

1992—No. 525

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Fisheries and Oyster Farms (Towra Point Aquatic Reserve) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY,
Minister for Natural Resources.

Citation

1. This Regulation may be cited as the Fisheries and Oyster Farms (Towra Point Aquatic Reserve) Regulation 1992.

Definitions

2. In this Regulation:

“**fish**” means all or any of the varieties of marine, estuarine or freshwater fishes (whether indigenous or not) and their young, fry and spawn, and includes crustacea and oysters and all marine, estuarine and freshwater animal life, and any part of a fish as so defined, but does not include any species of whales;

“**marine flora**” includes seagrasses, seaweeds, mangroves and saltmarsh plants;

“**refuge zone**” means the area described in Schedule 1;

“**Reserve**” means the land declared to be the Towra Point Aquatic Reserve by notification in Gazette No. 49 of 12 April 1990, and being the areas comprising the refuge zone and the sanctuary zone;

“**sanctuary zone**” means the area (generally referred to as Stinkpot Bay, Quibray Bay and Weeney Bay) described in Schedule 2;

“**the Act**” means the Fisheries and Oyster Farms Act 1935.

Taking of fish or marine flora prohibited

3. A person must not:

- (a) take, or attempt to take, any fish from the Reserve; or
- (b) wilfully disturb, injure or interfere with any fish in the Reserve; or
- (c) gather, damage or destroy any marine flora that is within the Reserve.

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

Exemptions

4. (1) Clause 3 does not apply to the taking of fish or an attempt to take fish from the refuge zone by means only of:

- (a) a hook attached to a line; or
- (b) a net prescribed as lawful for use by a person other than a licensed fisherman.

(2) Clause 3 does not apply to the taking of fish or an attempt to take fish from the refuge zone by a licensed fisherman by means only of:

- (a) lawful hauling nets or garfish nets (bullringing); or
- (b) lawful meshing nets (but only when used by the method known as splashing, that is, shooting the net, splashing the water in the vicinity and fully retrieving the net from the water without delay); or
- (c) lawful fish traps.

(3) Clause 3 does not apply to the removal of oysters from a leased area in the Reserve by the lessee or the lessee's employees.

(4) Clause 3 does not apply to anything done in accordance with the prior consent in writing of the Director of NSW Fisheries.

(5) Except as provided by subclauses (3) and (4), no exemptions to clause 3 apply in respect of the taking of fish or an attempt to take fish from the sanctuary zone.

Saving

5. Nothing in this Regulation affects any restriction or prohibition in any other instrument made or issued under the Act, whether before, on or after the date on which this Regulation takes effect.

Repeal

6. The Fisheries and Oyster Farms (Towra Point Aquatic Reserve) Regulation 1987 is repealed.

SCHEDULE 1

(C1. 2)

Refuge zone

From the northeastern extremity of Shell Point, then generally easterly along the mean high-water line around Woollooware, Stinkpot, Weeney and Quibray Bays to the point of intersection with a line drawn from the survey obelisk situated at Bonna Point to the port-hand channel marker situated approximately 1130 metres north of Towra Point then by that line to that port-hand channel marker then generally southwesterly to the port-hand channel marker situated approximately 750 metres north of Pelican Point, then by a line generally southwesterly to the point of commencement.

SCHEDULE 2

(C1. 2)

Sanctuary zone

From a post marked "FD" over broad-arrow situated on the northwestern extremity of Pelican Point, then by a line generally easterly following the mean high-water line and across any breached entrances of Stinkpot Bay to a post marked "FD" over broad-arrow situated on the Elephants Trunk and then by a line generally southwesterly to the northern corner of Oyster Farm Lease 84.40 and then to the point of commencement.

From a point at the intersection of the mean high-water mark with a line drawn from the survey obelisk at Bonna Point to the northeastern

corner of Oyster Farm Lease 85.195 then generally southwesterly by that line, then continuing to the mean high-water mark, then along the mean high-water line around Weeney and Quibray Bays to the point of commencement.

NOTE**TABLE OF PROVISIONS**

1. Citation
2. Definitions
3. Taking of fish or marine flora prohibited
4. Exemptions
5. Saving
6. Repeal

SCHEDULE 1—Refuge zone

SCHEDULE 2—Sanctuary zone

EXPLANATORY NOTE

The object of this Regulation is to prohibit the taking of fish from the Towra Point Aquatic Reserve. The prohibition is subject to certain exemptions, for example, a licensed fisherman may take fish from the Reserve (but not from the sanctuary zone) by means only of lawful hauling nets, garfish nets, meshing nets or fish traps.
