



# Fisheries Management (Lobster Share Management Plan) Amendment (Miscellaneous) Regulation 2003

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

The Hon EDWARD OBEID, M.L.C.,  
Minister for Fisheries

## Explanatory note

The objects of this Regulation are as follows:

- (a) to delay the implementation of a community contribution for shareholders in the lobster share management fishery,
- (b) to introduce new requirements relating to the setting and use of commercial lobster traps.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 57, 60, 77 and 289 (the general regulation-making power).

## **2003 No 19**

Clause 1 Fisheries Management (Lobster Share Management Plan) Amendment  
(Miscellaneous) Regulation 2003

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# **Fisheries Management (Lobster Share Management Plan) Amendment (Miscellaneous) Regulation 2003**

## **1 Name of Regulation**

This Regulation is the *Fisheries Management (Lobster Share Management Plan) Amendment (Miscellaneous) Regulation 2003*.

## **2 Commencement**

This Regulation commences on 17 January 2003.

## **3 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000**

The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Appendix Lobster Share Management Plan

Omit “and the conditions referred to in subclause (2) are complied with” from clause 40 (1).

Insert instead “and the conditions referred to in subclauses (2) and (2A) (if applicable) are complied with”.

### [2] Appendix, clause 40 (2) and (2A)

Omit clause 40 (2). Insert instead:

- (2) A commercial lobster trap must not be set or used unless its position is indicated by:
  - (a) a buoy that:
    - (i) is moored so as to be positioned above the trap, and
    - (ii) has a diameter above the water of not less than 100 millimetres, and
    - (iii) has a weight of not less than 50 grams suspended not less than 1.5 metres under the float so that no rope is floating on the surface of the water, and
    - (iv) displays the number allocated to the endorsement holder by NSW Fisheries for use on the trap, in clearly legible figures that are not less than 50 millimetres in height and are of a colour that clearly contrasts with that of the buoy, or
  - (b) a plastic tag, or a concrete block, that:
    - (i) is of a size and type approved by the Director, and
    - (ii) is submerged, and
    - (iii) displays the number allocated to the endorsement holder by NSW Fisheries for use

**2003 No 19**

Fisheries Management (Lobster Share Management Plan) Amendment  
(Miscellaneous) Regulation 2003

Schedule 1 Amendments

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on the trap, in clearly legible figures that are not less than 50 millimetres in height.

- (2A) If the commercial trap is set or used in waters specified in a register maintained by the Director for the purposes of this clause and notified in writing to shareholders, the position of the trap must be indicated as specified in subclause (2) (b) and not as specified in subclause (2) (a).

**[3] Appendix, clause 40 (3)**

Omit "Subclause (2) does not apply".

Insert instead "Subclauses (2) and (2A) do not apply".

**[4] Appendix, clause 54**

Omit clause 54 (3). Insert instead:

- (3) The community contribution is calculated as follows:

- (a) For the fishing period commencing on 1 July 2002 and ending on 30 June 2003:

No community contribution is payable

- (b) For the fishing period commencing on 1 July 2003 and ending on 30 June 2004:

No community contribution is payable

- (c) For the fishing period commencing on 1 July 2004 and ending on 30 June 2005:

$$CC = S/TS \times 1/100 \times TAC \times P$$

- (d) For the fishing period commencing on 1 July 2005 and ending on 30 June 2006 and each fishing period after that:

$$CC = S/TS \times 6/100 \times TAC \times P$$

Where:

*CC* is the community contribution.

*S* is the number of shares in the fishery held by the shareholder on the last day of the fishing period.

*TS* is the total number of shares in the fishery.

*TAC* is the total allowable catch for rock lobster (in kilograms) for the fishing period.

*P* is the average beach price for rock lobster (in kilograms) during the fishing period, determined by the Minister on the basis of records kept by the Director.

**[5] Appendix, clause 60**

Insert after clause 59:

**60 Community contribution for 2001/2002 fishing period**

- (1) On the commencement of this clause, a community contribution is no longer payable in respect of the fishing period commencing on 1 July 2001 and ending on 30 June 2002.
- (2) Any community contribution paid in respect of that period before the commencement of this clause is to be refunded to the shareholder who paid it.