



New South Wales

# Marine Estate Management (Management Rules) Amendment (Prohibited Fishing Activities) Regulation 2018

under the

Marine Estate Management Act 2014

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Estate Management Act 2014*.

NIALL BLAIR, MLC  
Minister for Primary Industries

GABRIELLE UPTON, MP  
Minister for the Environment

## Explanatory note

The object of this Regulation is to correct minor technical errors in the Jervis Bay Marine Park Management Rules that are set out in the *Marine Estate Management (Management Rules) Regulation 1999*.

Clause 3.6 (2) and (3) of that Regulation prohibit certain fishing activities in the habitat protection zone of the Jervis Bay Marine Park. An exemption applies to a person using a hauling net, or the method known as gar fish net (hauling) or bull ringing, if certain requirements are met.

This Regulation corrects a formatting error, made in 2007, as a result of which the requirements for the exemption were expressed to be alternative requirements. This Regulation makes it clear that the requirements are cumulative and not alternatives. Accordingly, for the exemption to apply, all the requirements must be met.

Section 45 (3) of *Marine Estate Management Act 2014* provides that the requirements of section 43 of that Act about the making of management rules for a marine park do not apply to the making of a regulation to amend such management rules if the relevant Ministers are of the opinion that the proposed amendment corrects a technical error or inconsistency.

This Regulation is made under the *Marine Estate Management Act 2014*, including sections 42 (which provides that the regulations may make provision for or with respect to the use and management of a particular marine park by means of management rules set out in the regulations), 45 (3) and 83 (the general regulation-making power).

## **Marine Estate Management (Management Rules) Amendment (Prohibited Fishing Activities) Regulation 2018**

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### **1 Name of Regulation**

This Regulation is the *Marine Estate Management (Management Rules) Amendment (Prohibited Fishing Activities) Regulation 2018*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

### **3 Amendment of Marine Estate Management (Management Rules) Regulation 1999**

#### **(1) Clause 3.6 Prohibited fishing activities**

Omit clause 3.6 (2) (a) and (a1). Insert instead:

- (a) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, and
- (a1) the person is also either:
  - (i) the holder of a current permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits commercial hauling at a location that is in the habitat protection zone, and was first issued with a permit of that kind between 1 October 2002 and 1 October 2003, or
  - (ii) taking or attempting to take fish while assisting, and in the presence of, a person referred to in subparagraph (i), and

#### **(2) Clause 3.6 (3) (a) and (a1)**

Omit the paragraphs. Insert instead:

- (a) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994*, and
- (a1) the person is also either:
  - (i) the holder of a current permit issued under section 37 of the *Fisheries Management Act 1994* that expressly permits gar fishing at a location that is in the habitat protection zone, and was first issued with a permit of that kind between 1 October 2002 and 1 October 2003, or
  - (ii) taking or attempting to take fish while assisting, and in the presence of, a person referred to in subparagraph (i), and