

**JUSTICES ACT 1902—REGULATION**

(Justices (Short Descriptions of Fisheries Offences) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 3 of 13 January 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

**I. R. CAUSLEY,**  
Minister for Agriculture and Fisheries.

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**Citation**

1. This Regulation may be cited as the Justices (Short Descriptions of Fisheries Offences) Regulation 1995.

**Commencement**

2. This Regulation commences on the commencement of the Fisheries Management Act 1994.

**Short descriptions of offences**

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite it in Column 2 of the Schedule.

(2) If a choice of words is indicated in Column 2 of the Schedule, the words remaining after the omission of words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule 1 in relation to an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

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**SCHEDULE 1**

(Cl. 3)

<i>Column 1</i>	<i>Column 2</i>
<b>Offence under Fisheries Management Act 1994</b>	<b>Prescribed expression</b>
Section 14 (1)—take fish in contravention of a fishing closure	take fish contrary to fishing closure
Section 14 (2)—be in possession of fish taken in contravention of a fishing closure	possess fish taken contrary to fishing closure
Section 16 (1)—have in possession prohibited size fish	possess prohibited size fish
Section 16 (2)—sell prohibited size fish	sell prohibited size fish
Section 17 (2)—take on any one day more fish than the daily limit	take more fish than daily limit
Section 18 (2)—have in possession in specified circumstances more than the maximum quantity of fish	possess more than maximum quantity of fish
Section 19 (2)—take protected fish	take protected fish
Section 19 (3)—have protected fish in possession	possess protected fish
Section 20 (2)—take any fish protected from commercial fishing for sale	take commercial protected fish for sale
Section 20 (3)—sell any fish protected from commercial fishing	sell commercial protected fish
Section 22 (2)—use unregistered fishing gear of a class which is registrable	use unregistered fishing gear
Section 24 (1)—in absence of regulation permitting that use, use net or trap for taking fish	unlawful use of net/trap
Section 25 (1)—be in possession of fishing gear in or on or adjacent to waters, if use of fishing gear to take fish from those waters is prohibited, or taking fish from those waters is prohibited	possess fishing gear in/on/ adjacent to closed waters when use of that gear/ taking of fish prohibited
Section 35 (1)—be in possession of fish taken in contravention of a provision of or made under the Act	possess fish illegally taken
Section 39 (2)—fail to remove anything on a recognised fishing ground which is obstructing commercial net fishing after being directed by a fisheries officer to do so	fail to remove obstruction on fishing ground after direction

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Section 65 (1)—being a shareholder, contravene a provision of a management plan for a share management fishery	shareholder contravenes provision of management plan
Section 65 (1)—shareholder whose nominee contravenes a provision of a management plan for a share management fishery	shareholder's nominee contravenes management plan
Section 87 (4)—without reasonable excuse, fail to attend when summonsed to appear at a hearing to give evidence or fail to attend from day to day unless excused or released from a summons to appear at a hearing to give evidence	fail to appear/fail to attend from day to day at hearing
Section 87 (5)—being a person appearing at a hearing to give evidence, without reasonable excuse, refuse or fail to comply with requirement to take an oath or make an affirmation, answer a question, or produce a document	refuse/fail to comply with requirement to take oath or make affirmation/answer question/produce document
Section 88 (2)—without reasonable excuse, refuse or fail to comply with a notice to attend and produce documents	refuse/fail to comply with notice to produce documents
Section 102 (1)—take fish for sale from waters to which the Act applies when unlicensed	take fish for sale when unlicensed
Section 104 (7)—contravene any condition of a commercial fishing licence	contravene condition of commercial fishing licence
Section 107 (1)—being the master of an unlicensed boat, use the boat to take fish for sale from waters to which the Act applies, or to land fish in New South Wales that were taken from other waters	use unlicensed boat to take fish for sale/land fish
Section 108 (7)—contravene any condition of a boat licence	contravene condition of boat licence
Section 110 (9)—being the master of a licensed fishing boat, carry unregistered crew	carry unregistered crew
Section 117 (1)—being an unregistered fish receiver, receive fish for resale or other commercial use from a person the receiver knows or reasonably suspects to be a commercial fisher or a person acting on behalf of such a commercial fisher	unregistered fish receiver

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Section 118 (7)—being a registered fish receiver, contravene any condition of registration	contravene condition of fish receiver registration
Section 119 (3)—being a registered fish receiver, refuse or fail, without reasonable excuse, to give information or keep records as prescribed	as fish receiver, refuse/fail to give information/keep records
Section 121—being a commercial fisher, fail to make a record as prescribed of all fish taken by the commercial fisher	fail to make catch record
Section 122—being a commercial fisher, fail to send a copy of catch record to the Director within prescribed period	fail to send catch record to Director
Section 123 (1)(a)—being a person who sells fish, fail to make and deliver to the purchaser on or before the sale a prescribed record of the sale	fail to deliver record of sale to purchaser
Section 123 (1) (b)—being a person who sells fish, fail to retain a copy of the prescribed record of sale for 12 months after the sale	fail to retain record of sale for 12 months
Section 123 (1) (c)—being a person who sells fish, fail, during a 12 month period, to produce a copy of the prescribed record of sale when requested to do so by a fisheries officer	fail to produce record of sale
Section 123 (2) (a) (i)—being a person who sells fish, fail to make, before the sale, a prescribed record concerning the possession by the person of the fish	fail to make record of possession
Section 123 (2) (a) (ii)—being a person who sells fish, fail to obtain, on or before the sale, from any other person from whom the person acquired the fish, a prescribed record concerning the possession by the person of the fish	fail to obtain record of possession
Section 123 (2) (b)—being a person who sells fish, fail to retain a prescribed record concerning the possession by the person of the fish for 12 months after sale	fail to retain record of possession for 12 months
Section 123 (2) (c)—being a person who sells fish, fail, during a 12 month period, to produce a prescribed record concerning the possession by the person of the fish when requested to do so by a fisheries officer	as seller, fail to produce record of possession

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Section 123 (3)—being a person in possession of a prescribed quantity of fish, fail to produce a prescribed record concerning the possession by the person of the fish when requested to do so by a fisheries officer	fail to produce record of possession
Section 124—make an entry in a fish record, or copy, knowing that the entry is false or misleading	make false/misleading entry in fish record
Section 144 (1)—undertake aquaculture without an aquaculture permit	undertake aquaculture without permit
Section 152 (3)—contravene a condition of an aquaculture permit	contravene condition of aquaculture permit
Section 155—being the holder of an aquaculture permit, fail to give Minister, within 28 days after a change in the business address of the permit holder, any director of the body corporate or any other prescribed matter, particulars of that change	fail to notify change in particulars by lessee
Section 170 (3)—erect fence on a leased area otherwise than in accordance with an authority of the Minister or a condition of such authority	fence leased area without authority
Section 171 (3)—being a former lessee of an expired lease, fail without reasonable excuse when required by the Minister within 1 year after the termination of a lease to remove improvements on the lease within the period notified	fail to remove improvements on expired lease
Section 179 (1) (a)—remove, or in any way injure or interfere with, any fish or marine vegetation cultivated within a leased area or any thing used for the purpose of aquaculture on a leased area without the consent of the lessee	remove/injure/interfere with fish or vegetation within leased area/thing used for aquaculture on leased area
Section 179 (1) (b)—deposit anything on a leased area or dredge or dig within a leased area without the direction or authority of the lessee or the Minister	deposit thing od/dredge/dig within leased area without authority
Section 183 (5)—without reasonable excuse, contravene provision of an order declaring a quarantine area	contravene quarantine order
Section 184—intentionally or recklessly communicate a declared disease to live fish or marine vegetation	intentionally/recklessly communicate a disease to live fish/vegetation

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Section 185—sell any fish or marine vegetation (whether live or dead) knowing or with reason to suspect that it is infected with a declared disease	sell infected fish/marine vegetation
Section 186—deposit in any waters any fish or marine vegetation (whether live or dead) knowing or with reason to suspect that it is infected with a declared disease	deposit infected fish/marine vegetation
Section 190 (2)—take oysters from any public water land without authority	take oysters without authority
Section 200 (1)—being a local government authority, carry out dredging or reclamation work in any waters without a permit	local government authority dredging/reclaiming without permit
Section 201 (1)—carry out dredging or reclamation work in any waters without a permit	carry out dredging/reclamation work without permit
Section 205—cut, remove, damage or destroy marine vegetation on public water land or aquaculture lease, or on the foreshore of any such land or lease without a permit	cut/remove/damage/destroy marine vegetation on public waterland/aquaculture lease/foreshore without permit
Section 206 (1)—damage gravel beds in any waters knowing that it is a place where salmon or trout spawn or are likely to spawn	damage gravel beds where salmon/trout spawn/are likely to spawn
Section 207 (2)—wilfully take or disturb salmon, trout or other prescribed fish knowing that they are spawning or are on or near their spawning beds	take/disturb salmon/trout prescribed fish while spawning/on or near spawning beds
Section 210 (1)—sell live noxious fish without a permit	sell live noxious fish without permit
Section 211 (1)—possess live noxious fish without a permit issued by the Minister or an aquaculture permit	possess live noxious fish without permit
Section 216 (1)—release live fish into any waters without a permit	release live fish without permit
Section 217 (1)—bring into New South Wales without a permit live fish of a species not taken from New South Wales waters	import live fish without permit
Section 217 (2)—sell, buy or have possession of fish knowing that the fish has been brought into New South Wales in contravention of this section	sell/buy/possess live fish imported without permit

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Section 219 (1)—set a net, netting or other material or otherwise create an obstruction across or within a bay, inlet, river or creek or across or around a flat so that fish will or could be blocked and left stranded or immature fish will or could be destroyed or the free passage of fish will or could be obstructed	obstruct fish in bay/inlet/river/creek/flat
Section 247 (1)—without reasonable excuse, resist or obstruct a fisheries officer in the exercise of the officer’s functions	resist/obstruct fisheries officer
Section 247 (2)—assault, abuse or threaten a fisheries officer	assault/abuse/threaten fisheries officer
Section 247 (2)—encourage another person to assault, abuse or threaten a fisheries officer	encourage person to assault/abuse/threaten fisheries officer
Section 247 (3)—impersonate a fisheries officer	impersonate fisheries officer
Section 248 (4)—being a master of a boat, without reasonable excuse, fail to comply with a requirement of a fisheries officer under this section relating to assisting the officer to board the boat for the purposes of a search, and to take the boat to a specified place	fail to assist in boarding and search of boat
Section 249 (3)—without reasonable excuse, fail to comply with a requirement of a fisheries officer under this section relating to removing fishing gear from the water	fail to comply with requirement to remove gear from water
Section 251 (2)—being a person in control of a vehicle, fail to comply with a requirement of a fisheries officer to take the vehicle to a specified place for the purpose of a search if it is not reasonably practicable to carry out the search where the vehicle is stopped	fail to comply with requirement to move vehicle for search
Section 256 (4)—fail to comply with a requirement of a fisheries officer under this section to produce records and answer questions relating to commercial fishing activities and fish receivers	fail to comply with requirement to produce records/answer questions
Section 257 (4)—without reasonable excuse, fail to comply with a requirement of a fisheries officer under this section to produce for inspection appropriate fishing authority	fail to comply with requirement to produce authority

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Section 258 (2)—without reasonable excuse, fail to comply with a requirement of a fisheries officer under this section to provide information	fail to comply with requirement to provide information
Section 259 (1)—make any statement, provide any information or produce any document in connection with a requirement under Part 9 that the person knows is false or misleading in a material particular	make statement/provide information/produce document that is false/misleading
 <b>Offences under Fisheries Management (General) Regulation 1995</b>	
Clause 65 (1) (a)—not being a commercial fisher, take or attempt to take fish in any waters (other than inland waters) by setting, using or lifting more than 4 hand held lines	set/use/lift more than 4 hand lines
Clause 65 (1) (b)—not being a commercial fisher, take or attempt to take fish in any waters (other than inland waters) by setting, using or lifting any hand held line with more than 3 hooks or 3 gangs of hooks attached	set/use/lift hand line with more than 3 hooks/3 gangs of hooks
Clause 65 (1) (b)—not being a commercial fisher, take or attempt to take fish in any waters (other than inland waters) by setting, using or lifting any hand held line with more than 3 treble hooks attached to a lure	set/use/lift hand line with more than 3 treble hooks on lure
Clause 65 (1) (c)—not being a commercial fisher, take or attempt to take fish in any waters (other than inland waters) by setting, using or lifting any hand held line with a gang of hooks which comprises more than 5 hooks attached	set/use/lift hand line with more than 5 ganged hooks
Clause 65 (3) (a)—being a commercial fisher, take or attempt to take fish in any Ocean waters or estuarine waters by setting, using or lifting more than 10 set lines	set/use/lift more than 10 set lines
Clause 65 (3) (b)—being a commercial fisher, take or attempt to take fish in any Ocean waters or estuarine waters by setting, using or lifting any set line with more than 6 hooks attached	set/use/lift set line with more than 6 hooks



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Clause 65 (6)—for the purpose of taking fish (other than salmon or trout), set, use or lift in any inland waters a set line or hand held line, except as permitted by this subclause	set/use/lift set line/hand line when unauthorised
Clause 66 (1)—leave hand held line unattended when taking or attempting to take fish from any inland waters	leave hand line unattended
Clause 67 (1) (a)—being a commercial fisher, take fish in any waters (other than inland waters) by setting, using or lifting a drift line to which is attached more than 1 hook, unless each hook is part of a gang of hooks	set/use/lift drift line with more than 1 hook
Clause 67 (1) (b)—being a commercial fisher, take fish in any waters (other than inland waters) by setting, using or lifting a drift line to which is attached more than 1 gang of hooks	set/use/lift drift line with more than 1 gang of hooks
Clause 67 (1) (c)—being a commercial fisher, take fish in any waters (other than inland waters) by setting, using or lifting a drift line to which is attached a gang of hooks comprising more than 5 hooks	set/use/lift drift line with gang of more than 5 hooks
Clause 67 (1) (d)—being a commercial fisher, take fish in any waters (other than inland waters) by setting, using or lifting a drift line to which is attached another drift line	set/use/lift drift line with another drift line attached
Clause 67 (2)—being a commercial fisher, take fish in any waters (other than inland waters) by setting, using or lifting more than 30 drift lines	set/use/lift more than 30 drift lines
Clause 67 (3)—being a commercial fisher, take fish in any inland waters by setting, using or lifting a drift line	as commercial fisher, set/use/lift lift drift line in inland waters
Clause 67 (4)—not being a commercial fisher, take fish in any waters by setting, using or lifting a drift line	as recreational fisher, set/use/lift lift drift line in any waters
Clause 68 (1)—place or set any net or other fishing gear, or use or lift any set net or other set fishing gear, in or on any waters, unless the net or gear is identified in accordance with subclause (2) or (3)	place/set/use/lift fishing gear not properly identified

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Clause 69 (1)—take or attempt to take fish by any method while using any apparatus capable of supplying air to facilitate breathing underwater	take/attempt to take fish while scuba diving
Clause 70 (1) (a)—use a spear gun to take fish in inland waters	use spear gun in inland waters
Clause 70 (1) (b)—use a spear gun to take fish in any of the waters described in Schedule 4	use spear gun in Schedule 4 waters
Clause 70 (1) (c)—use a spear gun aided by lights to take fish in any waters	use spear gun aided by lights
Clause 71 (1)—take or attempt to take fish in any waters by means of a firm	take/attempt to take fish by firearm
Clause 72 (1)—take or attempt to take rock lobster by any method other than by hand picking (whether or not while wearing a glove)	take/attempt to take lobster other than by hand
Clause 73 (1)—take or attempt to take any yabby (pink nippers), squirt worms, blood worms, beach worms, pipis or any other intertidal invertebrate from a rock platform by any method other than use of a single blade knife with a blade longer than it is wide, or from any other place by any method other than the methods prescribed by paragraphs (a) to (e)	take/attempt to take intertidal invertebrate by unauthorised method
Clause 74 (1)—being a recreational fisher, take or attempt to take shellfish by means of a dredge or similar device	as recreational fisher, take/attempt to take shellfish by dredge
Clause 74 (2)—being a commercial fisher, take or attempt to take shellfish by means of a dredge or similar device from any waters (other than ocean waters) unless authorised to do so by a permit	take/attempt to take shellfish by dredge from non-ocean waters
Clause 74 (3)—being a commercial fisher, take or attempt to take shellfish by means of a dredge if the overall width of the dredge (or the overall width of any combined dredges joined together) exceeds 3.5 metres	take/attempt to take shellfish with oversize dredge
Clause 74 (4)—being a commercial fisher, take or attempt to take shellfish by means of more than 1 dredge or similar device, or more than one combination of dredges or similar devices, from a boat at any one time	take/attempt to take shellfish by more than 1 dredge

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Clause 75 (2)—take or attempt to take fish by the method of jaggging	take/attempt to take fish by jaggging
Clause 76 (1)—take or attempt to take Atlantic salmon or trout from any waters (other than the backed up waters of a dam or an impoundment) by any method other than the use of a single rod and line with not more than 2 hooks attached, or 3 treble hooks, or 3 double hooks, attached to a lure	take/attempt to take salmon/trout from waters by unauthorised method
Clause 76 (2)—take or attempt to take Atlantic salmon or trout from the backed up waters of a dam or an impoundment by any method other than the use of not more than 2 rods and lines, each with not more than 2 hooks attached, or 3 treble hooks, or 3 double hooks, attached to a lure	take/attempt to take salmon/trout from dam/impoundment by unauthorised method
Clause 76 (3)—use a light to take Atlantic salmon or trout	use light to take salmon/trout
Clause 77—take or attempt to take in any waters blue, brown or red groper by any method other than by the use of a rod and line or a handline	take/attempt to take groper by unauthorised method
Clause 78 (1)—sell a commercial net to another person unless satisfied that the person is the holder of a commercial fishing licence or a permit under this clause	sell commercial net to unauthorised person
Clause 78 (2)—being a person who sells a commercial net, fail to make a record of the sale containing the date of sale, a description of the net and its registration number, and the licence or permit number of the person to whom the net was sold	sell commercial net without making record of sale
Clause 78 (3)—being a person who sells a commercial net, fail to retain the record referred to in subclause (2) for 5 years after the net was sold and fail, during that 5 year period, to produce the record when requested to do so by a fisheries officer	fail to retain and produce record of sale of commercial net
Clause 79—attempt to take fish contrary to the rights of priority between fishers determined by Part 4 after being directed not to do so by a fisheries officer or by another fisher	attempt to fish contrary to rights of priority

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Clause 80—being a commercial fisher, use a net or other fishing gear contrary to the provisions of this Part	use fishing gear contrary to Part 4
Clause 106—drive, ride or use a boat, surfboard, water ski, aquaplane or similar equipment in any waters on a recognised fishing ground in such a manner and in such proximity to the ground as is likely to cause the dispersal of schooling fish, or fish travelling in a school or shoal, after being directed to cease doing so by a fisheries officer	drive/ride/use boat/surfboard/ water ski/aquaplane/ equipment in manner causing dispersal of fish
Clause 106—drive, ride or use a boat, surfboard, water ski, aquaplane or similar equipment in any waters in a manner that unreasonably interferes with the operations of a commercial fisher lawfully fishing in those waters or waiting to carry on lawful fishing in those waters, after being directed to cease doing so by a fisheries officer	drive/ride/use boat/surfboard/ water ski/aquaplane/ equipment in manner interfering with commercial fishing
Clause 107 (1)—without reasonable excuse, interfere with any set fishing gear	interfere with set fishing gear
Clause 109—without reasonable excuse, wilfully disturb fish in the vicinity of a commercial fisher using a net or other fishing gear on a recognised fishing ground	disturb fish in vicinity of commercial fisher
Clause 110 (2)—without lawful excuse, refuse or neglect to comply with the lawful requirement of a commercial fisher using a line (other than a drift line) in any waters to move to another position (not more than 50 metres distant) that the fisher indicates	refuse/neglect to move from fishing position
Clause 118 (1)—being a person who takes rock lobster from any waters, fail to attach approved tag to the rock lobster as soon as practicable after the rock lobster is taken, in such a manner that the tag cannot be removed without being broken	fail to attach tag to rock lobster
Clause 118 (3)—possess a rock lobster in or on or adjacent to any waters which does not have a tag attached to it in such a manner that it cannot be removed without being broken	possess rock lobster without tag in/on/adjacent to waters

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Clause 120 (1)—take or attempt to take any fish from inland waters with a lure or bait that is a live fin fish or any fish or any part of a fish not native to the waters of New South Wales or trout or salmon roe or any product containing trout or salmon roe	take/attempt to take fish with live fin fish/exotic fish/trout roe/salmon roe/trout or salmon roe product
Clause 120 (2)—take or attempt to take salmon or trout with any lure or bait other than natural flies or insects or their larvae; worms, shrimps, yabbies or mussels; artificial lures or baits; or plant matter	take/attempt to take salmon/trout with unauthorised lure/bait
Clause 120 (3)—being a person fishing in inland waters, fail to produce, on demand of a fisheries officer, a lure or bait being used by that person	fail to produce lure/bait on demand by officer
Clause 121 (1)—take or attempt to take any octopus from any rock platform in ocean waters or the waters of Port Jackson	take/attempt to take octopus from rock platform/waters of Port Jackson
Clause 122 (1)—shuck any intertidal invertebrate (other than abalone, rock lobster or turban snail) in or on or adjacent to any waters except for immediate bait use	shuck intertidal invertebrate in/on/adjacent to waters except bait
Clause 122 (2)—shuck rock lobster or turban snail in or on or adjacent to any waters	shuck rock lobster/turban snail in/on/adjacent to waters
Clause 123 (1)—being a commercial fisher who is authorised to take fish for sale in the abalone fishery, shuck abalone at any place other than a place approved by the Director or premises registered under the regulations made under the Export Control Act 1982 of the Commonwealth	as commercial fisher, shuck abalone in unauthorised place
Clause 123 (2)—not being such commercial fisher, shuck abalone in or on or adjacent to any waters	as recreational fisher, shuck abalone in/on/adjacent to waters
Clause 124 (1)—without reasonable excuse, mutilate any fish of a class specified in clause 7 (Prohibited size fish) in or on or adjacent to waters in any manner other than by gutting or removing the gills or scales	mutilate fish in/on/adjacent to waters in unauthorised manner

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Clause 124 (2)—deliver or consign for sale any fish of a class specified in clause 7 (Prohibited size fish) which has been mutilated in any manner other than by gutting or removing the gills or scales	deliver/consign for sale fish mutilated in unauthorised manner
Clause 125 (1)—take or sell or have in possession a crayfish, shovel-nosed lobster, rock lobster or crab, carrying ova externally	take/sell/possess crayfish/shovel-nosed lobster/rock lobster/crab carrying ova externally
Clause 125 (2)—have in possession a crayfish, shovel-nosed lobster, rock lobster, or crab, from which spawn or ova have been deliberately removed	possesscrayfish/shovel-nosed lobster/rock lobster/crab with ova/spawn removed
Clause 157 (1)—being the holder of a fishing boat licence, fail to make or cause to be made, in respect of a person who is a crew member on the boat, a record containing the prescribed information	fail to make/cause to be made record of crew member
Clause 157 (2) (a)—being the holder of a fishing boat licence, fail to keep or cause to be kept the record referred to in clause 157 (1) on the licensed boat concerned for a period of 5 years after the crew member concerned ceases to be engaged by the holder of the fishing boat licence	fail to keep/cause to be kept crew record for 5 years
Clause 157 (2) (b)—being the holder of a fishing boat licence, fail to produce the record referred to in clause 157 (1) during that 5 year period when requested to do so by a fisheries officer	fail to produce record of crew member
Clause 158 (2)—being a registered crew member, fail to comply with a requirement under this clause to make and keep such records as the Director may, by notice in writing, require in connection with the crew member's registration	as crew member, fail to keep records of registration
Clause 159—make, or cause to be made, an entry in a record kept for the purposes of this Division knowing that the entry is false or misleading in a material particular	make/cause to be made false/misleading entry in crew record
Clause 191—sell a whole eastern rock lobster, or the tail of an eastern rock lobster, which does not have a tag attached to it in such a manner that the tag cannot be removed without being broken	sell whole eastern rack lobster/tail of eastern rock lobster without tag

**1995—No. 14****Offences under Fisheries Management  
(Aquaculture) Regulation 1995**

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| Clause 49 (1)—being an aquaculture lessee, fail to mark out, within 30 days after the beginning of the lease or within such further period as the Minister may allow, the boundaries of the area leased in accordance with this clause                                | fail to mark boundaries of lease            |
| Clause 49 (6)—being an aquaculture lessee, fail to ensure that the boundaries of the leased area continue to be marked as required by this clause for the duration of the lease   | fail to maintain marked boundaries of lease |
| Clause 49 (7)—mark out an area of public water land as an aquaculture farm, or in a way that is likely to lead persons to believe that the area is an aquaculture farm, unless the person is the lessee of the area or is authorised by the lessee                    | unlawfully mark out aquaculture lease       |
| Clause 50 (5)—being an aquaculture lessee, fail to ensure that, while a direction under this clause remains in force in relation to a boat channel, the channel continues to be marked as required by that clause for the duration of the aquaculture lease concerned | fail to maintain marked boat channel        |
| Clause 51 (7)—being an aquaculture lessee, fail to ensure that the markings required by this clause are maintained for the duration of the term of the aquaculture lease concerned, unless the access way is terminated before that lease is terminated               | fail to maintain marked access way          |

**Offences under Fisheries Management  
(Aquatic Reserves) Regulation 1995****LONG REEF**

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| Clause 8 (1) (a)—take or attempt to take fish from the Reserve                               | take/attempt to take fish from Long Reef Reserve                    |
| Clause 8 (1) (b)—gather or attempt to gather marine vegetation from the Reserve              | gather/attempt to gather marine vegetation from Long Reef Reserve   |
| Clause 8 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve              | disturb/injure/interferewith fish in Long Reef Reserve              |
| Clause 8 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve | damage/destroy/interferewith marine vegetation in Long Reef Reserve |

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**SHIPROCK**

Clause 11 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from Shiprock Reserve
Clause 11 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from Shiprock Reserve
Clause 11 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in Shiprock Reserve
Clause 11 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in Shiprock Reserve

**JULIAN ROCKS**

Clause 14 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from Julian Rocks Reserve
Clause 14 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from Julian Rocks Reserve
Clause 14 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in Julian Rocks Reserve
Clause 14 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in Julian Rocks Reserve

**NORTH HARBOUR**

Clause 17 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from North Harbour Reserve
Clause 17 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from North Harbour Reserve
Clause 17 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in North Harbour Reserve
Clause 17 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in North Harbour Reserve

**BUSHRANGER'S BAY**

Clause 21 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from Bushranger's Bay Reserve
Clause 21 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from Bushranger's Bay Reserve
Clause 21 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in Bushranger's Bay Reserve



Clause 21 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in Bushranger's Bay Reserve
<b>FLY POINT-HALIFAX PARK</b>	
Clause 24 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from Fly Point Reserve
Clause 24 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from Fly Point Reserve
Clause 24 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in Fly Point Reserve
Clause 24 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in Fly Point Reserve
<b>TOWRA POINT</b>	
Clause 27 (1) (a)—take or attempt to take fish from the Reserve	take/attempt to take fish from Towra Point Reserve
Clause 27 (1) (b)—gather or attempt to gather marine vegetation from the Reserve	gather/attempt to gather marine vegetation from Towra Point Reserve
Clause 27 (2) (a)—wilfully disturb, injure or interfere with fish in the Reserve	disturb/injure/interfere with fish in Towra Point Reserve
Clause 27 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the Reserve	damage/destroy/interfere with marine vegetation in Tom Point Reserve
<b>SOLITARY ISLANDS</b>	
Clause 31 (1) (a)—take or attempt to take coral from the Reserve	take/attempt to take coral from Solitary Islands Reserve
Clause 31 (1) (b)—engage in mining or exploration (in connection with mining or prospecting) of the seabed in the Reserve within 1 kilometre, measured horizontally, below mean high water mark of any of the islands or in any areas which are shallower than 20 metres at low tide	engage in mining/exploration in Solitary Islands Reserve
Clause 31 (1) (c)—conduct or participate in a recreational fishing competition in the Reserve	conduct/participate in fishing competition in Solitary Islands Reserve
Clause 31 (1) (d)—carry out any commercial tourist activity in the Reserve	carry out commercial tourist activity in Solitary Islands Reserve

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Clause 32 (1) (a)—take or attempt to take fish or marine vegetation for sale from the general use zone	take/attempt to take fish/ vegetation for sale from general use zone
Clause 32 (1) (b)—gather or attempt to gather or wilfully damage, destroy or interfere with marine vegetation, except green sea lettuce ( <i>Ulva lactuca</i> ) or blackfish weed ( <i>Enteromorpha intestinalis</i> ) in the general use zone	gather/attempt to gather/ damage/destroy/interfere with marine vegetation in general use zone
Clause 33 (1) (a)—take or attempt to take fish or marine vegetation for sale from the recreation zone	take/attempt to take fish/ vegetation for sale from recreation zone
Clause 33 (1) (b)—take or attempt to take fish (except abalone, beach worms, crabs, rock lobsters, cunjevoi, fin fish, oysters, pipis, sea urchins or yabbies) from the recreation zone	take/attempt to take fish from recreation zone
Clause 33 (1) (c)—take or attempt to take fish (except rock lobsters and crabs) by means of a trap from the recreation zone	take/attempt to take fish by trap from recreation zone
Clause 33 (1) (d)—take or attempt to take fish by a net that may only be lawfully used by a commercial fisher from the recreation zone	take/attempt to take fish by commercial net
Clause 33 (1) (e)—gather or attempt to gather or wilfully damage, destroy or interfere with marine vegetation, except green sea lettuce ( <i>Ulva lactuca</i> ) or blackfish weed ( <i>Enteromorpha intestinalis</i> ) in the recreation zone	gather/attempt to gather/ damage/destroy/interfere with marine vegetation in recreation zone
Clause 34 (1) (a)—take or attempt to take fish from the refuge zone except fin fish by means of a hook and line or rock lobsters by means of a lawful trap in those parts of the refuge zone which are situated beneath or adjacent to headlands on the mainland or fish specified in the Table to this clause by means of spearfishing	take/attempt to take fish from refuge zone
Clause 34 (1) (b)—take or attempt to take fish for a private aquarium from the refuge zone	take/attempt to take fish for aquarium from refuge zone
Clause 34 (1) (c)—gather or attempt to gather marine vegetation from the refuge zone	gather/attempt to gather vegetation from refuge zone
Clause 34 (1) (d)—wilfully damage, destroy or interfere with marine vegetation in the refuge zone	damage/destroy/interfere with vegetation in refuge zone

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Clause 35 (1) (a)—take or attempt to take fish from the sanctuary zone	take/attempt to take fish from sanctuary zone
Clause 35 (1) (b)—gather or attempt to gather marine vegetation from the sanctuary zone	gather/attempt to gather vegetation from sanctuary zone
Clause 35 (2) (a)—wilfully disturb, injure or interfere with fish in the sanctuary zone	disturb/injure/interfere with fish in sanctuary zone
Clause 35 (2) (b)—wilfully damage, destroy or interfere with marine vegetation in the sanctuary zone	damage/destroy/interfere with vegetation in sanctuary zone
Clause 35 (3)—use an anchor in sanctuary zone	use anchor in sanctuary zone

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**NOTES**
**TABLE OF PROVISIONS**

1. Citation
2. Commencement
3. Short descriptions of offences

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**SCHEDULE 1**


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**EXPLANATORY NOTE**

The object of this Regulation is to prescribe the short descriptions that, by reason of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences under the Fisheries Management Act 1994, and the regulations made under that Act.

The Regulation is made under the Justices Act 1902, including sections 145B (Short descriptions of certain offences) and 154 (the general regulation-making power).

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