



New South Wales

# Fisheries Management (General) Amendment (Short Descriptions of Offences) Regulation 2000

under the

Fisheries Management Act 1994

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

E. M. OBEID, M.L.C.,

Minister for Fisheries

## Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 1995* to specify short descriptions for certain offences under the *Fisheries Management Act 1994* and the regulations under that Act to facilitate the issue of penalty notices for those offences.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 276 (penalty notices) and 289 (the general regulation-making power) and in accordance with section 145B of the *Justices Act 1902*.

This Regulation is made in connection with the staged repeal of statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

## **2000 No 180**

Clause 1 Fisheries Management (General) Amendment (Short Descriptions of Offences) Regulation 2000

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# **Fisheries Management (General) Amendment (Short Descriptions of Offences) Regulation 2000**

## **1 Name of Regulation**

This Regulation is the *Fisheries Management (General) Amendment (Short Descriptions of Offences) Regulation 2000*.

## **2 Commencement**

This Regulation commences on 1 May 2000.

## **3 Amendment of Fisheries Management (General) Regulation 1995**

The *Fisheries Management (General) Regulation 1995* is amended as set out in Schedule 1.

## **4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 270 Penalty notices

Insert after clause 270 (1):

- (1A) If the reference to a provision in Column 1 of Schedule 5 is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

### [2] Clauses 270A and 270B

Insert after clause 270:

#### 270A Short description of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 5 is the IPB Code set out in relation to the offence in Column 3 of Schedule 5, together with:
- (a) the text set out in relation to the offence in Column 4 of Schedule 5, or
  - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 5, the prescribed expression is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

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- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:
- Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.
- IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### 270B Transitional provision

- (1) This clause applies to any document (being an information, complaint, summons, warrant, notice, order or other document that relates to an offence alleged to have been committed before the repeal of the *Justices (Short Descriptions of Fisheries Offences) Regulation 1995 (the 1995 Regulation)* by the *Justices (Fisheries Offences) Repeal Regulation 2000*), and so applies whether the document was issued, given or made before or after that repeal.
- (2) The repeal of the 1995 Regulation does not affect the validity of any document to which this clause applies in which an expression that was prescribed by the 1995 Regulation, as in force immediately before its repeal, is used.

**[3] Schedule 5**

Omit the Schedule. Insert instead:

**Schedule 5 Penalty notice offences and short descriptions**

(Clauses 270 and 270A)

<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
<b>Part 1 Offences under the Act</b>			
Section 14 (1)	\$500	7998	take fish contrary to fishing closure
Section 14 (2)	\$500	8000	possess fish taken contrary to fishing closure
Section 16 (1)	\$300	8001	possess prohibited size fish
Section 16 (2)	\$300	8002	sell prohibited size fish
Section 17 (2)	\$300	8003	take more fish than daily limit
Section 18 (2)	\$300	8004	possess more than maximum quantity of fish
Section 19 (2)	\$500	8005	take protected fish
Section 19 (3)	\$500	8006	possess protected fish
Section 20 (2)	\$500	8007	take commercial protected fish for sale
Section 20 (3)	\$500	8008	sell commercial protected fish

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 22 (2)	\$200	8009	use unregistered fishing gear
Section 24 (1)	\$500	8010	unlawful use of net/trap
Section 25 (1)	\$500	8011	possess fishing gear near waters when use of that gear/taking of fish prohibited
Section 34I (1) (a)	\$200	6673	fail to pay fishing fee
Section 34I (1) (b)	\$200	6674	fail to have official receipt in possession
Section 35 (1)	\$500	8012	possess fish illegally taken
Section 39 (2)	\$200	8013	fail to remove obstruction on fishing ground
Section 65 (1)	\$200	8014	shareholder contravenes provision of management plan
Section 65 (1)	\$200	7826	shareholder's nominee contravenes management plan
Section 87 (4)	\$200	7827	fail to appear/attend hearing
Section 87 (5)	\$200	7828	fail to take oath or make affirmation/ answer question/ produce document

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 88 (2)	\$200	7829	fail to comply with notice to produce documents
Section 102 (1)	\$500	7830	take fish for sale when unlicensed
Section 104 (7)	\$200	7831	contravene commercial fishing licence
Section 107 (1)	\$300	7832	use unlicensed boat to take fish/land fish
Section 108 (7)	\$200	7833	contravene condition of boat licence
Section 110 (9)	\$100	7834	carry unregistered crew
Section 117 (1)	\$500	7835	unregistered fish receiver
Section 118 (7)	\$200	7836	contravene condition of fish receiver registration
Section 119 (3)	\$300	7837	fail to give information/ keep records
Section 121	\$200	7838	fail to make catch record
Section 122	\$100	7839	fail to send catch record to Director
Section 123 (1) (a)	\$200	7840	fail to deliver record of sale to purchaser
Section 123 (1) (b)	\$200	7841	fail to retain record of sale for 5 years

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 123 (1) (c)	\$200	7842	fail to produce record of sale
Section 123 (2) (a) (i)	\$200	7843	fail to make record of possession
Section 123 (2) (a) (ii)	\$200	7844	fail to obtain record of possession
Section 123 (2) (b)	\$200	7845	fail to retain record of possession for 5 years
Section 123 (2) (c)	\$200	7846	as seller, fail to produce record of possession
Section 123 (3)	\$200	7847	fail to produce record of possession
Section 124	\$300	7848	make false/ misleading entry in fish record
Section 144 (1)	\$500	7849	undertake aquaculture without permit
Section 152 (3)	\$200	7850	contravene condition of aquaculture permit
Section 155	\$100	7851	fail to notify change in particulars by lessee
Section 170 (3)	\$200	7852	fence leased area without authority
Section 171 (3)	\$200	7853	fail to remove improvements on expired lease



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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 179 (1) (a)	\$200	7854	interfere with fish/vegetation/thing within leased area
Section 179 (1) (b)	\$200	7855	deposit thing on/dredge/dig within leased area
Section 183 (5)	\$500	7856	contravene quarantine order
Section 184	\$300	7857	communicate a disease to live fish/vegetation
Section 185	\$300	7858	sell infected fish/marine vegetation
Section 186	\$300	7859	deposit infected fish/marine vegetation
Section 190 (2)	\$200	7860	take oysters without authority
Section 200 (1)	\$500	7861	local government authority dredging/reclaiming without permit
Section 201 (1)	\$500	7862	carry out dredging/ reclamation work without permit
Section 205 (2)	\$300	7863	harm marine vegetation
Section 206 (1)	\$200	7864	damage gravel beds

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 207 (2)	\$200	7865	take/disturb fish while spawning/on or near spawning beds
Section 210 (1)	\$300	7866	sell live noxious fish/noxious marine vegetation without permit
Section 211 (1)	\$300	7867	possess live noxious fish/noxious marine vegetation without permit
Section 216 (1)	\$300	7868	release live fish without permit
Section 217 (1)	\$300	7869	import live fish without permit
Section 217 (2)	\$300	7870	sell/buy/possess live fish imported without permit
Section 219 (1)	\$200	7871	obstruct fish
Section 247 (1)	\$200	7872	resist/obstruct fisheries officer
Section 247 (2) in relation to assaulting, abusing or threatening fisheries officer	\$200	7873	assault/abuse/threaten fisheries officer

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Section 247 (2) in relation to encouraging another person to assault, abuse or threaten fisheries officer	\$200	7874	encourage person to assault/abuse/ threaten fisheries officer
Section 247 (3)	\$200	7875	impersonate fisheries officer
Section 248 (4)	\$200	7876	fail to assist in boarding and search of boat
Section 249 (3)	\$200	7877	fail to remove gear from water
Section 251 (2)	\$200	7878	fail to move vehicle for search
Section 256 (4)	\$200	7879	fail to produce records/answer questions
Section 257 (4)	\$100	7880	fail to produce authority
Section 258 (2)	\$200	7881	fail to provide information
Section 259 (1)	\$300	7882	make statement/ provide information/ produce document that is false/ misleading

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>Amount of penalty</b>	<b>IPB Code</b>	<b>Short description</b>

**Part 2 Offences under Fisheries Management (General) Regulation 1995**

Clause 65 (1) (a)	\$300	7883	more than 4 hand lines
Clause 65 (1) (b) in relation to hand held line with more than 3 hooks or gangs of hooks attached	\$500	7884	hand line with more than 3 hooks/ 3 gangs of hooks
Clause 65 (1) (b) in relation to hand held line with more than 3 treble hooks attached to lure	\$500	7885	hand line with more than 3 treble hooks on lure
Clause 65 (1) (c)	\$300	7886	hand line with more than 5 ganged hooks
Clause 65 (3) (a)	\$500	7887	more than 10 set lines
Clause 65 (3) (b)	\$500	7888	set line with more than 6 hooks
Clause 65 (6)	\$200	7889	set line/hand line when unauthorised
Clause 66 (1)	\$100	7890	leave hand line unattended
Clause 67 (1) (a)	\$200	7891	drift line with more than 1 hook

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 67 (1) (b)	\$200	7892	drift line with more than 1 gang of hooks
Clause 67 (1) (c)	\$200	7893	drift line with gang of more than 5 hooks
Clause 67 (1) (d)	\$200	7894	drift line with another drift line attached
Clause 67 (2)	\$300	7895	more than 30 drift lines
Clause 67 (3)	\$200	7896	commercial fisher use drift line in inland waters
Clause 67 (4)	\$200	7897	recreational fisher use drift line in any waters
Clause 68 (1)	\$100	7898	fishing gear not properly identified
Clause 69 (1)	\$300	7899	take fish while scuba diving
Clause 70 (1) (a)	\$300	7900	use spear gun in inland waters
Clause 70 (1) (b)	\$300	7901	use spear gun in Schedule 4 waters
Clause 70 (1) (c)	\$300	7902	use spear gun aided by lights
Clause 71 (1)	\$300	7903	take fish by firearm
Clause 72 (1)	\$300	7904	take lobster other than by hand

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 73 (1)	\$100	7905	take intertidal invertebrate by unauthorised method
Clause 74 (1)	\$300	7906	recreational fisher take shellfish by dredge
Clause 74 (2)	\$500	7907	take shellfish by dredge from non-ocean waters
Clause 74 (3)	\$300	7908	take shellfish with oversize dredge
Clause 74 (4)	\$300	7909	take shellfish by more than 1 dredge
Clause 75 (2)	\$200	7910	take fish by jugging
Clause 76 (1)	\$200	7911	take salmon/trout from waters by unauthorised method
Clause 76 (2)	\$200	7912	take salmon/trout from dam/ impoundment by unauthorised method
Clause 76 (3)	\$300	7913	use light to take salmon/ trout
Clause 77	\$500	7914	take groper by unauthorised method
Clause 78 (1)	\$500	7915	sell commercial net to unauthorised person

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 78 (2)	\$300	7916	sell commercial net without making record of sale
Clause 78 (3)	\$300	7917	fail to retain and produce record of sale of commercial net
Clause 79	\$200	7918	attempt to fish contrary to rights of priority
Clause 80	\$300	7919	use fishing gear contrary to Part 4
Clause 106 in relation to the causing the dispersal of fish	\$200	7920	cause dispersal of fish
Clause 106 in relation to the interference with the operations of commercial fisher	\$200	7921	interfere with commercial fishing
Clause 107 (1)	\$200	7922	interfere with set fishing gear
Clause 109	\$200	7923	disturb fish in vicinity of commercial fisher
Clause 110 (2)	\$200	7924	refuse/neglect to move from fishing position
Clause 118 (1)	\$200	7925	fail to attach tag to rock lobster

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 118 (3)	\$200	7926	possess rock lobster without tag near waters
Clause 119F (1) in relation to the sale of whole lobster	\$200	9829	sell whole lobster without tag
Clause 119F (1) in relation to the sale of tail of lobster	\$200	9830	sell tail of lobster without tag
Clause 120 (1)	\$100	7927	use live fin fish/exotic fish/trout roe/salmon roe/trout or salmon roe product
Clause 120 (2)	\$100	7928	take salmon/trout with unauthorised lure/bait
Clause 120 (3)	\$200	7929	fail to produce lure/bait on demand by officer
Clause 121 (1)	\$200	7930	take octopus from rock platform/waters of Port Jackson
Clause 122 (1)	\$200	7931	shuck intertidal invertebrate near waters except bait
Clause 122 (2)	\$200	7932	shuck rock lobster/turban snail near waters



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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 123 (1)	\$300	7933	commercial fisher, shuck abalone in unauthorised place
Clause 123 (2)	\$200	7934	recreational fisher, shuck abalone near waters
Clause 124 (1)	\$300	7935	mutilate fish near waters in unauthorised manner
Clause 124 (2)	\$300	7936	deliver/consign for sale fish mutilated in unauthorised manner
Clause 125 (1)	\$300	7937	take/sell/possess crayfish/shovel-nosed lobster/rock lobster/crab carrying ova externally
Clause 125 (2)	\$300	7938	possess crayfish/shovel-nosed lobster/rock lobster/crab with ova/spawn removed
Clause 157 (1)	\$200	7939	fail to make record of crew member
Clause 157 (2) (a)	\$200	7940	fail to keep crew record for 5 years
Clause 157 (2) (b)	\$200	7941	fail to produce record of crew member

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 158 (2)	\$200	7942	crew member, fail to keep records of registration
Clause 159	\$200	7943	false/misleading entry in crew record

#### **Part 3 Offences under Fisheries Management (Aquaculture) Regulation 1995**

Clause 49 (1)	\$200	7945	fail to mark boundaries of lease
Clause 49 (6)	\$200	7946	fail to maintain boundary mark
Clause 49 (7)	\$200	7947	unlawfully mark out aquaculture lease
Clause 50 (5)	\$200	7948	fail to maintain marked boat channel
Clause 51 (7)	\$200	7949	fail to maintain marked access way

#### **Part 4 Offences under Fisheries Management (Aquatic Reserves) Regulation 1995**

##### **Long Reef**

Clause 8 (1) (a)	\$200	7950	take/attempt to take fish from Long Reef Reserve
Clause 8 (1) (b)	\$200	7951	gather marine vegetation from Long Reef Reserve
Clause 8 (2) (a)	\$200	7952	interfere with fish in Long Reef Reserve

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 8 (2) (b)	\$200	7953	interfere with marine vegetation in Long Reef Reserve
<b>Shiprock</b>			
Clause 11 (1) (a)	\$200	7954	take fish from Shiprock Reserve
Clause 11 (1) (b)	\$200	7955	gather marine vegetation from Shiprock Reserve
Clause 11 (2) (a)	\$200	7956	interfere with fish in Shiprock Reserve
Clause 11 (2) (b)	\$200	7957	interfere with marine vegetation in Shiprock Reserve
<b>Julian Rocks</b>			
Clause 14 (1) (a)	\$200	7958	take fish from Julian Rocks Reserve
Clause 14 (1) (b)	\$200	7959	gather marine vegetation from Julian Rocks Reserve
Clause 14 (2) (a)	\$200	7960	interfere with fish in Julian Rocks Reserve
Clause 14 (2) (b)	\$200	7961	interfere with marine vegetation in Julian Rocks Reserve
<b>North Harbour</b>			
Clause 17 (1) (a)	\$200	7962	take fish from North Harbour Reserve

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 17 (1) (b)	\$200	7963	gather marine vegetation from North Harbour Reserve
Clause 17 (2) (a)	\$200	7964	interfere with fish in North Harbour Reserve
Clause 17 (2) (b)	\$200	7965	interfere with marine vegetation in North Harbour Reserve
<b>Bushranger's Bay</b>			
Clause 21 (1) (a)	\$200	7966	take fish from Bushranger's Bay Reserve
Clause 21 (1) (b)	\$200	7967	gather marine vegetation from Bushranger's Bay Reserve
Clause 21 (2) (a)	\$200	7968	interfere with fish in Bushranger's Bay Reserve
Clause 21 (2) (b)	\$200	7969	interfere with marine vegetation in Bushranger's Bay Reserve
<b>Fly Point–Halifax Park</b>			
Clause 24 (1) (a)	\$200	7970	take fish from Fly Point Reserve
Clause 24 (1) (b)	\$200	7971	gather marine vegetation from Fly Point Reserve

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 24 (2) (a)	\$200	7972	interfere with fish in Fly Point Reserve
Clause 24 (2) (b)	\$200	7973	interfere with marine vegetation in Fly Point Reserve
<b>Towra Point</b>			
Clause 27 (1) (a)	\$200	7974	take fish from Towra Point Reserve
Clause 27 (1) (b)	\$200	7975	gather marine vegetation from Towra Point Reserve
Clause 27 (2) (a)	\$200	7976	interfere with fish in Towra Point Reserve
Clause 27 (2) (b)	\$200	7977	interfere with marine vegetation in Towra Point Reserve
<b>Solitary Islands</b>			
Clause 32 (1) (a)	\$200	7982	take fish/vegetation for sale from general use zone
Clause 32 (1) (b)	\$200	7983	gather/interfere with marine vegetation in general use zone
Clause 33 (1) (a)	\$200	7984	take fish/vegetation for sale from recreation zone
Clause 33 (1) (b)	\$500	7985	take fish from recreation zone

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<b>Column 1 Offence</b>	<b>Column 2 Amount of penalty</b>	<b>Column 3 IPB Code</b>	<b>Column 4 Short description</b>
Clause 33 (1) (c)	\$200	7986	take fish by trap from recreation zone
Clause 33 (1) (d)	\$200	7987	take fish by commercial net
Clause 33 (1) (e)	\$200	7988	gather/interfere with marine vegetation in recreation zone
Clause 34 (1) (a)	\$200	7989	take fish from refuge zone
Clause 34 (1) (b)	\$200	7990	take fish for aquarium from refuge zone
Clause 34 (1) (c)	\$200	7991	gather vegetation from refuge zone
Clause 34 (1) (d)	\$200	7992	interfere with vegetation in refuge zone
Clause 35 (1) (a)	\$200	7993	take fish from sanctuary zone
Clause 35 (1) (b)	\$200	7994	gather vegetation from sanctuary zone
Clause 35 (2) (a)	\$200	7995	interfere with fish in sanctuary zone
Clause 35 (2) (b)	\$200	7996	interfere with vegetation in sanctuary zone
Clause 35 (3)	\$200	7997	use anchor in sanctuary zone

BY AUTHORITY