



New South Wales

Fisheries Management (General) Amendment (Prohibited Size Fish and Bag Limits) Regulation 2007

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 *Fisheries Management (General) Regulation 2002* (the **Principal Regulation**) declares the minimum, maximum or range of sizes of fish that a person is prohibited from possessing or selling (known as a prohibited size fish requirement) and specifies the maximum quantities of fish that a person may take or possess at any time (known as a bag limit).

The object of this Regulation is to introduce new prohibited size fish requirements and bag limits, and change existing prohibited size fish requirements and bag limits, in relation to several species of fish.

An exemption from some of the new bag limits will apply in respect of licensed charter fishing boat operations.

The Regulation also makes minor amendments to offences relating to the use of fishing gear set out in the Principal Regulation, and introduces a new offence of using a gaff for the purpose of taking fish in inland waters.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 15 (1), 17 (1), 18 (1), 40 and 289 (the general regulation-making power).

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Clause 1 Fisheries Management (General) Amendment (Prohibited Size Fish and Bag Limits) Regulation 2007

**Fisheries Management (General) Amendment
(Prohibited Size Fish and Bag Limits) Regulation 2007**

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Prohibited Size Fish and Bag Limits) Regulation 2007*.

2 Commencement

This Regulation commences on 3 September 2007.

3 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 9 Prohibited size fish

Omit “freshwater spiny crayfish known as Murray or Murrumbidgee Crayfish” from clause 9 (2) (e).

Insert instead “spiny crayfish, Murray or eastern freshwater”.

[2] Clause 9, Part 1 of Table 1

Insert the following in appropriate order:

Groper, blue, red or brown	<i>Achoerodus viridis</i>	30
Flounders and Soles	Species of Families <i>Bothidae</i> , <i>Pleuronectidae</i> , <i>Cynoglossidae</i> and <i>Soleidae</i>	25
Mackerel, spanish	<i>Scomberomorus commerson</i>	75
Mackerel, spotted	<i>Scomberomorus munroi</i>	60
Mahi-mahi (or dolphin fish)	<i>Coryphaena hippurus</i>	60
Perch, pearl	<i>Glaucosoma scapulare</i>	30
Trevally, silver	<i>Pseudocaranx dentex</i>	30

[3] Clause 9, Part 1 of Table 1

Omit “25” from Column 2 of the entry relating to Luderick.

Insert instead “27”.

[4] Clause 9, Part 1 of Table 1

Omit the entry relating to Morwong, jackass fish. Insert instead:

Morwong, jackass	<i>Nemadactylus macropterus</i>	30
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Schedule 1 Amendments

[5] Clause 9, Part 1 of Table 1

Omit “25” from Column 2 of the entry relating to Morwong, red or sea carp.
Insert instead “30”.

[6] Clause 9, Part 1 of Table 1

Omit “28” from Column 2 of the entry relating to Morwong, rubberlip.
Insert instead “30”.

[7] Clause 9, Part 1 of Table 1

Omit “60” from Column 2 of the entry relating to Yellowtail kingfish.
Insert instead “65”.

[8] Clause 9, Part 3 of Table 1

Omit the entry relating to Cod, Murray.
Insert the following in appropriate order:

Cod, Murray	<i>Maccullochella peeli</i>	50 (for fish in possession or sold before 30 November 2007) 55 (for fish in possession or sold on or after 1 December 2007 and before 1 December 2008) 60 (for fish in possession or sold on or after 1 December 2008)
Eel, longfinned	<i>Anguilla reinhardtii</i>	58
Eel, shortfinned	<i>Anguilla australis</i>	30

[9] Clause 9, Part 4 of Table 1, heading

Insert “or estuarine” after “Freshwater”.

[10] Clause 9, Part 4 of Table 1

Omit the entry relating to Crayfish, Murray or freshwater spiny. Insert instead:

Spiny crayfish, Murray or eastern freshwater	<i>Euastacus</i> spp.	9
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[11] Clause 9, Part 5 of Table 1

Omit the Part.

[12] Clause 12 Bag limits—possession of fish

Omit clause 12 (2). Insert instead:

- (2) For the purposes of section 18 (1) of the Act, the possession limit of fish (of a species specified in Column 1 of Part 3 or 4 of the Table to this Division) is:
 - (a) when a person is in or on or adjacent to the waters specified opposite that species of fish in Column 2 of Part 3 or 4 of the Table, the quantity specified opposite that species of fish in Column 4, or
 - (b) when a person is transporting or storing fish otherwise than while in or on or adjacent to waters, the quantity specified opposite that species of fish in Column 4 of Part 3 or 4 of the Table or, if different quantities of that species of fish are specified in relation to different waters, the lower or lowest quantity specified.
- (3) It is a defence to a prosecution for an offence against section 18 (2) of the Act that is constituted by transporting or storing fish, otherwise than while in or on or adjacent to waters, in a quantity that exceeds the possession limit of the fish, if the person charged proves that:
 - (a) the fish were taken from waters specified opposite the fish in Column 2 of Part 3 or 4 of the Table, and
 - (b) the quantity of fish in the person's possession did not exceed the possession limit for the fish that would have applied if the person had been in or on or adjacent to the waters from which they were taken.

[13] Clause 13 General bag limit

Omit clause 13 (2), and the notes at the end of clause 13 (1) and (2).

Insert instead:

- (2) For any species of native freshwater fish (other than invertebrates) not included in the Table to this Division:
 - (a) the daily limit of fish of that species is 10, and
 - (b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to any waters or is transporting or storing the fish) is 10.

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[14] Clause 14 Application of bag limits to commercial fishers

Insert after clause 14 (4):

- (5) Subclause (4) is subject to the exemption for charter fishing operations set out in clause 14A.

[15] Clause 14A

Insert after clause 14:

14A Application of bag limits to charter fishing boat operations

- (1) A daily limit or possession limit specified in this Division does not apply in relation to any charter fishing exempt fish that is in the possession of the master of a boat that is a licensed charter fishing boat, or an exempt charter fishing boat, if the fish were taken while on board the boat for use as bait in guided recreational charter fishing, and the fish is not taken or in possession for sale.
- (2) In this clause:
 - charter fishing exempt fish* means any of the following species of fish:
 - (a) Australian anchovy,
 - (b) garfish, except eastern sea garfish,
 - (c) hardyhead and silverfish,
 - (d) southern herring,
 - (e) slimy mackerel,
 - (f) maray (or round herring),
 - (g) pilchard,
 - (h) blue sprat (or bluebait),
 - (i) sandy sprat (or whitebait),
 - (j) yellowtail and jack mackerel.

exempt charter fishing boat means a charter fishing boat in respect of which a licence under Part 4A of the Act is not required under clause 335.

guided recreational charter fishing means guided recreational charter fishing of a kind referred to in clause 298.

licensed charter fishing boat means a charter fishing boat licensed under Part 4A of the Act.

Note. Clause 335 contains an exemption from licensing requirements for boats used principally in Lord Howe Island waters.

[16] Division 3 of Part 2, Part 1 of Table (Bag limits)

Insert the following in appropriate order:

Anchovy, Australian	<i>Engraulis australis</i>	50
Bonito, Australian	<i>Sarda australis</i>	10
Flounders and Soles	Species of Families <i>Bothidae</i> , <i>Pleuronectidae</i> , <i>Cynoglossidae</i> and <i>Soleidae</i>	20 comprised wholly of any single species or a combination of species
Garfish, eastern sea	<i>Hyporhamphus australis</i>	20
Garfish, except eastern sea garfish	Species of Family <i>Hemiramphidae</i>	50 comprised wholly of any single species or a combination of species
Hardyhead and Silverfish	Species of Family <i>Atherinidae</i>	50 comprised wholly of any single species or a combination of species
Herring, southern	<i>Herklotsichthys castelnaui</i>	50
Leatherjacket	Species of Family <i>Monacanthidae</i>	20 comprised wholly of any single species or a combination of species
Mackerel, slimy	<i>Scomber australasicus</i>	50
Mahi-mahi (or dolphin fish)	<i>Coryphaena hippurus</i>	10 (only 1 of which can be longer than 110 cm)
Maray (or round herring)	<i>Etrumeus teres</i>	50 comprised wholly of any single species or a combination of species
Morwong, rubberlip (or grey morwong or blue morwong)	<i>Nemadactylus douglasii</i>	10
Morwong, jackass	<i>Nemadactylus macropterus</i>	10
Mullet	Species of Family <i>Mugilidae</i>	20 comprised wholly of any single species or a combination of species
Pilchard	<i>Sardinops neopilchardus</i>	50

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Samsonfish and Amberjack	<i>Seriola hippos</i> and <i>S. dumerili</i>	5 comprised wholly of any single species or a combination of species
Scorpion fish, eastern red (or eastern red rock cod)	<i>Scorpaena cardinalis</i>	5
Sprat, blue (or bluebait)	<i>Spratelloides robustus</i>	50
Sprat, sandy (or whitebait)	<i>Hyperlophus vittatus</i>	50
Yellowtail and Mackerel, jack	<i>Trachurus</i> spp.	50 comprised wholly of any single species or a combination of species

[17] Division 3 of Part 2, Part 1 of Table (Bag limits)

Omit “2 of each species” from Column 2 of the entry relating to Billfish (all species).

Insert instead “1 of each species”.

[18] Division 3 of Part 2, Part 1 of Table (Bag limits)

Omit the entry relating to Bream, black or southern. Insert instead:

Bream and Tarwhine	<i>Rhabdosargus sarba</i> , <i>Acanthopagrus australis</i> and <i>A. butcheri</i>	20 comprised wholly of any single species or a combination of species
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[19] Division 3 of Part 2, Part 1 of Table (Bag limits)

Omit “2” from Column 2 of the entry relating to Groper, blue, red or brown.

Insert instead “2 (with not more than one longer than 60 cm)”.

[20] Division 3 of Part 2, Parts 1 and 2 of Table (Bag limits)

Omit “ssp” wherever occurring. Insert instead “spp”.

[21] Division 3 of Part 2, Part 1 of Table (Bag limits)

Omit the entry relating to Sharks and rays. Insert instead:

Sharks and Rays (other than wobbegong sharks)	All species (other than wobbegong sharks)	5 comprised wholly of any single species or a combination of species but with no more than one of each of the following:
		(a) tiger shark,
		(b) mako shark,
		(c) blue shark,
		(d) hammerhead shark (any species),
		(e) whaler shark (any species).

[22] Division 3 of Part 2, Part 2 of Table (Bag limits)

Insert the following in alphabetical order:

Octopus	All species	10 comprised wholly of any single species or a combination of species
Saltwater nippers	<i>Callinassa</i> and <i>Alpheus</i> spp.	100 comprised wholly of any single species or a combination of species
Soldier crab	Species of Family <i>Mictyridae</i>	100 comprised wholly of any single species or a combination of species
Squid and Cuttlefish	All species	20 comprised wholly of any single species or a combination of species
Worms, except beach worms	Species of class <i>Polychaeta</i>	100 comprised wholly of any single species or a combination of species

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[23] Division 3 of Part 2, Part 3 of Table (Bag limits)

Omit the entries relating to Australian bass and Estuary perch.

Insert instead:

Australian bass and Estuary perch	<i>Macquaria novemaculeata</i> and <i>M. colonorum</i>	Backed up waters of dams and impoundments	2 comprised wholly of a single species or of a combination of species	4 comprised wholly of a single species or of a combination of species
		All other waters of NSW	2 comprised wholly of one species or of a combination of species (with not more than one, of either species, being longer than 35 cm)	4 comprised wholly of one species or of a combination of species (with not more than one, of either species, being longer than 35 cm)

[24] Division 3 of Part 2, Part 4 of Table (Bag limits)

Omit the entry relating to Freshwater spiny crayfish.

Insert instead:

Spiny crayfish, eastern freshwater	<i>Euastacus</i> spp.	All waters of NSW	5 (only 1 of which can be longer than 12 cm)	10 (only 1 of which can be longer than 12 cm)
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[25] Division 3 of Part 2, Part 4 of Table (Bag limits)

Insert in appropriate order:

Yabby	<i>Cherax</i> spp.	All waters of NSW	200	200
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[26] Clause 66 Set lines and hand held lines

Omit clause 66 (6). Insert instead:

- (6) A person must not for the purpose of taking fish (other than Atlantic salmon or trout) in any inland waters:

- (a) use or lift more than 2 hand held lines, or
- (b) use or lift any line with more than 2 hooks or 3 treble hooks attached to a lure.

[27] Clause 67 Leaving hand held line unattended

Omit “10 metres” from clause 67 (1). Insert instead “50 metres”.

[28] Clause 76 Jaggging or foul hooking of fish

Omit clause 76 (3). Insert instead:

- (3) A person must not use a gaff for the purpose of taking fish from any inland waters.
Maximum penalty: 25 penalty units.

[29] Clause 77 Taking of Atlantic salmon or trout

Omit “2 hooks attached” from clause 77 (2).

Insert instead “3 hooks attached”.

[30] Schedule 5 Penalty notice offences

Insert in appropriate order in Part 2:

Clause 76 (3)

\$200