

1994—No. 231

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to spanner crab nets)

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, MP.,
Minister for Agriculture and Fisheries.

Commencement

1. This Regulation commences on 17th June 1994.

Amendments

2 The Fisheries and Oyster Farms (Nets and Other Fishing Gear) Regulation 1989 is amended:

- (a) by omitting clause 37;
- (b) by inserting after clause 38 the following clause:

Spanner crab net

38A. (1) It is lawful to use a net for taking spanner crabs in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:

- (a) In the case of a single licensed fisherman, not more than 20 spanner crab nets are used at any one time.
- (b) In the case of a crew comprising a licensed fisherman and one or more fishermen or crew members, not more than 30 spanner crab nets are used at any one time.

- (c) In the case of any person other than a licensed fisherman or a member of a crew referred to in paragraph (b):
- (i) not more than 1 spanner crab net is used by the person at any one time; and
 - (ii) the net is used only as a hand implement and only by the method of lowering the net into the water and then drawing the net vertically to the surface.
- (2) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a spanner crab net.

TABLE
SPANNER CRAB NET

1. (a) *Waters*—Ocean waters north of Korogoro Point (Hat Head).
 - (b) *Description of net*—Net attached to a rigid rectangular frame not exceeding 1.6 metres in length and 1 metre in width; net not capable of extending more than 0.1 metre beneath the frame when the frame is suspended in a horizontal position.
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EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to make it lawful for a recreational fisher to use a single spanner crab net for taking spanner crabs in the same waters as those in which it is currently lawful only for a licensed fisher to use such a net (but only if the net is registered, as it is an offence for any person to use an unregistered spanner crab net); and
- (b) to alter the size of spanner crab nets which may be lawfully used by any person (whether or not a licensed fisher) for taking spanner crabs.

This Regulation is made under the Fisheries and Oyster Farms Act 1935, including sections 120 (2) (f), (g) and (dd) and 120 (1).
