"S, 153° 19' 01.99"E, then due south to point 1L at 30° 01' 49.87"S, 153° 19' 01.99"E, then due west to point 1M at 30° 01' 49.87"S, 153° 14' 36.70"E, then due south to point 1N at 30° 09'

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22.29''S, 153° 14' 36.70''E, then due east to point 1O at 30° 09' 22.29''S, 153° 15' 37.60''E, then south east to point 1P at 30° 10' 17.42''S, 153° 16' 37.99''E, then due south to point 1Q at 30° 13' 34.74''S, 153° 16' 37.99''E, then south west to point 1R at 30° 14' 27.51''S, 153° 15' 37.60''E, then due west to point 1S at 30° 14' 27.51''S, 153° 11' 37.16''E, then due south to point 1T at 30° 18' 18.29''S, 153° 11' 37.16''E, at the southern boundary of the marine park, then due west to point 1U at 30° 18' 18.29''S, 153° 09' 16.29''E, at the mean high water mark at the eastern point of Muttonbird Island, then along the coast at the mean high water mark to point 1A, described above, including all rivers, estuaries, bays and lagoons and inlets upstream to their tidal limits and tidal lands, except those waters and tidal lands zoned as either sanctuary zone (as specified in Division 2) or special purpose zone (as specified in Division 5), as shown on map 16.

5 Taking of certain plants permitted

- (1) A person may take living 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 does not apply in respect of:
 - (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30''S, 153° 17' 25.64''E and point 4D at 29° 49' 07.78''S, 153° 17' 28.38''E, as shown on map 4, and
 - (b) Moonee Beach.
- (4) This clause applies despite clause 11 (Protection of animals, plants and habitat in habitat protection zone) of this Regulation.

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.

6 Permitted fishing activities

Note. Clause 12 (1) 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 subclause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park.

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

Note. For example, clause 7 of this Part lists the species of fish that may be taken in the habitat protection zone, and Division 6 sets out general restrictions on fishing in the marine park that extend to the habitat protection zone.

- (2) For the purposes of clause 12 (1) (e) of this Regulation, the following fishing activities are permitted in the habitat protection zone of the marine park (in addition to those set out in clause 12 (1)):

- (a) the taking of fish by use of a submersible lift net (bait), but only if the fish are taken for use as bait by the fisher (and not for the purposes of sale),
- (b) 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) the taking of fish of a kind that may lawfully be taken in the habitat protection zone by the method known as beach hauling, but only at the following beaches:
 - (i) Arrawarra Beach,
 - (ii) Park Beach,
 - (iii) Sandy Beach,
 - (iv) Station Creek Beach (south of the access track to Station Creek Beach from Station Creek Road, approximately 1.8km from the southern end of the beach),
 - (v) Woolgoolga Front Beach,

Note. See also clause 23 of this Part.

- (d) 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,

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- (e) the taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a trap, if use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

Note. Table B lists the kinds of fish that may lawfully be taken in a habitat protection zone.

- (3) Subclause (2) is also subject to the other provisions of this Part. Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene another provision of this Part.

7 Species protection

- (1) A person must not take or attempt to take any fish in the habitat protection zone of the marine park except:
- (a) fish of a species listed in table B, or
 - (b) fish taken for use as bait by any method that is otherwise permitted under this Regulation.
- (2) Nothing in this clause permits a person to take or attempt to take a fish of a species:
- (a) the taking of which is prohibited under the *Fisheries Management Act 1994*, or
 - (b) listed in table C.
- (3) This clause does not apply in respect of:
- (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30"S, 153° 17' 25.64"E and point 4D at 29° 49' 07.78"S, 153° 17' 28.38"E, as shown on map 4, and
 - (b) Moonee Beach.

8 Species protection—Diggers Camp and Moonee Beach

- (1) A person must not take or attempt to take any fish in the area to which this clause applies except fish of the following species:
- (a) finfish (Class Osteichthyes)—all species,
 - (b) sharks and rays (Class Chondrichthyes)—all species,
 - (c) eastern rock lobster (*Jasus verreauxi*),
 - (d) slipper lobster (*Scyllarus spp.*),

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- (e) painted rock lobster (*Panulirus spp.*).
 - (2) This clause applies to the following area:
 - (a) Diggers Camp Rock Platform, between point 4C at 29° 48' 56.30"S, 153° 17' 25.64"E and point 4D at 29° 49' 07.78"S, 153° 17' 28.38"E, as shown on map 4, and
 - (b) Moonee Beach.
 - (3) Nothing in this clause permits a person to take or attempt to take a fish of a species:
 - (a) the taking of which is prohibited under the *Fisheries Management Act 1994*, or
 - (b) listed in table C.

9 Fish trapping prohibited in certain areas

A person must not, while in the following parts of the habitat protection zone of the marine park, take or attempt to take fish by use of a fish trap:

- (a) the area bound by the coordinates 29° 41' 37.83"S, 153° 20' 28.18"E and 29° 41' 37.83"S, 153° 22' 09.37"E and 29° 42' 55.50"S, 153° 22' 09.37"E and 29° 42' 55.50"S, 153° 20' 28.18"E, being the area that encompasses Sandon Shoals, as shown on map 1,
- (b) the area bound by the coordinates 29° 59' 54.30"S, 153° 14' 48.71"E and 29° 59' 54.30"S, 153° 16' 37.18"E and 30° 01' 29.44"S, 153° 16' 37.18"E and 30° 01' 29.44"S, 153° 14' 48.71"E, being the area that encompasses Chopper Rock, Surgeons Reef and North West Solitary Island, as shown on map 1,
- (c) within 500 metres of the mean high water mark of North Solitary Island, North West Rock, North West Solitary Island, South West Solitary Island, South Solitary Island or Split Solitary Island.

10 Crab trapping prohibited in Wooli Wooli River crab protection area

- (1) A person must not, while in the Wooli Wooli River crab protection area, take or attempt to take crabs by use of a trap.
- (2) In this clause:

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Wooli Wooli River crab protection area means that part of the habitat protection zone starting from one kilometre downstream of “the forks”, from point 4E at 29° 50' 24.24”S, 153° 14' 36.40”E, then upstream to include the entire upper reaches of the Wooli Wooli River to the tidal limit, as shown on map 4.

11 Fish cleaning at Minnie Water Lagoon

- (1) A person must not clean any fish or any fishing gear while in Minnie Water Lagoon except at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.
- (2) This clause does not prohibit:
 - (a) the cleaning of fish while on a vessel if the fish (including any parts that are removed or discarded) are retained on the vessel, or
 - (b) the cleaning of fishing gear while on a vessel.
- (3) In this clause:

Minnie Water Lagoon means the tidal waters and tidal lands between 29° 46' 20.61”S, 153° 17' 55.57”E and 29° 46' 37.36”S, 153° 18' 07.60”E, extending seawards to include the exposed rocky reef.

12 Aquaculture

Despite clause 13 (Aquaculture) of this Regulation, aquaculture is not permissible in the habitat protection zone of the marine park.

Division 4 General Use Zone**13 Description of general use zone**

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

14 Taking of seaweed permitted

- (1) A person may take seaweed from a beach (if any) in the general use zone of the marine park.

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- (2) This clause applies despite clause 15 ((Protection of animals, plants and habitat in general use zone) of this Regulation.

Note. Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

15 Fishing permitted

- (1) A person may 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 lawful 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.

Note. Division 6 sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

Division 5 Special purpose zone

16 Description of special purpose zones

The special purpose zones of the marine park are comprised of the following areas:

Special purpose zone 1 (Sandon River Oyster Aquaculture)

Special purpose zone 1 (Sandon River Oyster Aquaculture) is comprised of all oyster leases located in the Sandon River as identified in the NSW Fisheries aquaculture database at the commencement of this Part, as shown on map 2.

Special purpose zone 2 (Wooli Wooli River Oyster Aquaculture)

Special purpose zone 2 (Wooli Wooli River Oyster Aquaculture) is comprised of all oyster leases located in the Wooli Wooli River as identified in the NSW Fisheries aquaculture database at the commencement of this Part, as shown on map 4.

Special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation)

Special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) comprises the whole of the tidal waters from the mouth of Pipe Clay Lake, upstream, including all of its creeks, bays and tributaries, as shown on map 6.

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Special purpose zone 4 (Arrawarra Headland)

Special purpose zone 4 (Arrawarra Headland) is comprised of the area from the mean high water mark at the northern side of Arrawarra Headland at point 8A at 30° 03' 34.14"S, 153° 12' 06.66"E, seaward to point 8B at 30° 03' 29.03"S, 153° 12' 02.05"E, approximately 200 metres from the mean high water mark, then follows Arrawarra Headland at 200 metres from the mean high water to point 8C at 30° 03' 40.30"S, 153° 12' 14.85"E on the southern side of Arrawarra Headland, then to point 8D at the mean high water mark at Arrawarra Headland at 30° 03' 34.38"S, 153° 12' 11.81"E, as shown on map 8.

17 Zone objects

- (1) The object of special purpose zone 1 (Sandon River Oyster Aquaculture) and special purpose zone 2 (Wooli Wooli River Oyster Aquaculture) is to provide for the management of aquaculture.
- (2) The object of special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) is to provide for rehabilitation, traditional use and research.
- (3) The object of special purpose zone 4 (Arrawarra Headland) is to provide for traditional use and research.

18 Fishing in special purpose zones 1 and 2

A person must not, while in special purpose zone 1 (Sandon River Oyster Aquaculture) or special purpose zone 2 (Wooli Wooli River Oyster Aquaculture):

- (a) take or attempt to take any fish by any method that cannot lawfully be used to take fish in the habitat protection zone of the marine park, or
- (b) take or attempt to take any fish that cannot lawfully be taken in the habitat protection zone of the marine park.

Note. For the relevant restrictions, see clause 12 of this Regulation, clauses 6 and 7 of this Part and table B.

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19 Fishing in special purpose zones 3 and 4

A person must not, while in special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) or special purpose zone 4 (Arwarra Headland), take or attempt to take any fish except with the consent of the relevant Ministers.

20 Aquaculture

Despite clause 18C (Aquaculture) of this Regulation, aquaculture is not permissible in special purpose zone 3 (Pipe Clay Lake Habitat Rehabilitation) or special purpose zone 4 (Arwarra Headland).

Division 6 General prohibitions—fishing

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 coioides*) and giant Queensland groper (*Epinephelus lanceolatus*).

22 Setlining, purse seine netting and drift-lining

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

- (a) by use of a set line,
- (b) by use of a purse seine net,
- (c) by use of a drift line.

23 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

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(b) on a Saturday, Sunday or public holiday.

(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.

24 Fish trapping

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

25 Spearfishing not permitted in estuaries

(1) A person must not take or attempt to take fish from an estuary in the marine park by use of a spear or spear gun.

(2) In this clause:

estuary means the waters of any lake, river, creek or lagoon that are ordinarily subject to tidal influence.

26 Wire traces not permitted near South Solitary Island and North Solitary Island

(1) A person must not, while in any part of the marine park that is within 500 metres of the mean high water mark of South Solitary Island or North Solitary Island, take or attempt to take fish, while demersal fishing, using any fishing gear that has attached to it a wire trace.

(2) This clause does not apply in respect of the use of a wire trace for trolling purposes from a vessel that is underway.

Note. The purpose of this clause is to protect the grey nurse shark. The use of a wire trace makes it easier to catch and land sharks, and difficult to release them without injury.

27 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 in respect of a contravention of subclause (1) if:

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

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- (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.

Division 7 Domesticated animals**28 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) Sandon Beach,
 - (b) Minnie Water Back Beach,
 - (c) North Wooli Beach (adjacent to Yuraygir National Park),
 - (d) Jones Beach,
 - (e) Freshwater Beach,
 - (f) Pebbly Beach,
 - (g) Station Creek Beach,
 - (h) Woolgoolga Beach—south of Woolgoolga Lake,
 - (i) Sandy Beach,
 - (j) Back Sandy Beach (Fiddamans Beach),
 - (k) Emerald Beach—south of Fiddamans Creek,
 - (l) Shelly Beach (Serenity Beach),
 - (m) Diggers Beach,
 - (n) Park Beach—north of Coffs Creek.
- (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

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- (b) if the animal remains confined to a vessel, or
 - (c) with the consent of the relevant Ministers.
- (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. Sections 14 and 30 of the *Companion Animals Act 1998* prohibit cats and dogs in certain public places.

Note. 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 8 Use of vessels and vehicles

29 Use of personal watercraft in estuaries prohibited

- (1) A person must not use a motorised vessel that is a personal watercraft in any estuary in the marine park.
- (2) Despite subclause (1), a person may use a personal watercraft in an estuary if the use is solely for the purpose of travelling, at a speed not exceeding 4 knots, between the ocean and the lowest boat ramp on the Sandon River, Wooli Wooli River or Corindi River.
- (3) For the purposes of this clause, a boat ramp is the lowest boat ramp on a river if it is the farthest downstream of all boat ramps on the river.

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.

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30 Areas in which use of vehicles prohibited

- (1) A person must not use a motorised vehicle on any of the following beaches in such a manner as to exceed a speed of 25 kilometres per hour, when within 100 metres of pedestrians, or 50 kilometres per hour at other times:
 - (a) Sandon Beach
 - (b) Minnie Water Beach,
 - (c) Wooli Beach,
 - (d) Station Creek Beach,
 - (e) Woolgoolga Back Beach,
 - (f) Hearn Lake Beach,
 - (g) Charlesworth Bay.
- (2) A person must not use a motorised vehicle on the following beaches, except for the purpose of launching a boat:
 - (a) Diggers Camp Beach,
 - (b) Pebbly Beach (within 200 metres from Station Creek Headland),
 - (c) Arrawarra Beach,
 - (d) Woolgoolga Beach,
 - (e) Sandy Beach,
 - (f) Emerald Beach.
- (3) This clause does not apply in respect of an authorised vehicle, a police vehicle or an emergency vehicle.
- (4) This clause is subject to any notice relating to the use of vehicles erected by:
 - (a) a park authority under clause 4 of the *National Parks and Wildlife (Land Management) Regulation 1995*, or
 - (b) a council under section 632 of the *Local Government Act 1993*.

Note. Section 632 of the *Local Government Act 1993* gives a council power to prohibit the use of vehicles in public places. The council is required to erect notices in the area concerned indicating that the use of vehicles in the area is prohibited.

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(5) 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) Pristine Waters Council,
- (e) Coffs Harbour City Council,
- (f) any other government agency,
- (g) a surf life saving club.

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

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

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.

Division 9 Tables**Table A—Plants that may be taken in habitat protection zone**

| Common name | Class/Family | Species |
|-------------|--------------|----------------------------------|
| Sea lettuce | | <i>Ulva lactuca</i> |
| Bait weed | | <i>Enteromorpha intestinalis</i> |

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

| Common name | Class/Family | Species |
|-------------|--------------------|-------------|
| Finfish | Class Osteichthyes | All species |

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|---------------------------------------|-------------------------|---|
| Sharks and rays | Class Chondrichthyes | All species |
| Eastern rock lobster | | <i>Jasus verreauxi</i> |
| Slipper lobster | | <i>Scyllarus</i> spp. |
| Painted rock lobster | | <i>Panulirus</i> spp. |
| Prawns | Family Penaeidae | All species |
| Squid | Family Sepiidae | All species |
| Pipis | Family Donacidae | All species |
| Beach worms | Family Onuphidae | All species |
| Eels | Family Anguillidae | All species |
| Mangrove worms | | <i>Teredo</i> spp. |
| Mud crabs | | <i>Scylla serrata</i> |
| Blue swimmer crabs | | <i>Portunus pelagicus</i> |
| Spanner crabs | | <i>Ranina ranina</i> |
| Marine yabbies (nippers) | | <i>Callinassa</i> spp. |
| Oysters | | <i>Saccostrea</i> spp. and <i>Crassostera</i> spp. |
| Turban shell (<i>Googombull</i>) | Family Turbinadae | <i>Turbo</i> spp. |
| Abalone | | <i>Haliotis rubra</i> |
| Periwinkles | | <i>Austrocochlea</i> spp. |

Table C—Protected fish

| Common name | Class/Family/ Order | Species |
|-------------|------------------------|---------|
| Corals | Class Anthozoa | |

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| | | |
|------------------------------|---------------------------|-------------------------------|
| 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 pipefishes and seahorses | Family Syngnathidae | |
| Giant clam | Family Tridacnidae | |
| Broad-banded anemone fish | | <i>Amphiprion latezonatus</i> |

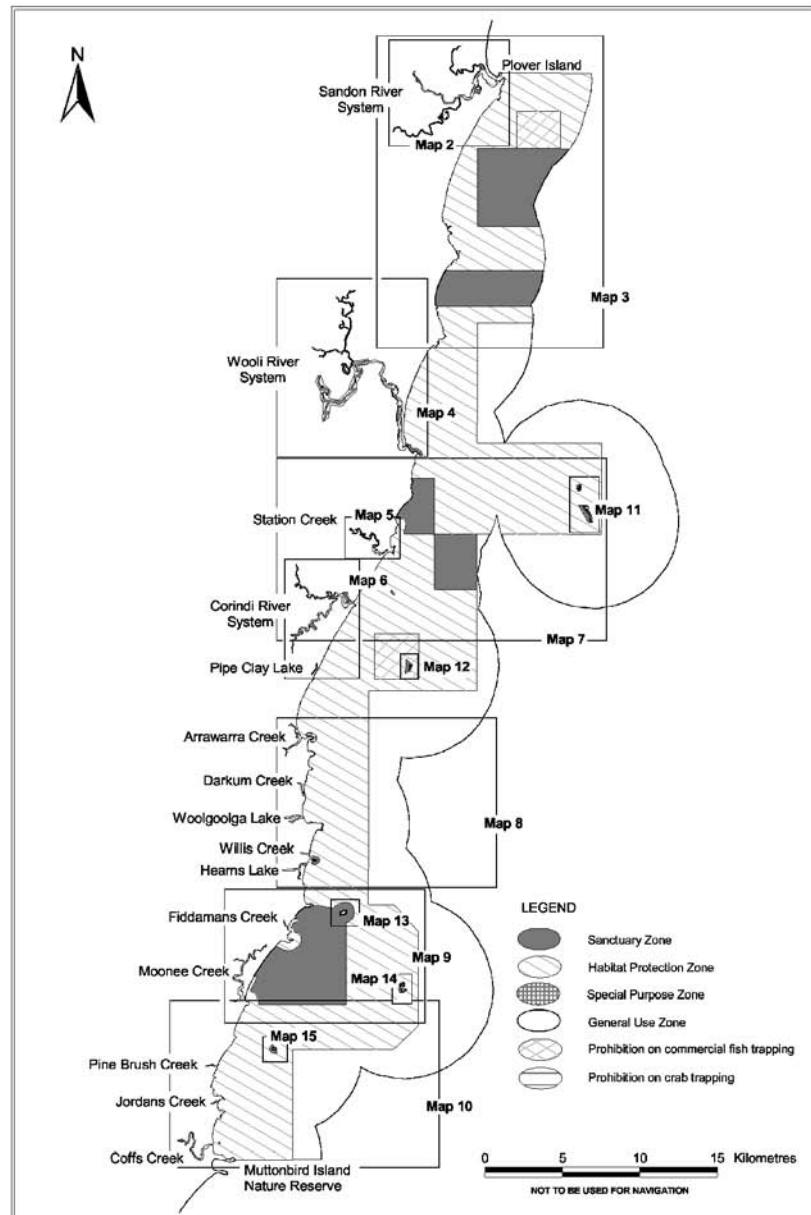
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Division 10 Maps

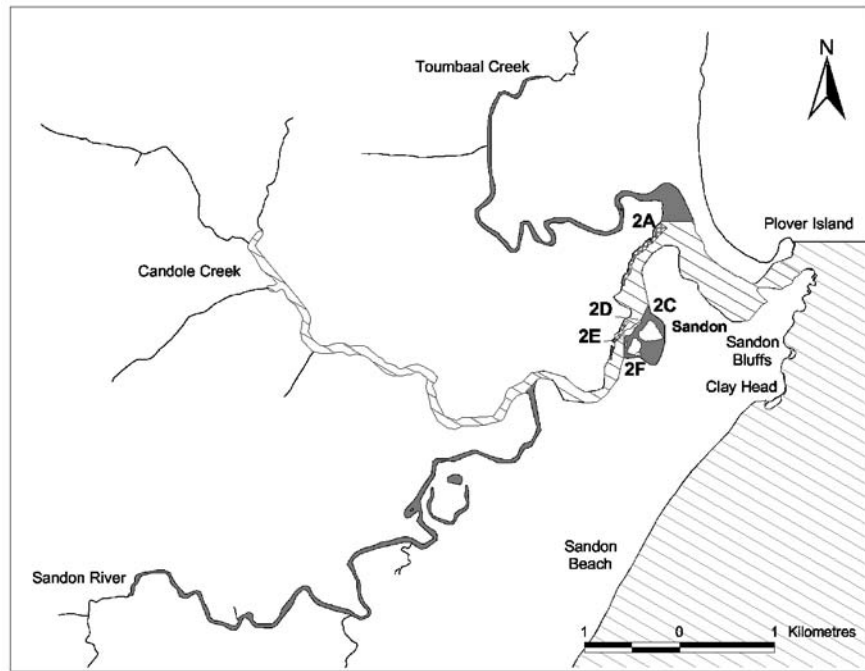
Map 1: Solitary Islands Marine Park (Overview)



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Map 2: Sandon River System (Northern Section)



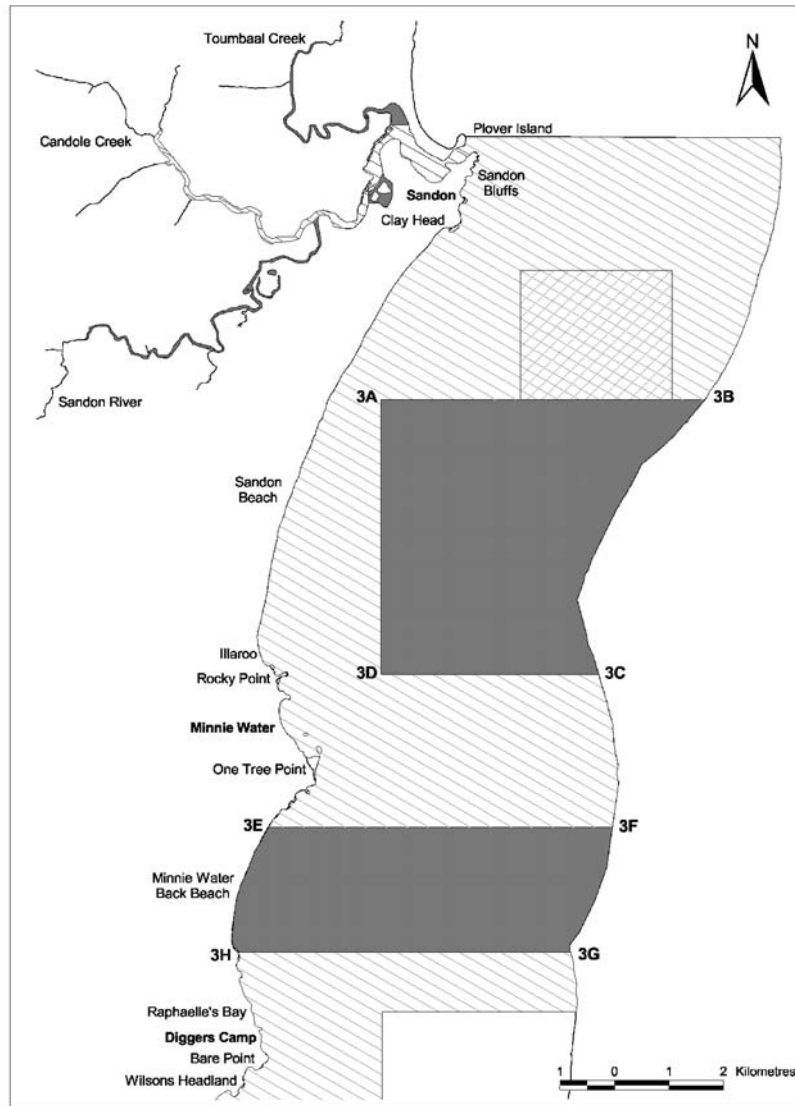
| LEGEND | | | |
|-------------------------|----------------------|---|---|
| Sanctuary Zone | Special Purpose Zone | Prohibition on commercial fish trapping | |
| Habitat Protection Zone | General Use Zone | Prohibition on crab trapping | Prohibition on commercial fish trapping / Gray nurse shark key habitat restrictions |

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Map 3: Northern Section

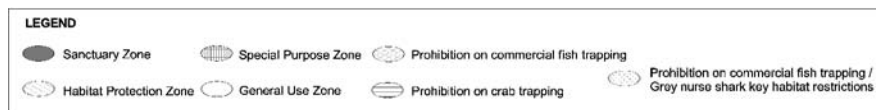
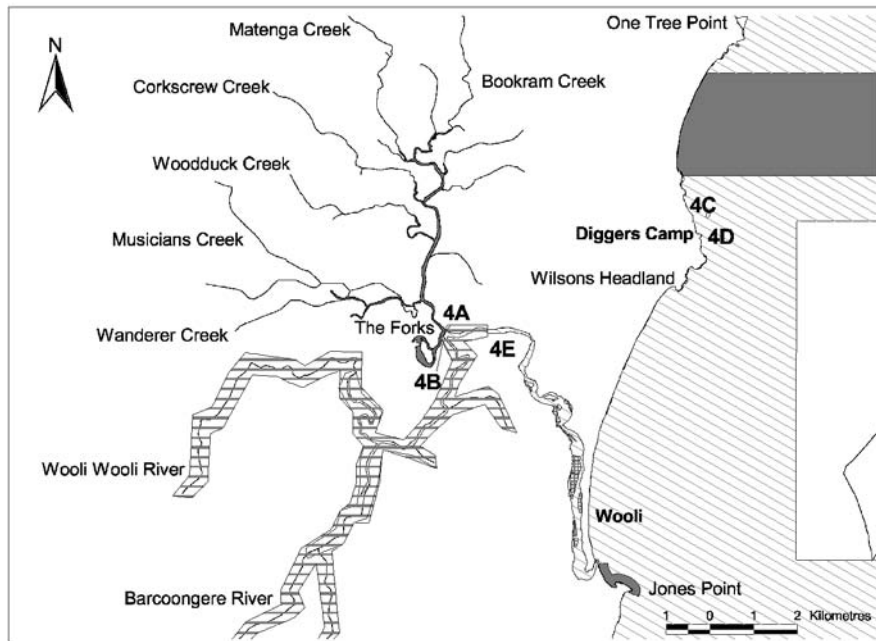


| LEGEND | | | |
|-------------------------|----------------------|---|---|
| Sanctuary Zone | Special Purpose Zone | Prohibition on commercial fish trapping | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |
| Habitat Protection Zone | General Use Zone | Prohibition on crab trapping | |

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Map 4: Woolli Woolli River and Diggers Camp (Northern Section)

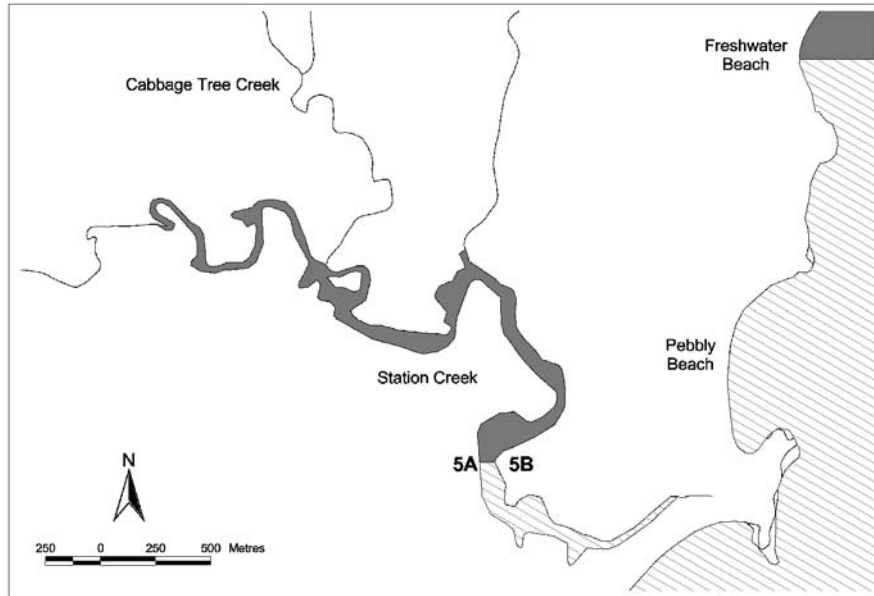


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Map 5: Station Creek

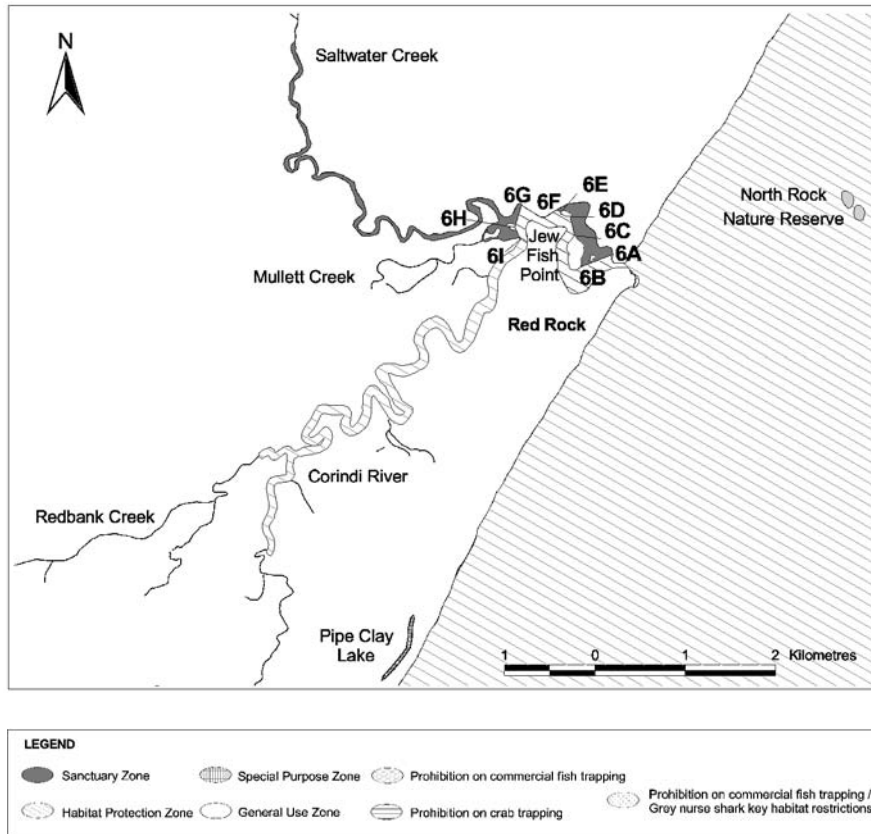


| LEGEND | | | |
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| Sanctuary Zone | Special Purpose Zone | Prohibition on commercial fish trapping | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |
| Habitat Protection Zone | General Use Zone | Prohibition on crab trapping | |

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Map 6: Corindi River System and Pipe Clay Lake

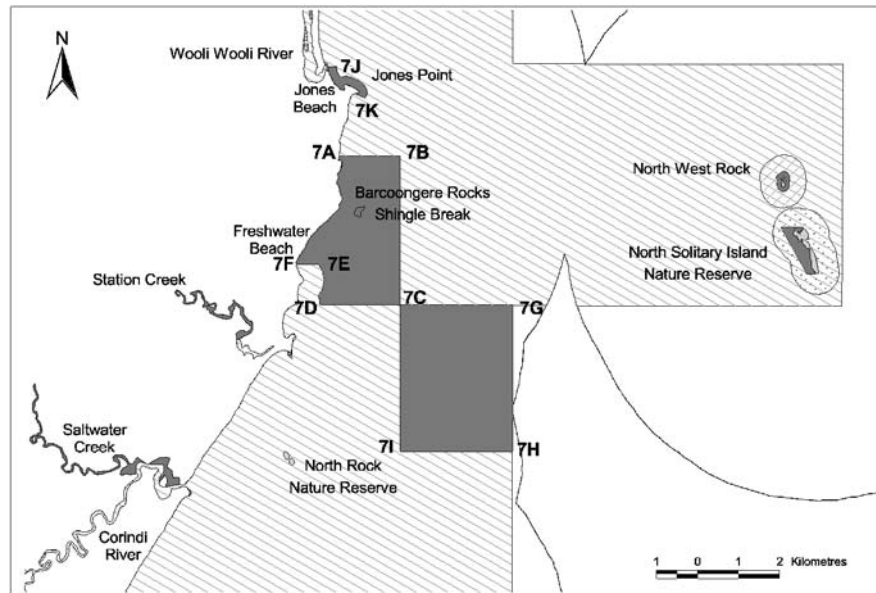


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Map 7: Central Section (including Jones Beach and Jones Point)

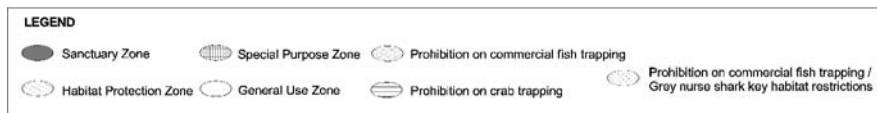
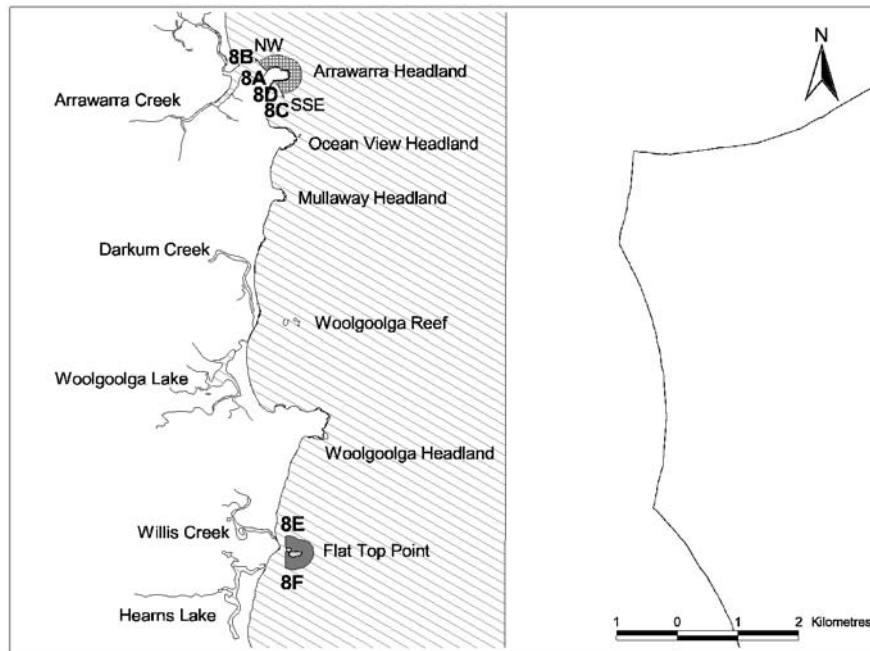


| LEGEND | | | |
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| Sanctuary Zone | Special Purpose Zone | Prohibition on commercial fish trapping | |
| Habitat Protection Zone | General Use Zone | Prohibition on crab trapping | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |

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Map 8 Arrawarra Headland, Flat Top Point, other headlands and coastal lagoons (Central Section)

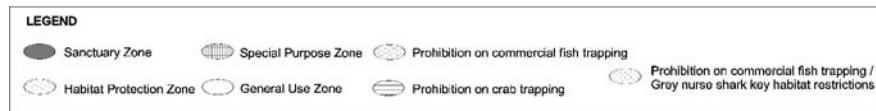
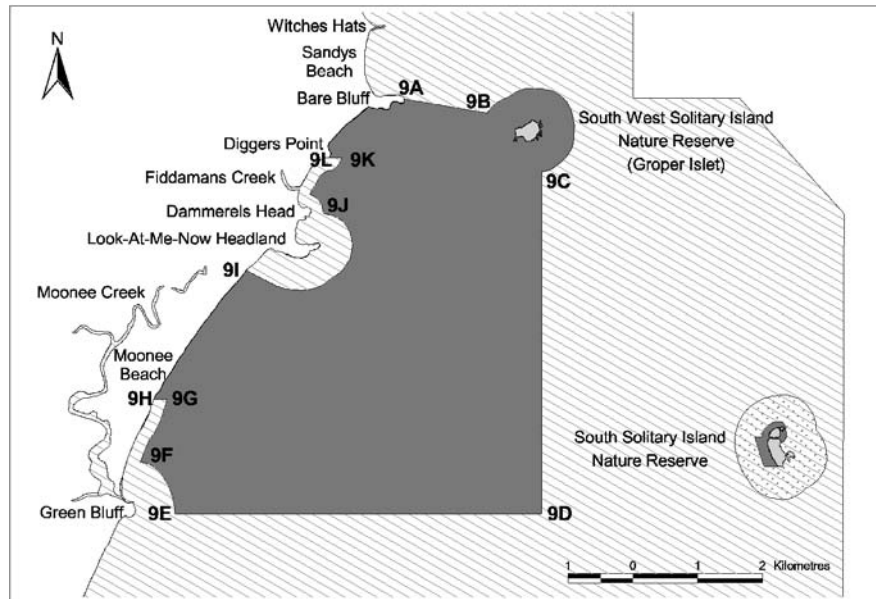


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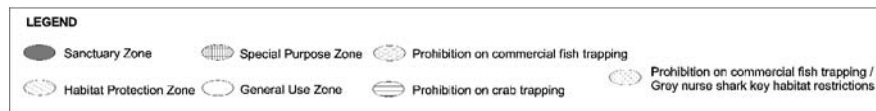
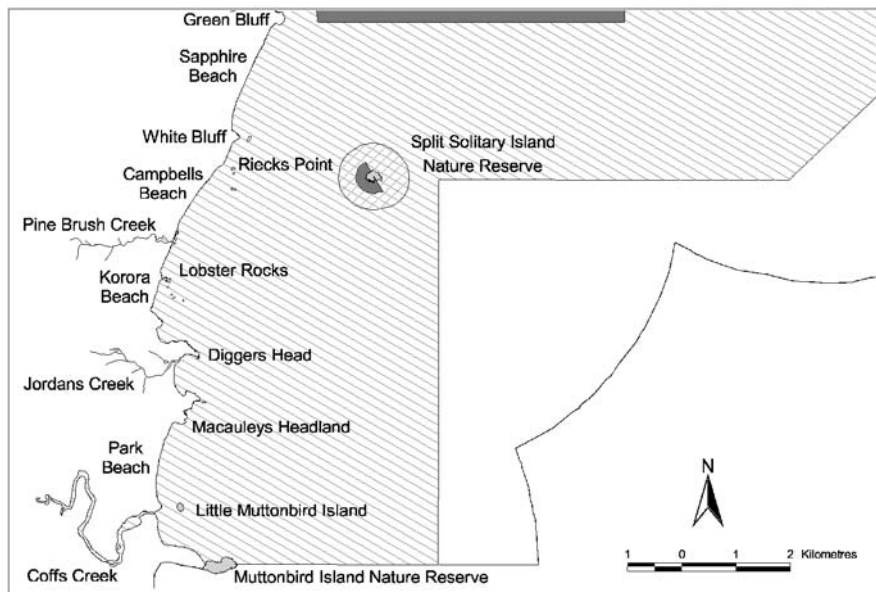
Map 9: Southern Section



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Map 10: Southern Section including Coffs Creek, Pine Brush Creek and Jordans Creek

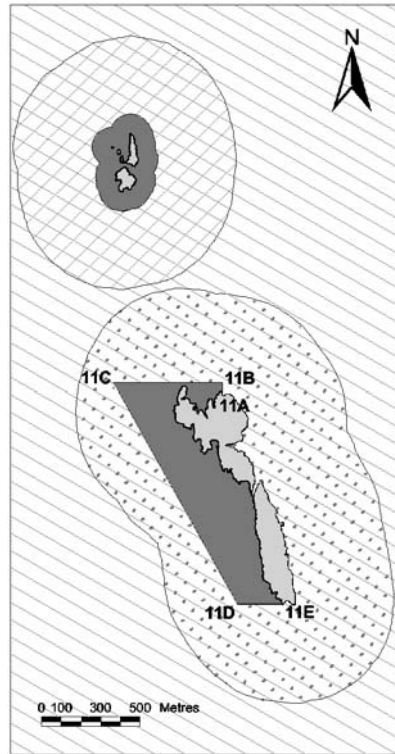


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Map 11: North Solitary Island and North West Rock

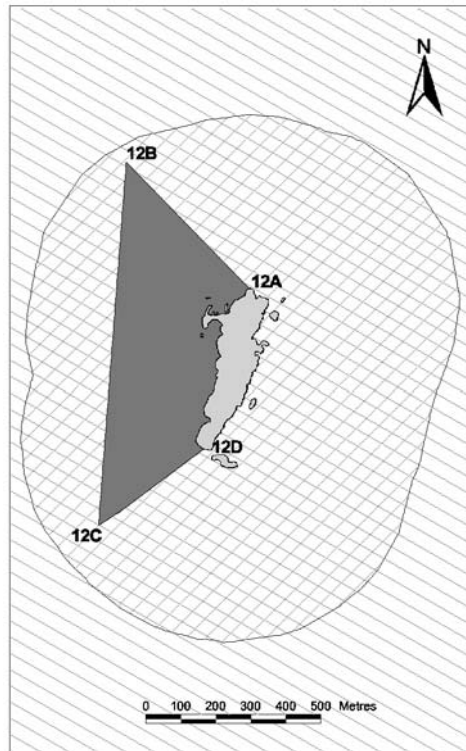


| LEGEND | |
|--------|---|
| | Sanctuary Zone |
| | Habitat Protection Zone |
| | Special Purpose Zone |
| | General Use Zone |
| | Prohibition on commercial fish trapping |
| | Prohibition on crab trapping |
| | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |

Marine Parks Amendment (Solitary Islands) Regulation 2002

Schedule 1 Amendments

Map 12: North West Solitary Island



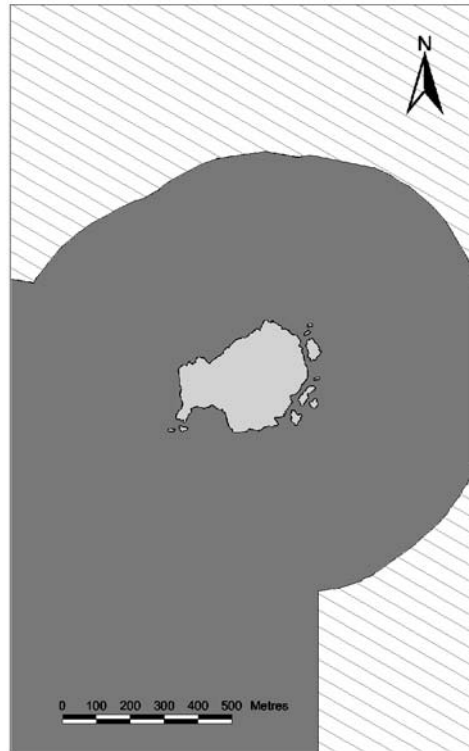
| LEGEND | |
|--------|---|
| | Sanctuary Zone |
| | Habitat Protection Zone |
| | Special Purpose Zone |
| | General Use Zone |
| | Prohibition on commercial fish trapping |
| | Prohibition on crab trapping |
| | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |

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Schedule 1

Map 13: South West Solitary Island (Groper Islet)

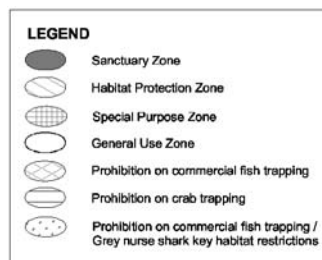
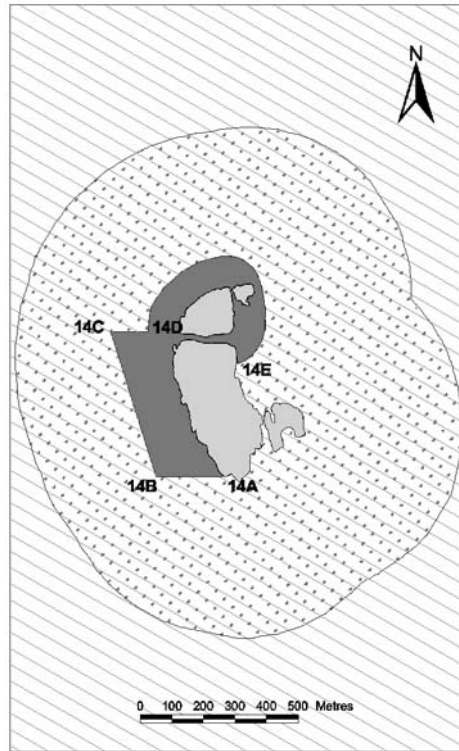


| LEGEND | |
|--------|---|
| | Sanctuary Zone |
| | Habitat Protection Zone |
| | Special Purpose Zone |
| | General Use Zone |
| | Prohibition on commercial fish trapping |
| | Prohibition on crab trapping |
| | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |

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Map 14: South Solitary Island

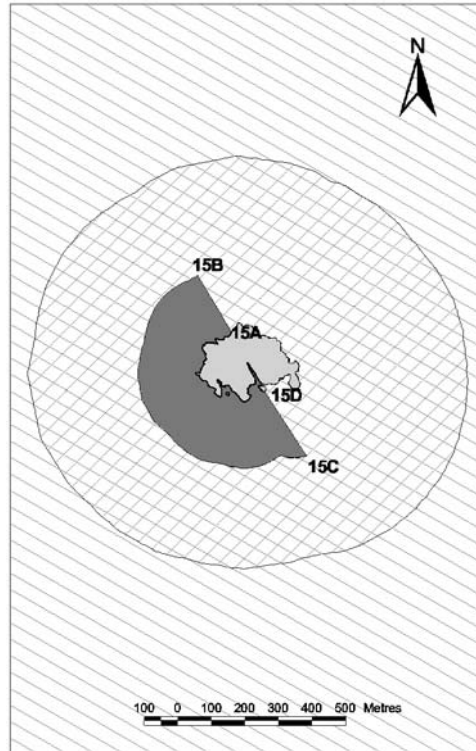


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Map 15: Split Solitary Island

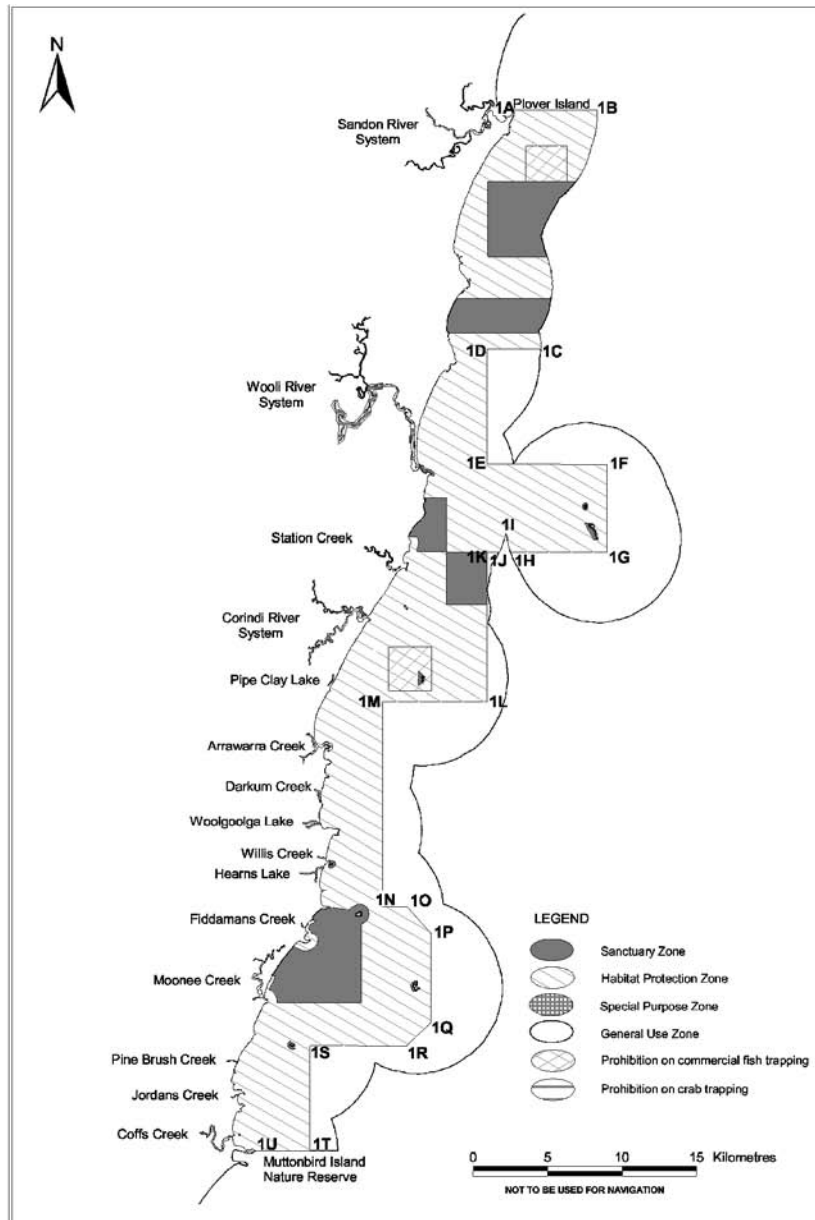


| LEGEND | |
|--------|---|
| | Sanctuary Zone |
| | Habitat Protection Zone |
| | Special Purpose Zone |
| | General Use Zone |
| | Prohibition on commercial fish trapping |
| | Prohibition on crab trapping |
| | Prohibition on commercial fish trapping / Grey nurse shark key habitat restrictions |

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Map 16: Habitat Protection Zone



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Division 11 Miscellaneous

31 Transitional

- (1) Despite any other provision of this Regulation, the relevant Ministers may, for the purpose of assisting in the transition consequent on the commencement of the provisions of this Part, consent to any person or class of persons carrying out any activity in the marine park.
- (2) Clause 37A of this Regulation (relating to permits) applies in respect of the consent of the relevant Ministers, subject to subclause (3).
- (3) A permit granted pursuant to a consent given by the relevant Ministers under this clause is to specify the period in which it remains in force. The period is not to exceed 12 months after the commencement of this Part.
- (4) For avoidance of doubt, subclause (3) does not apply in respect of a permit granted pursuant to a consent given by the relevant Ministers under another provision of this Regulation.
- (5) It is a defence to a prosecution for an offence against this Regulation if the person charged proves that the act or omission constituting the offence was authorised by, and was done or omitted in accordance with, a permit granted pursuant to a consent given by the relevant Ministers under this clause.

[35] Schedule 2

Omit “and short descriptions” from the heading.

[36] Schedule 2, Column 2

Omit the column and change the title of Column 3 to “Column 2”.

Marine Parks Amendment (Solitary Islands) Regulation 2002

Schedule 1 Amendments

[37] Schedule 2

Omit the matter relating to clause 12 (2) from Columns 1 and 2 (as so re-titled).

Insert instead in appropriate order:

| | |
|-------------------|-------|
| Clause 7 (d) | \$500 |
| Clause 12 (2) (a) | \$500 |
| Clause 12 (2) (b) | \$500 |
| Clause 18A (a) | \$500 |
| Clause 18A (b) | \$500 |
| Clause 18A (c) | \$500 |
| Clause 18B (1) | \$500 |
| Clause 19 (2A) | \$500 |
| Clause 20 (2) | \$300 |
| Clause 20 (3) | \$300 |
| Clause 27A (1) | \$500 |
| Clause 27B | \$500 |
| Clause 37A (5) | \$300 |

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