

Version No. 002
**National Parks (Cape Howe Marine National
Park) Regulations 2006**

S.R. No. 49/2006

Version as at 14 March 2008

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Definitions	1
5 Prescribed area and prohibition on being in charge of certain boats	3
—————	
SCHEDULE—Prescribed Area of Cape Howe Marine National Park	4
=====	
ENDNOTES	5
1. General Information	5
2. Table of Amendments	6
3. Explanatory Details	7

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1 Objective

The objective of these Regulations is to prescribe for the purpose of section 45A(4) of the **National Parks Act 1975**—

- (a) the area of Cape Howe Marine National Park in which a person must not be in charge of a certain class of boats; and
- (b) the class of boats that a person must not be in charge of in the prescribed area of Cape Howe Marine National Park.

2 Authorising provision

These Regulations are made under section 48 of the **National Parks Act 1975**.

3 Commencement

These Regulations come into operation on 9 May 2006.

4 Definitions

In these Regulations—

Abalone Fishery (Eastern Zone) Access Licence has the same meaning as in the Fisheries Regulations 1998;

Cape Howe Marine National Park means the park described in Part 2 of Schedule Seven to the Act;

commercial fishing vessel means a vessel used or intended to be used for catching fish or other living resources of the sea or seabed for profit or reward, other than a vessel used or intended to be used—

- (a) to take fish in accordance with—
 - (i) an Abalone Fishery (Eastern Zone) Access Licence; or
 - (ii) a Rock Lobster Fishery (Eastern Zone) Access Licence; or
 - (iii) an Ocean Fishery Access Licence; or
 - (iv) a Commonwealth Statutory Fishing Right; or
- (b) to take fish from a developing fishery in accordance with a general permit issued under section 49 of the **Fisheries Act 1995**; or
- (c) to conduct research, study or an investigation of matters that relate to the objects of the Act, being research, study or an investigation that has been promoted by the Secretary under section 20 of the Act and is being carried out in accordance with any terms and conditions determined by the Secretary under that section; or
- (d) in accordance with a permit granted under section 21A of the Act;

Commonwealth Statutory Fishing Right means a statutory fishing right within the meaning of the Fisheries Management Act 1991 of the Commonwealth;

Ocean Fishery Access Licence has the same meaning as in the Fisheries Regulations 1998;

Rock Lobster Fishery (Eastern Zone) Access Licence has the same meaning as in the Fisheries Regulations 1998;

the Act means the **National Parks Act 1975**.

5 Prescribed area and prohibition on being in charge of certain boats

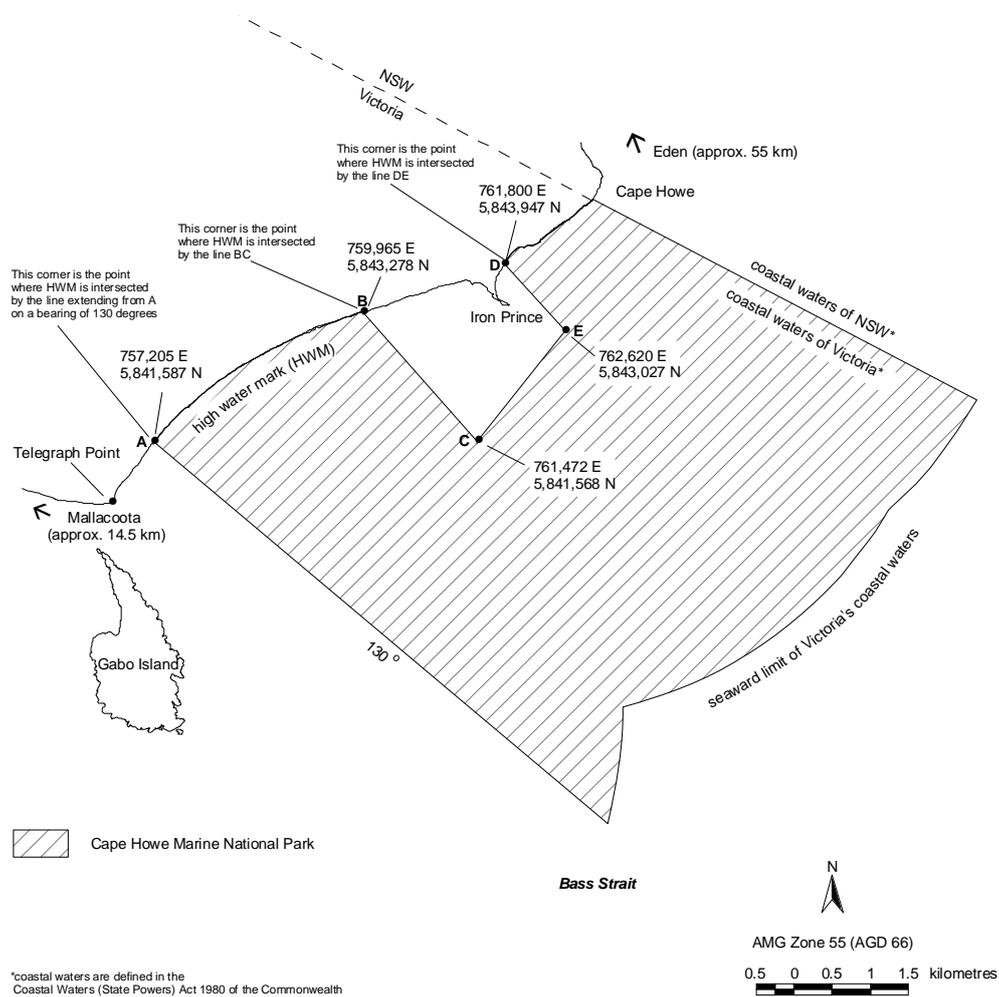
For the purposes of section 45A(4) of the Act—

- (a) the prescribed area of Cape Howe Marine National Park is that part of the park that is shown by hatching in the Schedule; and
- (b) the prescribed class of boats is commercial fishing vessels.

SCHEDULE

Regulation 5

PRESCRIBED AREA OF CAPE HOWE MARINE NATIONAL PARK



ENDNOTES

1. General Information

The National Parks (Cape Howe Marine National Park) Regulations 2006, S.R. No. 49/2006 were made on 9 May 2006 by the Governor in Council under section 48 of the **National Parks Act 1975**, No. 8702/1975 and came into operation on 9 May 2006: regulation 3.

The National Parks (Cape Howe Marine National Park) Regulations 2006 will sunset 10 years after the day of making on 9 May 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the National Parks (Cape Howe Marine National Park) Regulations 2006 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

No entries at date of publication.