



New South Wales

# Fisheries Management (Aquatic Reserves) Amendment (Shiprock Aquatic Reserve) Regulation 2005

under the

Fisheries Management Act 1994

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

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

## Explanatory note

The objects of this Regulation are as follows:

- (a) to prohibit the construction, use or operation of jetties or slipways in the Shiprock Aquatic Reserve,
- (b) to enable the Director-General to order the removal of jetties or slipways constructed in contravention of that prohibition.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 197 and 289 (the general regulation-making power).

**2005 No 647**

Clause 1 Fisheries Management (Aquatic Reserves) Amendment (Shiprock Aquatic Reserve) Regulation 2005

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**Fisheries Management (Aquatic Reserves) Amendment  
(Shiprock Aquatic Reserve) Regulation 2005**

under the

Fisheries Management Act 1994

**1 Name of Regulation**

This Regulation is the *Fisheries Management (Aquatic Reserves) Amendment (Shiprock Aquatic Reserve) Regulation 2005*.

**2 Amendment of Fisheries Management (Aquatic Reserves) Regulation 2002**

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

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## Schedule 1 Amendment

(Clause 2)

### Clause 12A

Insert after clause 12:

#### 12A Construction, operation or use of slipway prohibited

- (1) A person must not construct, use or operate a jetty or slipway in the Reserve.  
Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.
- (2) Subclause (1) does not apply in relation to a jetty or slipway:
  - (a) lawfully constructed before, and in existence immediately before, the commencement of this clause, or
  - (b) the subject of a development consent that was granted under the *Environmental Planning and Assessment Act 1979* before the commencement of this clause and remains in force.
- (3) If a jetty or slipway is constructed by a person in contravention of this clause, the Director-General may, by order in writing given to the person, require that person to remove or dismantle the jetty or slipway within a period specified in the order.
- (4) The method by which the jetty or slipway is to be removed or dismantled may be specified in the order.
- (5) A person who fails to comply with an order given under subclause (3) is guilty of an offence.  
Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.
- (6) If an order given under subclause (3) is not complied with within the period specified in it, the Director-General may cause the work specified in the order to be carried out.
- (7) Action may be taken against a person under subclause (3) or (5) regardless of whether the person has been charged with having committed an offence under subclause (1).