



New South Wales

Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

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*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to give effect to the share management plan for the ocean trawl share management fishery.

The share management plan provides for the following matters:

- (a) objectives of the plan,
- (b) description of the fishery,
- (c) minimum and maximum shareholdings,
- (d) general requirements in relation to taking fish,
- (e) other miscellaneous matters, including the adoption of the supporting plan.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 24, 40, 57, 60 and 289 (the general regulation-making power) and the sections mentioned in the plan.

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Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*.

2 Commencement

This Regulation commences on 5 February 2007.

3 Ocean Trawl Share Management Plan

The *Ocean Trawl Share Management Plan* set out in the Appendix to this Regulation has effect.

Appendix

(Clause 3)

Part 1 Preliminary

1 Name of Plan

This is the *Ocean Trawl Share Management Plan*.

2 Definitions

(1) In this Plan:

endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in the fishery.

endorsement holder means a person who holds a commercial fishing licence that has an endorsement.

fishery means the ocean trawl fishery (as described in Schedule 1 to the Act).

inshore waters has the meaning given by Schedule 1 to the Act.

ocean trawl fishing business means a fishing business the components of which include shares in the fishery.

ocean waters has the meaning given by Schedule 1 to the Act.

offshore waters has the meaning given by Schedule 1 to the Act.

Supporting Plan means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

the Act means the *Fisheries Management Act 1994*.

(2) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

(3) Notes used in this Plan do not form part of the Plan.

Part 2 Objectives of Plan

3 Objectives, performance indicators and triggers for review

(1) The objectives of this Plan are set out in Column 1 of the Table to this clause.

(2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.

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(3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.

(4) In the Table:

key secondary species means a species of fish listed as a key secondary species of fish in Table 2 to Schedule 1.

primary species means a species of fish listed as a primary species of fish in Table 1 to Schedule 1.

secondary species means a species of fish that are retained in the fishery but which is not a primary species or a key secondary species.

Table

	Column 1	Column 2	Column 3
	Objective	Performance indicator	Trigger for review
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the ocean trawl catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys
		No new primary species or key secondary species with an exploitation status is changed to “overfished” or “recruitment overfished” by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a primary species or key secondary species is changed to “overfished” or “recruitment overfished” by the Department

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Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
	Total annual landings of all secondary species taken by the sector using an otter trawl net (prawns) or by the sector using an otter trawl net (fish) and a danish seine trawl net (fish), as a percentage of the total annual landings taken by those sectors remains at 5% or less	The Director-General is satisfied that the contribution of secondary species to total annual landings in the sector using an otter trawl net (prawns) or in the sector using an otter trawl net (fish) and a danish seine trawl net (fish), exceeds 5% in any 2 consecutive years
	No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community	Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts

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Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years

Part 3 Description of fishery

Note. The ocean trawl fishery, as described in Schedule 1 to the Act, consists of the following:

- (a) the use of an otter trawl net (prawns) to take fish from any of the following waters:
 - (i) inshore waters,
 - (ii) offshore waters,
 - (iii) the waters of Coffs Harbour,
- (b) the use of an otter trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland (other than any waters in which use of an otter trawl net (fish) is prohibited under the regulations),

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- (c) the use of a danish seine trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland (other than any waters in which use of an otter trawl net (fish) is prohibited under the regulations).

4 Classes of share

There are 4 classes of share available in the fishery, being the following classes:

- (a) Ocean trawl—inshore prawn shares,
- (b) Ocean trawl—offshore prawn shares,
- (c) Ocean trawl—deepwater prawn shares,
- (d) Ocean trawl—fish northern zone shares.

Note. The classes of share correspond to the types of endorsement available in the fishery.

5 Types of endorsement

- (1) There are 4 types of endorsement available in the fishery, as follows:
 - (a) Inshore prawn endorsement,
 - (b) Offshore prawn endorsement,
 - (c) Deepwater prawn endorsement,
 - (d) Fish northern zone endorsement.
- (2) **Inshore prawn endorsement**

An inshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from inshore waters.
- (3) Only shareholders who hold ocean trawl—inshore prawn shares are eligible to be given, or to nominate a person to be given, an inshore prawn endorsement.
- (4) **Offshore prawn endorsement**

An offshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are west of the 280 metre (150 fathom) depth contour.
- (5) Only shareholders who hold ocean trawl—offshore prawn shares are eligible to be given, or to nominate a person to be given, an offshore prawn endorsement.
- (6) **Deepwater prawn endorsement**

A deepwater prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are east of the 280 metre (150 fathom) depth contour.

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- (7) Only shareholders who hold ocean trawl—deepwater prawn shares are eligible to be given, or to nominate a person to be given, a deepwater prawn endorsement.
- (8) **Fish northern zone endorsement**
A fish northern zone endorsement authorises the holder to take fish using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters that are north of a line drawn due east from Barrenjoey Headland (latitude 33°35' south).
- (9) Only shareholders who hold ocean trawl—fish northern zone shares are eligible to be given, or to nominate a person to be given, a fish northern zone endorsement.
Note. Schedule 2 prohibits the use of otter trawl net (fish) and danish seine trawl net (fish) in the waters north of a line drawn due east from the lighthouse at Smoky Cape (see clause 8).

Part 4 Minimum and maximum shareholdings

6 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.
Note. A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.
- (2) During the transitional period, the minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if, after the commencement of this Plan and before the end of the transitional period, the shareholder transfers, assigns, forfeits or surrenders any shares of that class (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an *original entitlement holder*, in relation to a class of shares, is a person who:
 - (a) held shares of that class immediately before the commencement of this Plan, and
 - (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.

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- (5) At the end of the transitional period, the minimum shareholding requirements under subclause (1) apply to all shareholders in the fishery.
 - (6) For the purposes of this clause, the *transitional period* is the period of 2 years and 6 months commencing on the commencement of this Plan.
 - (7) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.
 - (8) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean trawl fishing business.

Table

Class of shares	Minimum shareholding
Ocean trawl—inshore prawn shares	32
Ocean trawl—offshore prawn shares	32
Ocean trawl—deepwater prawn shares	20
Ocean trawl—fish northern zone shares	32

7 Maximum shareholding

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

Part 5 General requirements in relation to taking fish

8 Waters closed to ocean trawling

Pursuant to section 20 (2) of the Act, it is declared that the waters specified in Column 1 of Schedule 2 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers by use of the net specified next to those waters in Column 2 of the Schedule is prohibited, during the period specified in relation to those waters in Column 3 of the Schedule.

Note. See the Supporting Plan for section 20 (2) closures that apply to more than one share management fishery.

9 Boat capacity restrictions

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if the boat:
- (a) has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause, or
 - (b) has an engine with a continuous rating in excess of 300kW (being the rating for the boat as published by the manufacturer of the engine).

Table

Column 1	Column 2
Maximum boat length	Exemption code
20 metres	OT

- (2) Subclause (1) does not apply in respect of an original boat if:
- (a) it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
 - (b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.
- (3) In this clause, an **original boat** means a boat that, immediately before the commencement of this Plan, was a component of an ocean trawl fishing business.
- (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

10 Boat restrictions—offshore prawn endorsement

For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement that the endorsement holder does not use a boat to take fish pursuant to that endorsement unless the fishing boat licence for the boat indicates the maximum units allocated by the Director-General to the boat in respect of the boat's hull, engine power and head rope length.

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Part 6 General**11 Adoption of Supporting Plan**

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

12 Authorised amendments to Plan

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

Schedule 1 Primary and key secondary species

(Clause 3)

Table 1 Primary species

Common name	Scientific name
Eastern king prawn	<i>Melicertus plebejus</i>
School prawn	<i>Metapenaeus macleayi</i>
Royal red prawn	<i>Haliporoides sibogae</i>
Balmain bug	<i>Ibacus</i> spp.
Octopus spp.	various (Family: OCTOPODIDAE)
Cuttlefish	<i>Sepia</i> spp.
Southern calamari	<i>Sepioteuthis australis</i>
Eastern school whiting	<i>Sillago flindersi</i>
Stout whiting	<i>Sillago robusta</i>
Tiger flathead	<i>Neoplatycephalus richardsoni</i>
Sand/Bluespotted flathead	<i>Platycephalus caeruleopunctatus</i>
Silver trevally	<i>Pseudocaranx dentex</i>
Fiddler shark	<i>Aptychotrema rostrata</i>

Table 2 Key secondary species

Common name	Scientific name
Blue swimmer crab	<i>Portunus pelagicus</i>
Squid spp.	various (Class: CEPHALOPODA)

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Common name	Scientific name
Gurnard/Latchet	<i>Pterygotrigla andertoni</i> <i>Pterygotrigla polyomata</i> <i>Chelidonichthys kumu</i>
John dory	<i>Zeus faber</i>
Angel shark	<i>Squatina australis</i>
Flounder spp.	various (Family: PLEURONECTIDAE/BOTHIDAE)
Red mullet	various (Family: MULLIDAE)
Redfish	<i>Centroberyx affinis</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Ocean perch	<i>Helicolenus barathri</i> <i>Helicolenus percoides</i>
Mirror dory	<i>Zenopsis nebulosus</i>
Sole spp.	various (Family: SOLEIDAE)
Rubberlip morwong	<i>Nemadactylus douglasii</i>
Pink tilefish	<i>Branchiostegus wardi</i>
Boarfish	<i>Paristiopterus labiosus</i>
Shark spp.	various

Schedule 2 Waters closed to ocean trawling

(Clause 8)

Column 1	Column 2	Column 3
Waters	Method	Time
Tweed Heads		
The whole of the waters within the area bounded by a line commencing at mean high water mark and 28°10.000' S, then north east to the point 28°08.100' S and 153°36.360' E, then south to 28°15.000' S and 153°36.360' E, then west to the mean high water mark, then generally north along the mean high water mark to the point of commencement (reference to north east is indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
Brunswick Heads		
The whole of the waters within the area commencing 0.5 nautical miles offshore from mean high water mark, 2 nautical miles north of the northern breakwall of the Brunswick River, then east for 0.7 nautical miles, then generally southerly, parallel to and 1.2 nautical miles from mean high water mark for 7 nautical miles, then west to a point 0.5 nautical miles east from mean high water mark, then generally north parallel to and 0.5 nautical miles from mean high water mark back to point of commencement.	Otter trawl net (prawns).	All year.
Ballina		
The whole of the waters within the area bounded by a line commencing at the point 28°52.154' S and 153°36.252' E, then north east to the point 28°50.940' S and 153°36.910' E, then north to the point 28°49.930' S and 153°37.120' E, then north to the point 28°48.420' S and 153°37.100' E, then east to the point 28°48.432' S and 153°37.836' E, then south to the point 28°52.154' S and 153°37.836' E, then south west to the point 28°53.580' S and 153°37.360' E, then south west to the point 28°57.530' S and 153°33.420' E, then south west to the point 29°00.000' S and 153°30.988' E, then west to the point 29°00.000' S and 153°29.196' E, then north east to the point 28°53.258' S and 153°35.308' E, then east to the point 28°53.450' S and 153°35.596' E, then north east to the point 28°52.394' S and 153°36.156' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.
Evans Head River entrance		
The whole of the ocean waters within the area bounded by a line commencing from the eastern most point of Joggly Point at 29°07.130' S and 153°27.090' E, then due north to a point 29°06.000' S and 153°27.090' E, then due west to the mean high water mark at Airforce Beach at 29°06.000' S and 153°25.970' E, then generally south along the mean high water mark to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
Evans Head		
The whole of the waters within the area bounded by a line commencing at the point 29°07.720' S and 153°28.600' E, then south east to the point 29°08.780' S and 153°31.040' E, then south west to the point 29°10.440' S and 153°30.300' E, then south east to the point 29°11.460' S and 153°31.400' E, then south west to the point 29°15.000' S and 153°28.920' E, then west to the point 29°15.000' S and 153°23.390' E, then north east to the point 29°08.370' S and 153°28.580' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.
Angourie Point		
The ocean waters adjacent to Brooms Head, Clarence River and Woody Head, within the boundary, commencing at a point at Mean High Water Mark at Angourie Point, 29°29.180' S and 153°22.200' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 0.7 nautical miles north to a point adjacent to Yamba Point at 29°26.480' S and 153°23.120' E, then to a point 0.6 nautical miles east of the Iluka Breakwall at 29°25.600' S and 153°23.020' E, then north to a point 0.85 nautical miles from Woody Head at 29°22.400' S and 153°23.460' E, then east to a point 3 nautical miles from Woody Head at 29°22.400' S and 153°25.870' E, then south to a point 3 nautical miles east of Yamba Point at 29°26.480' E and 153°25.780' E, then south to a point 3 nautical miles east of Angourie Point at 29°29.200' S and 153°25.500' E, then south to a point 3 nautical miles east of Brooms Head at 29°36.800' S and 153°23.800' E, then west to Mean High Water Mark at Brooms Head at 29°36.800' S and 153°20.400' E, then bounded by Mean High Water Mark along the ocean shore north to the point of commencement at Angourie Point (references to directions are indicative only).	Otter trawl net (prawns).	All year.
Coffs Harbour		
The whole of the waters of Coffs Harbour, enclosed by a line drawn from the north eastern extremity of the southern breakwall to the eastern extremity of Muttonbird Island.	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
Coffs Harbour deep sea ocean outfall pipeline		
Ocean waters adjacent to Boambee Beach, within the boundary commencing at a point 30°19.096' S and 153°08.013' E on Boambee Beach (approximately 1 km south of Boambee Headland), then south south east 0.19 nautical miles to the point 30°19.232' S and 153°08.159' E, then south east 0.6 nautical miles to a point 30°19.570' S and 153°08.743' E, then south west approximately 100 metres to the point 30°19.616' S and 153°08.708' E, then north west 0.61 nautical miles to a point 30°19.274' S and 153°08.118' E, then north north west approximately 0.19 nautical miles to a point 30°19.134' S and 153°07.969' E on Boambee Beach, then approximately 100 metres generally north east along the beach to the point of commencement.	Otter trawl net (prawns).	All year.
South West Rocks		
The whole of the waters within the area bounded by a line commencing at the point 30°51.900' S and 153°02.700' E, then north east to the point 30°50.900' S and 153°04.000' E, then north west to the point 30°47.800' S and 153°03.600' E, then due west to the point 30°47.800' S and 153°00.500' E, then south east to the point 30°49.500' S and 153°01.000' E, then south east to the point 30°51.500' S and 153°02.000' E, then back to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	From official sunset 1 November to official sunrise 1 March each ensuing year.
Crowdy Head		
The ocean waters within the boundary, commencing at 32°02.650' S and 152°42.150' E, then north to 32°01.570' S and 152°42.420' E, then north north east to 31°58.840' S and 152°43.440' E, then east to 31°59.200' S and 152°44.340' E, then south south west to 32°01.030' S and 152°43.740' E, then south to 32°03.220' S and 152°43.200' E, then north west to the point of commencement (references to directions are indicative only).	Otter trawl net (prawns).	All year.

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Column 1	Column 2	Column 3
Waters	Method	Time
Forster		
<p>The whole of the waters within the area bounded by a line commencing at the intersection of the coordinates 32°26.400' S and 152°32.400' E, thence east to the intersection of the coordinates 32°26.400' S and 152°35.000' E thence north to the intersection of the coordinates 32°20.000' S and 152°35.000' E thence west to the intersection of the coordinates 32°00.000' S and 152°33.300' E thence south west to the intersection of the coordinates 32°24.400' S and 152°32.100' E thence back to the point of commencement.</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>
Port Stephens		
<p>The whole of the waters within the area bounded by the line commencing at the south eastern extremity of Shark Island (Pt Stephens), thence east to the intersection of the coordinates 32°45.000' S and 152°14.200' E, thence north east to the intersection of the coordinates 32°33.000' S and 152°25.400' E, thence east north east to the intersection of the coordinates 32°28.300' S and 152°35.000' E, thence north west to the eastern most extremity of Sugarloaf Point (Seals Rocks), thence south along the mean high water mark to Yagon Gibber, thence due east from the eastern most extremity of Yagon Gibber to the 10 fathom depth contour, thence generally south along the 10 fathom depth contour (inside Broughton Island, Inner Island and Dry Rock etc) until due east of the most easterly extremity of Yacaaba Head, thence due west to the eastern most extremity of Yacaaba Head, thence generally south south west along the mean high water mark to the southern most extremity of Yacaaba Point, thence south to the Northern extremity of Tomaree Point, thence generally south south east along the mean high water mark to the point of commencement.</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>

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Column 1	Column 2	Column 3
Waters	Method	Time
Newcastle		
All waters enclosed by a line commencing from the intersection of the 10 fathom depth contour and latitude 32°55.000' S, then generally in a south-easterly direction to a point latitude 32°57.300' S, longitude 151°52.000' E, then generally in a south-westerly direction along the 30 fathom depth contour to a point latitude 33°12.000' S, longitude 151°42.000' E, then due west to the intersection of the 10 fathom contour and latitude 33°12.000' S, then generally in a north-easterly direction along the 10 fathom depth contour to the point of commencement.	Otter trawl net (prawns).	All year.
Smoky Cape		
The waters north of a line drawn due east from the lighthouse at Smoky Cape.	Otter trawl net (fish) and danish seine trawl net (fish).	All year.
Port Kembla (Red Point to Windang Island)		
The whole of the waters west of a line drawn from the most eastern extremity of Red Point south to the most eastern extremity of Windang Island.	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
Twofold Bay		
The whole of the waters of Twofold Bay together with its bays and inlets west of a line drawn from Worang Point (North Head) southerly to Red Point (South Head).	Otter trawl net (fish) and danish seine trawl net (fish).	All year.
Merimbula Bay		
The whole of the waters of Merimbula Bay together with its bays and inlets west of a line drawn from the eastern extremity of Long Point southerly to the easternmost extremity of Haycock Point.	Otter trawl net (fish) and danish seine trawl net (fish).	All year.

BY AUTHORITY