



New South Wales

Fisheries Management (General) Amendment (Diseased and Noxious Fish and Marine Vegetation) Regulation 2012

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*.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to make provision in relation to:

- (a) orders made by the Minister for Primary Industries declaring areas to be quarantine areas because of the presence of diseases affecting fish or marine vegetation or of noxious fish or marine vegetation, and
- (b) the requirement to notify fisheries officers of the presence of those diseases and species.

The Regulation also updates cross-references to provisions under the *Fisheries Management (Aquaculture) Regulation 2012* which are penalty notice offences.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 183, 187, 209C, 214B and 289 (the general regulation-making power).

2012 No 399

Clause 1 Fisheries Management (General) Amendment (Diseased and Noxious Fish and Marine Vegetation) Regulation 2012

Fisheries Management (General) Amendment (Diseased and Noxious Fish and Marine Vegetation) Regulation 2012

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Diseased and Noxious Fish and Marine Vegetation) Regulation 2012*.

2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Fisheries Management (General) Regulation 2010

[1] Part 13A

Insert after Part 13:

Part 13A Diseased and noxious fish and marine vegetation

Division 1 Declared diseases

257A Notification of declared diseases

- (1) If a person knows or reasonably suspects that a declared disease (within the meaning of Division 4 of Part 6 of the Act) is present or may be present in any place (including in or on a boat) or in any of the waters to which the Act applies, the person must notify a fisheries officer as soon as practicable of the presence or suspected presence.

Maximum penalty: 100 penalty units.

- (2) A person is not required to notify a fisheries officer under this clause if the presence or suspected presence has already been notified to a fisheries officer.

257B Order declaring quarantine area—declared diseases

An order under section 183 of the Act declaring a quarantine area may contain the following provisions:

- (a) provisions that require all or any specified classes of fish or marine vegetation taken in or from a quarantine area to be:
- (i) taken to a specified location, or
 - (ii) inspected, tested, treated or handled in a specified manner,
- (b) provisions that require equipment, infrastructure or any other object that is located in a quarantine area, or has been moved from a quarantine area, to be:
- (i) taken to a specified location, or
 - (ii) inspected, tested, treated or handled in a specified manner,
- (c) provisions that prohibit, absolutely or conditionally, the equipment, infrastructure or object from being moved.

2012 No 399

Fisheries Management (General) Amendment (Diseased and Noxious Fish and Marine Vegetation) Regulation 2012

Schedule 1 Amendment of Fisheries Management (General) Regulation 2010

Division 2 Noxious fish and marine vegetation

257C Notification of noxious fish and marine vegetation

- (1) If a person knows or reasonably suspects that a noxious fish or noxious marine vegetation is present or may be present in any place (including in or on a boat) or in any of the waters to which the Act applies, the person must notify a fisheries officer as soon as practicable of the presence or suspected presence.

Maximum penalty: 100 penalty units.

- (2) A person is not required to notify a fisheries officer under this clause if the presence or suspected presence has already been notified to a fisheries officer.

257D Order declaring quarantine area—noxious fish and marine vegetation

An order under section 209C of the Act declaring a quarantine area may contain the following provisions:

- (a) provisions that require all or any specified classes of fish or marine vegetation taken in or from a quarantine area to be:
 - (i) taken to a specified location, or
 - (ii) inspected, tested, treated or handled in a specified manner,
- (b) provisions that require equipment, infrastructure or any other object that is located in a quarantine area, or has been moved from a quarantine area, to be:
 - (i) taken to a specified location, or
 - (ii) inspected, tested, treated or handled in a specified manner,
- (c) provisions that prohibit, absolutely or conditionally, the equipment, infrastructure or object from being moved.

[2] Schedule 7 Penalty notice offences

Omit Part 4. Insert instead:

Part 4 Offences under Fisheries Management (Aquaculture) Regulation 2012

Clause 48 (1)	\$200
Clause 48 (4)	\$200
Clause 48 (5)	\$200

2012 No 399

Fisheries Management (General) Amendment (Diseased and Noxious Fish
and Marine Vegetation) Regulation 2012

Amendment of Fisheries Management (General) Regulation 2010

Schedule 1

Clause 49 (4)	\$200
Clause 50 (6)	\$200