

Marine Parks (Solitary Islands) Regulation 2000 (2001 SI 173)

[2001-173]



New South Wales

Status Information

Currency of version

Repealed version for 2 March 2001 to 30 July 2002 (accessed 25 December 2024 at 15:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Notes**

- (1) Clause 2 of Schedule 3 to the [Marine Parks Act 1997](#) (as substituted by the [Marine Parks Amendment Act 2000](#)) provides that, on the commencement of the clause (ie 2.3.2001), provisions the same as the provisions of Parts 1 and 9 of the [Fisheries Management \(Aquatic Reserves\) Regulation 1995](#) (as in force immediately before 1.9.2000) are taken to form a regulation made under the [Marine Parks Act 1997](#) and may be cited as the [Marine Parks \(Solitary Islands\) Regulation 2000](#). Clause 2 (5) (b) further provides that the regulation is taken to have been published on the date of commencement of the clause.
- (2) Clause 2 (7) further provides that in any regulation taken to have been made under the [Marine Parks Act 1997](#) by the operation of clause 2:
 - (a) a reference to the relevant aquatic reserve is taken to be a reference to a marine park, and
 - (b) a reference to the Director of NSW Fisheries is taken to be a reference to the Marine Parks Authority.

- **Repeal**

The Regulation was repealed by the [Marine Parks Amendment \(Solitary Islands\) Regulation 2002](#), cl 3 with effect from 31.7.2002.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Marine Parks (Solitary Islands) Regulation 2000*.

Editorial note—

The name of the Regulation has been amended to conform with the provisions of clause 2 of Schedule 3 to the *Marine Parks Act 1997*.

2 Commencement

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

3 Definitions

In this Regulation:

marine vegetation includes mangroves, seagrasses, algae and saltmarsh plants.

the Act means the *Fisheries Management Act 1994*.

4 Director's consent

The Director may grant a consent to a person under this Regulation by means of a written notice given to the person and may, in the same manner, vary or revoke a consent so granted.

5 Relationship of Regulation to other instruments under the Act

Nothing in this Regulation affects any other restriction or prohibition imposed by or under the Act.

6 Savings

Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a regulation relating to an aquatic reserve under the *Fisheries and*

Oyster Farms Act 1935 is taken to have effect under this Regulation.

Part 9 Solitary Islands

Note—

The area of Solitary Islands has been declared as a marine park under the *Marine Parks Act 1997* and activities in the marine park are regulated under that Act and the *Marine Parks Regulation 1999*. However, the provisions of this Regulation continue to have effect in respect of the marine park under clause 2 of Schedule 3 to that Act. This note does not form part of this Regulation.

30 Definitions

In this Part:

commercial tourist activity means the undertaking of any activity associated with tourism for commercial gain, including dive charters, diver certification training, snorkelling tours, whale watching tours, fishing charters, boat tours and natural history excursions, but excluding any licensed commercial fishing activity.

general use zone means the areas described in Part 2 of Schedule 8.

recreation zone means the areas described in Part 3 of Schedule 8.

recreational fishing competition means a fishing competition between members of a group of persons engaged in spear or line fishing for the purpose of recreation.

refuge zone means the areas described in Part 4 of Schedule 8.

Reserve means the Solitary Islands Aquatic Reserve declared by notification published in Gazette No 62 of 26 April 1991, at page 3193, being the land described in Part 1 of Schedule 8 together with the waters within the Reserve, and includes the general use zone, the recreation zone, the refuge zone and the sanctuary zone.

sanctuary zone means the areas described in Part 5 of Schedule 8.

spearfishing means taking or attempting to take fish by means of a spear, speargun or similar device or by means of a bow and arrow.

31 (Repealed)

32 Prohibited activity in general use zone

(1) A person must not:

- (a) take, or attempt to take, fish, or marine vegetation, for sale from the general use zone, or
- (b) gather, or attempt to gather, or wilfully damage, destroy or interfere with, marine vegetation, except green sea lettuce (*Ulva lactuca*) or blackfish weed (*Enteromorpha intestinalis*), in the general use zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

33 Prohibited activity in recreation zone

(1) A person must not:

- (a) take, or attempt to take, fish, or marine vegetation, for sale from the recreation zone, or
- (b) take, or attempt to take, fish (except abalone, beach worms, crabs, rock lobsters, cunjevoi, fin fish, oysters, pippies, sea urchins or yabbies) from the recreation zone, or
- (c) take, or attempt to take, fish (except rock lobsters and crabs) by means of a trap from the recreation zone, or
- (d) take, or attempt to take, fish by a net that may only be lawfully used by a commercial fisher from the recreation zone, or
- (e) gather, or attempt to gather, or wilfully damage, destroy or interfere with marine vegetation, except green sea lettuce (*Ulva lactuca*) or blackfish weed (*Enteromorpha intestinalis*), in the recreation zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

34 Prohibited activity in refuge zone

(1) A person must not:

- (a) take, or attempt to take, fish from the refuge zone, except:
 - (i) fin fish by means of a hook and line, or
 - (ii) 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
 - (iii) fish specified in the Table to this clause by means of spearfishing, or
- (b) take, or attempt to take, fish for a private aquarium from the refuge zone, or
- (c) gather, or attempt to gather, marine vegetation from the refuge zone, or
- (d) wilfully damage, destroy or interfere with marine vegetation in the refuge zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) This clause is subject to the other provisions of this Part.

Table

Allowed species for spearfishing in refuge zone

Amberjack (*Seriola dumerilii*)

Bream, yellowfin (*Acanthopagrus australis*)

Cobia (*Rachycentron canadus*)

Flathead, dusky (*Platycephalus fuscus*)

Kingfish, yellowtail (*Seriola lalandi*)

Leatherjacket, chinaman (*Nelusetta ayraudi*)

Luderick, blackfish (*Girella tricuspidata*)

Mackerel, spanish (*Scomberomorus commersoni*)

Morwong, red (*Cheilodactylus fuscus*)

Mulloway, jewfish (*Argyrosomus hololepidotus*)

Rainbow runner (*Elagatis bipinnulatus*)

Samson fish (*Seriola hippos*)

Surgeon sawtail (*Prionurus microlepidotus*)

Sweetlip (*Plectorhinchus flavomaculatus*)

Tailor (*Pomatomus saltatrix*)

Tarwhine (*Rhabdosargus sarba*)

Trevally, diamond (*Alectis indica*)

Trevally, golden (*Gnathandodon speciosus*)

Wahoo (*Acanthocybium solandri*)

35 Prohibited activity in sanctuary zone

(1) A person must not:

(a) take, or attempt to take, fish from the sanctuary zone, or

(b) gather, or attempt to gather, marine vegetation from the sanctuary zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(2) A person must not:

(a) wilfully disturb, injure or interfere with fish in the sanctuary zone, or

(b) wilfully damage, destroy or interfere with marine vegetation in the sanctuary zone.

(3) A person must not use an anchor in the sanctuary zone.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in any other case.

(4) In this clause, **anchor** means any device attached to a boat by a cable, chain or rope dropped overboard so as to grip the seabed for the purpose of restricting the movement of the boat.

(5) This clause is subject to the other provisions of this Part.

36 (Repealed)