



New South Wales

# Fisheries Management Legislation Further Amendment Regulation 2010

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*.

STEVE WHAN, MP  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to amend fisheries management legislation as a consequence of the commencement of provisions of the *Fisheries Management Amendment Act 2009* (the *amending Act*) on 1 April 2010 and for other purposes.

This Regulation amends the *Fisheries Management (General) Regulation 2002* as follows:

- (a) to update the species of fish that are protected under the *Fisheries Management Act 1994* (the *Act*) and to declare the possession of certain species of protected fish to be prohibited absolutely,
- (b) to specify the species of fish that are protected absolutely from commercial fishing and to declare the sale of certain species of fish protected from commercial fishing to be prohibited absolutely,
- (c) to update the provision that specifies the fish that are protected from different classes of recreational fishing in certain waters and at certain times of the year,
- (d) to prescribe the species of exotic fish that are prohibited from being brought live into New South Wales,
- (e) to make it an offence for recreational fishers to take or possess wobbegong sharks,
- (f) to establish an Aboriginal Fishing Advisory Council and provide for the composition and procedures of the Council,
- (g) to exempt a charter fishing boat from the requirement to be licensed if the commercial organisation operating the boat does not provide a person to guide or instruct the persons on the boat in fishing operations,

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#### Explanatory note

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- (h) to prescribe the information that must be included in the records of sale and possession of fish that commercial fishers and fish sellers are required to make under the Act,
- (i) to prescribe the commercial quantities of fish for the purposes of record-keeping requirements under the Act, so that the requirements to produce records concerning the possession of fish that apply to fishing industry participants who are in possession of any quantity of fish also apply to any other person who is in possession of more than the commercial quantity,
- (j) to prescribe further offences under the Act as forfeiture offences, which enables fisheries officers to seize any boats or motor vehicles used by persons committing those offences,
- (k) to increase the prescribed penalties for certain penalty notice offences under the Act,
- (l) to repeal provisions relating to the waiver and refund of certain fees and contributions payable under the Act and the regulations that are no longer necessary because the amending Act gives the Minister a general power to waive or refund any fees, charges, rental payments or contributions payable under the Act or the regulations, if the Minister considers it appropriate to do so,
- (m) to remove the entitlement of certain Aboriginal persons to be exempted from paying recreational fishing fees because the amending Act exempts all Aboriginal persons from paying recreational fishing fees,
- (n) to make amendments of a statute law revision nature.

This Regulation also makes amendments as a consequence of the commencement of the amending Act and amendments of a statute law revision nature to the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*, the *Fisheries Management (Aquaculture) Regulation 2007* and the *Fisheries Management (Lobster Share Management Plan) Regulation 2007*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17–20A, 34A, 60, 123, 123A, 127B, 217, 229, 265 and 289 (the general regulation-making power) and clause 2 (1) of Schedule 7.

## **Fisheries Management Legislation Further Amendment Regulation 2010**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management Legislation Further Amendment Regulation 2010*.

### **2 Commencement**

This Regulation commences on 1 April 2010 and is required to be published on the NSW legislation website.

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Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

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### Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

#### [1] Clause 3 Interpretation

Insert at the end of clause 3:

- (2) A reference in this Regulation to the common name of a species of fish does not limit the scientific description of that species of fish. If there is any inconsistency between the common name and the scientific description of the species, the scientific description of the species prevails.

#### [2] Clause 6 Protected fish

Omit clause 6 (1). Insert instead:

- (1) For the purposes of section 19 (1) of the Act, the species of fish specified in Table 1 are protected fish.
- (1A) For the purposes of section 19 (4) of the Act, the possession of the protected fish specified in Table 2 is prohibited absolutely.

#### [3] Clause 6, Tables 1 and 2

Omit the Table to the clause. Insert instead:

#### Table 1 Protected fish

##### Part 1 Marine or estuarine species

Common name	Species
Ballina angelfish	<i>Chaetodontoplus ballinae</i>
Bluefish	<i>Girella cyanea</i>
Eastern blue devil fish, Bleekers devil fish	<i>Paraplesiops bleekeri</i>
Elegant wrasse	<i>Anampses elegans</i>
Estuary cod	<i>Epinephelus coioides</i>
Ghost pipefish	All species of the family <i>Solenostomidae</i>
Giant Queensland groper	<i>Epinephelus lanceolatus</i>
Herbsts nurse shark	<i>Odontaspis ferox</i>

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Common name	Species
Pipefish, pipehorse, seadragon, seahorse	All species of the family <i>Syngnathidae</i>
Seamoth	All species of the family <i>Pegasidae</i>

### Part 2 Freshwater species

Common name	Species
Australian grayling	<i>Prototroctes maraena</i>
Isopod	<i>Crenoicus harrisoni</i>

### Table 2 Protected fish—possession prohibited absolutely

#### Part 1 Marine or estuarine species

Common name	Species
Ballina angelfish	<i>Chaetodontoplus ballinae</i>
Bluefish	<i>Girella cyanea</i>
Eastern blue devil fish, Bleekers devil fish	<i>Paraplesiops bleekeri</i>
Elegant wrasse	<i>Anampses elegans</i>
Ghost pipefish	All species of the family <i>Solenostomidae</i>
Giant Queensland groper	<i>Epinephelus lanceolatus</i>
Herbsts nurse shark	<i>Odontaspis ferox</i>
Pipefish, pipehorse, seadragon, seahorse	All species of the family <i>Syngnathidae</i>
Seamoth	All species of the family <i>Pegasidae</i>

#### Part 2 Freshwater species

Common name	Species
Australian grayling	<i>Prototroctes maraena</i>
Isopod	<i>Crenoicus harrisoni</i>

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### [4] Clause 7

Omit the clause. Insert instead:

#### 7 Fish protected from commercial fishing

- (1) For the purposes of section 20 (1) of the Act, the species of fish specified in Table 1 are protected absolutely from all commercial fishing.
- (2) For the purposes of section 20 (4) of the Act, the sale of any species of fish specified in Table 2 is prohibited absolutely.

#### Table 1 Fish protected absolutely from all commercial fishing

##### Part 1 Marine or estuarine species

Common name	Species
Groper, blue, brown or red	<i>Achoerodus viridis</i>
Marlin, black	<i>Makaira indica</i>
Marlin, blue	<i>Makaira mazara</i>
Marlin, striped	<i>Tetrapturus audax</i>
Tuna, southern bluefin	<i>Thunnus maccoyii</i>

##### Part 2 Freshwater species

Common name	Species
Atlantic salmon	<i>Salmo salar</i>
Australian bass	<i>Macquaria novemaculeata</i>
Catfish, eel-tailed	<i>Tandanus tandanus</i>
Estuary perch	<i>Macquaria colonorum</i>
Freshwater crayfish	All species of the genera <i>Euastacus</i> and <i>Cherax</i> except for the common yabby <i>Cherax destructor</i>
Golden perch	<i>Macquaria ambigua</i>
Murray cod	<i>Maccullochella peelii peelii</i>
Silver perch	<i>Bidyanus bidyanus</i>
Trout, brook	<i>Salvelinus fontinalis</i>

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<b>Common name</b>	<b>Species</b>
Trout, brown	<i>Salmo trutta</i>
Trout, rainbow	<i>Oncorhynchus mykiss</i>

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**Table 2 Protected fish—sale prohibited absolutely****Part 1 Marine or estuarine species**

<b>Common name</b>	<b>Species</b>
Marlin, black	<i>Makaira indica</i>
Marlin, blue	<i>Makaira mazara</i>
Marlin, striped	<i>Tetrapturus audax</i>

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**Part 2 Freshwater species**

<b>Common name</b>	<b>Species</b>
Atlantic salmon	<i>Salmo salar</i>
Australian bass	<i>Macquaria novemaculeata</i>
Catfish, eel-tailed	<i>Tandanus tandanus</i>
Estuary perch	<i>Macquaria colonorum</i>
Freshwater crayfish	All species of the genera <i>Euastacus</i> and <i>Cherax</i> except for the common yabby <i>Cherax destructor</i>
Silver perch	<i>Bidyanus bidyanus</i>
Trout, brook	<i>Salvelinus fontinalis</i>
Trout, brown	<i>Salmo trutta</i>
Trout, rainbow	<i>Oncorhynchus mykiss</i>

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**[5] Part 2 Protected fish, protected waters, prohibited size fish and bag limits**

Omit the heading to Division 1A. Insert instead:

**Division 1A Fish and waters protected from commercial and recreational fishing**

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### [6] Clause 8B

Omit the clause. Insert instead:

#### **8B Fish and waters protected from recreational fishing**

- (1) For the purposes of section 20A (1) and (2) of the Act, the species of fish specified in Column 2 of Schedule 2 are protected from the class of recreational fishing specified in Column 3 of that Schedule in the waters specified in Column 1 of that Schedule during the period specified in Column 4 of that Schedule.
- (2) This clause does not apply in respect of a commercial fisher taking fish for sale as authorised under the Act.
- (3) In Schedule 2, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

### [7] Clause 9 Prohibited size fish

Omit “*Maccullochella peeli*” from Column 1 of Part 3 of Table 1 to the clause.  
Insert instead “*Maccullochella peelii peelii*”.

### [8] Part 2, Division 3, Table

Omit “All species (other than wobbegong sharks)” from Column 1 of Part 1 of the Table in the matter relating to “Sharks and Rays (other than wobbegong sharks)”.

Insert instead “All species (other than *Orectolobus* spp.)”.

### [9] Part 2, Division 3, Table

Insert the following after the matter relating to “Whiting” in Part 1 of the Table:

Wobbegong shark	<i>Orectolobus</i> spp.	0
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### [10] Part 2, Division 3, Table

Omit “*Maccullochella peeli*” from Column 1 of Part 3 of the Table.

Insert instead “*Maccullochella peelii peelii*”.



**[11] Clause 120A**

Insert after clause 120:

**120A Evidence of payment of fishing fee**

For the purposes of paragraph (c) of the definition of *official receipt* in section 34A of the Act, a receipt card issued to a person following payment of a fishing fee by the person over the telephone or by electronic means is evidence of payment of a fishing fee.

**[12] Clause 122 Fishing fee exemption certificates may be issued to certain owners and lessees of private land**

Omit clause 122 (1). Insert instead:

- (1) For the purposes of section 34I (3) (c) of the Act, the class of persons consisting of owners or lessees of private land on which there is a body of water comprising the backed up waters of a dam or impoundment is prescribed as a class of persons to whom a fishing fee exemption certificate may be issued.

**[13] Clause 140 Making of appeals to Share Appeal Panel (section 84 of the Act)**

Omit clause 140 (3).

**[14] Clause 142 Fee for inspection of Share Register and registered documents**

Omit clause 142 (2).

**[15] Clause 290 Definitions**

Insert “*activity*” after “*prescribed*” in the definition of “*prescribed record*”.

**[16] Clauses 290A and 290B**

Insert “*activity*” after “*prescribed*” in clauses 290A (1) and 290B (1) wherever occurring.

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### [17] Clause 291

Omit the clause. Insert instead:

#### 291 Records of sale and possession of fish—commercial quantity

For the purposes of the definition of *commercial quantity* of fish in section 123A (7) of the Act, the prescribed quantity of fish is the following:

- (a) in respect of abalone—2 abalone or, if the number of whole abalone cannot be determined, 100 grams,
- (b) in respect of eastern rock lobsters—2 lobsters or, if the number of whole lobsters cannot be determined, 1 kg,
- (c) in respect of crustaceans (other than eastern rock lobsters)—1 kg,
- (d) in respect of finfish—3 kg whole weight or 1.5 kg fillet weight,
- (e) in respect of beachworms—20 worms or parts of worms,
- (f) in any other case—1 kg.

### [18] Clause 292 Information to be included in records of sale and possession of fish

Omit clause 292 (1). Insert instead:

- (1) For the purposes of section 123 (1), a record concerning the sale of fish must:
  - (a) in the case of the sale of fish by a commercial fisher directly to a person for consumption and not for resale—be in a form approved by the Director-General that includes the following information:
    - (i) the date of the sale,
    - (ii) the quantity of fish sold,
  - (iii) a description of the fish sold, including a description of the manner in which the fish have been processed,
  - (iv) the total price paid,
  - (v) the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish, or
  - (b) in any other case—include the following information:
    - (i) the standard name and weight of each species of fish sold,

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- (ii) a description of the manner in which the fish have been processed,
  - (iii) the date of the sale,
  - (iv) the full name and address of the seller,
  - (v) the full name and address of the purchaser,
  - (vi) the full name, address and signature of the person completing the record,
  - (vii) the price per kilogram, price per packet or price per unit of each species of fish sold,
  - (viii) the total sales value of each species of fish sold,
  - (ix) in respect of each sale, a unique identifying number allocated to the sale for the purposes of the record, being a number that is one of a sequence of unique identifying numbers where each subsequent sale is allocated the next number in the sequence,
  - (x) if the fish were taken by a commercial fisher, the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish.

**[19] Clause 292 (2)**

Omit “section 123 (2) and (3)”.

Insert instead “sections 123 (2) and 123A (1)”.

**[20] Clause 292 (2) (i)**

Omit the paragraph. Insert instead:

- (i) if the fish were taken by a commercial fisher, the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish.

**[21] Clause 298 What boats must be licensed?**

Insert at the end of the clause before the note:

- (2) However, a charter fishing boat operated by a commercial organisation (within the meaning of section 127A of the Act), that would otherwise be required to be licensed under this clause, is not required to be licensed if the charter fishing boat is operated under an arrangement where a person is provided, for payment or other consideration, for the purposes of operating the boat only and not for the purposes of guiding or instructing the persons using the boat in fishing operations.

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**[22] Clause 313 Application for review by third party**

Omit clause 313 (3).

**[23] Clause 340**

Omit clauses 340 and 340AA. Insert instead:

**340 Importation of live fish—prohibited species (section 217 of the Act)**

For the purposes of section 217 (1) of the Act, the species of fish specified in Schedule 3 are prescribed.

**Note.** Under section 217 (1), a person must not bring into New South Wales any live fish of a species or class prescribed by the regulations except under the authority of a permit issued by the Minister.

**[24] Clause 348 Establishment of advisory councils**

Insert after clause 348 (b):

- (c) an Aboriginal Fishing Advisory Council.

**[25] Clause 351**

Insert after clause 350:

**351 Aboriginal Fishing Advisory Council**

- (1) The Aboriginal Fishing Advisory Council is to be composed of the following members:
  - (a) Aboriginal persons appointed to represent different regions of the State (not more than 10 persons in total),
  - (b) one other Aboriginal person,
  - (c) one person appointed as a representative of NTSCORP Limited,
  - (d) one person appointed as a representative of the New South Wales Aboriginal Land Council,
  - (e) a senior officer of the Department.
- (2) The member of the Aboriginal Fishing Advisory Council who is a senior officer of the Department is not entitled to vote at meetings of the Council.

**[26] Clause 357 Deputies**

Insert at the end of the clause:

- (5) This clause does not apply to a member of the Aboriginal Fishing Advisory Council referred to in clause 351 (1) (a) or (b).

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**[27] Clause 358 Vacancy in office of member**

Insert “in the case of a member of the Seafood Industry Advisory Council or the Advisory Council on Recreational Fishing,” before “the member becomes bankrupt” in clause 358 (f).

**[28] Clause 358 (h1)**

Insert after clause 358 (h):

- (h1) in the case of a member appointed as a representative of NTSCORP Limited or the New South Wales Aboriginal Land Council, the body advises the Minister that the body no longer wishes to be represented by that member, or

**[29] Clause 359 Removal of member from office by Minister**

Insert at the end of the clause:

- (4) The Minister must remove a member of the Aboriginal Fishing Advisory Council from office if the Minister is satisfied, after consultation with the Council, that the member has been convicted of an offence involving dishonesty or financial misconduct or an offence relating to the management of the affairs of a business or a corporation.

**[30] Clause 360 Filling of vacancy in office of member**

Omit clause 360 (2). Insert instead:

- (2) The Minister may appoint a person to fill a vacancy by calling for expressions of interest in the position, requesting nominations for the position or appointing a person who was previously nominated for the position.

**[31] Clause 361 Chairperson and deputy chairperson of Seafood Industry Advisory Council and Advisory Council on Recreational Fishing**

Insert at the end of the clause:

- (8) This clause does not apply to the Aboriginal Fishing Advisory Council.

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### [32] Clause 361A

Insert after clause 361:

#### **361A Chairperson and deputy chairperson of Aboriginal Fishing Advisory Council**

- (1) The Aboriginal Fishing Advisory Council is to appoint its own chairperson and deputy chairperson from among its members and must advise the Minister of the persons appointed.
- (2) A meeting of the Aboriginal Fishing Advisory Council is to be chaired:
  - (a) by the chairperson of the Council, or
  - (b) in the absence of the chairperson:
    - (i) by the deputy chairperson of the Council, or
    - (ii) in the absence of the deputy chairperson (or if no deputy chairperson has been appointed)—by the person appointed by the Minister to chair the meeting in such circumstances (who is a member of the Council), or
    - (iii) in the absence of the person appointed under subparagraph (ii)—by a member of the Council elected by the members present to chair the meeting.

### [33] Clause 362 General procedure for calling and holding meetings of advisory councils

Omit “an advisory council” from clause 362 (1).

Insert instead “the Seafood Industry Advisory Council and the Advisory Council on Recreational Fishing”.

### [34] Clause 362 (1A) and (1B)

Insert after clause 362 (1):

- (1A) The procedure for the calling and holding of meetings of the Aboriginal Fishing Advisory Council is to be determined by the chairperson of the Council in consultation with the Minister.
- (1B) During any vacancy in the office of chairperson of the Aboriginal Fishing Advisory Council, the procedure for calling and holding of meetings of the Council is to be determined by the Minister.

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**[35] Clause 364 Quorum**

Omit “an advisory council”.

Insert instead “the Seafood Industry Advisory Council and the Advisory Council on Recreational Fishing”.

**[36] Clause 364 (2)**

Insert at the end of the clause:

- (2) The quorum for a meeting of the Aboriginal Fishing Advisory Council consists of a two-thirds majority of its members for the time being, excluding any members not entitled to vote at meetings of the Council.

**[37] Clause 412 Forfeiture offences**

Insert after paragraph (a):

- (a1) an offence against section 16 of the Act (Prohibited size fish),

**[38] Clause 412 (c1)–(c4)**

Insert after paragraph (c):

- (c1) an offence against section 19 of the Act (Protected fish),
- (c2) an offence against section 20 of the Act (Fish and waters protected from commercial fishing),
- (c3) an offence against section 20A of the Act (Fish and waters protected from recreational fishing),
- (c4) an offence against section 21B of the Act (Trafficking in fish),

**[39] Clause 412 (e1)–(e11)**

Insert after paragraph (e):

- (e1) an offence against section 35 of the Act (Possessing fish illegally taken),
- (e2) an offence against section 65 of the Act (Contravention of plan),
- (e3) an offence against section 68 of the Act (Endorsements on licences),
- (e4) a share forfeiture offence (within the meaning of section 75 of the Act),
- (e5) an offence against section 102 of the Act (Commercial fishers required to be licensed),

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- (e6) an offence against section 104 of the Act (Provisions relating to licensing of commercial fishers),
- (e7) an offence against section 108 of the Act (Provisions relating to licensing of boats),
- (e8) an offence against section 112 of the Act (Commercial fishing licence to be endorsed for restricted fishery),
- (e9) an offence against section 220ZA (Harming threatened species, populations or ecological communities),
- (e10) an offence against section 220ZB (Buying, selling or possessing threatened species),
- (e11) an offence against section 220ZC (Damage to critical habitat),

### [40] Clause 435

Insert after clause 434:

#### 435 Penalties imposed by Local Court

The amendment made to section 277 (2) by the *Fisheries Management Amendment Act 2009* applies only in respect of an offence committed on or after 1 April 2010.

#### 436 Records of sale and possession of fish

- (1) New section 123 applies in respect of fish sold on or after 1 April 2010.
- (2) Repealed section 123 continues to apply in respect of fish sold before 1 April 2010.
- (3) A record concerning the sale or possession of fish that was made in respect of fish sold before 1 April 2010 and that complied with the requirements with respect to records of sale or possession applicable under repealed section 123 is taken:
  - (a) to be a record of acquisition or possession for the purposes of new section 123 or new section 123A (as the case requires), and
  - (b) to comply with the requirements of new section 123 and 123A.
- (4) In this clause:
  - new section 123* means section 123 as substituted by the *Fisheries Management Amendment Act 2009*.
  - new section 123A* means section 123A as inserted by the *Fisheries Management Amendment Act 2009*.



*repealed section 123* means section 123 as in force immediately before 1 April 2010.

**[41] Schedule 2**

Omit the heading to the Schedule. Insert instead:

**Schedule 2 Fish and waters protected from recreational fishing**

**[42] Schedule 3**

Insert after Schedule 2:

**Schedule 3 Importation of live fish—prohibited species**

(Clause 340)

<b>Column 1</b>	<b>Column 2</b>
<b>Species</b>	<b>Common name</b>
Clariidae family	African catfish, broadhead catfish, eel catfish
<i>Rutilus rutilus</i>	Roach
<i>Tinca tinca</i>	Tench
Gymnotidae family	Naked back knifefish
<i>Parachanna</i> spp.	Snakehead
Trichomycteridae family	Candiru, pencil catfish
<i>Crenicichla</i> spp.	Pike cichlid
<i>Pseudoplatystoma fasciatum</i>	Tiger catfish
Malapteruridae family	Electric catfish
<i>Ictalurus punctatus</i>	Channel catfish
<i>Himantura</i> spp.	Freshwater stingray
Gasterosteidae family	Stickleback
Polypteridae family	Bichir
<i>Schilbe</i> spp.	Silver catfish, shoulderspot catfish
<i>Perca fluviatilis</i>	Redfin perch

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<b>Column 1</b>	<b>Column 2</b>
<b>Species</b>	<b>Common name</b>
<i>Scortum barcoo</i>	Barcoo grunter
<i>Bidymanus welchi</i>	Welchs grunter
<i>Hephaestus fuliginosus</i>	Sooty grunter
<i>Oxyeleotris lineolatus</i>	Sleepy cod
Any hybrid between members of the Terapontidae family	Hybrid grunter
<i>Salmo salar</i>	Atlantic salmon
<i>Salvelinus fontinalis</i>	Brook trout
<i>Salmo trutta</i>	Brown trout
<i>Oncorhynchus mykiss</i>	Rainbow trout
<i>Lates calcarifer</i>	Barramundi
<i>Cherax tenuimanus</i>	Marron
<i>Cherax quadricarinatus</i>	Redclaw
<i>Haliotis</i> spp.	Abalone

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### [43] Schedule 5 Penalty notices

Omit the following matter from Columns 1 and 2 of Part 1 respectively:

Section 16 (1)	\$300
Section 16 (2)	\$300
Section 17 (2)	\$300
Section 18 (2)	\$300

Insert instead:

Section 16 (1)	\$500
Section 16 (2)	\$500
Section 16 (3)	\$500
Section 16 (4)	\$500
Section 17 (2)	\$500
Section 17 (2A)	\$500

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Section 18 (2)	\$500
Section 18 (2A)	\$500

**[44] Schedule 5, Part 1**

Omit the following matter from Columns 1 and 2 respectively:

Section 20 (3) (b)	\$2,750
Section 20 (3) (c)	\$5,500

Insert instead:

Section 20 (3) (b)	\$5,500
Section 20 (3) (c)	\$2,750
Section 20 (5)	\$2,750
Section 20A (3) (a)	\$500
Section 20A (3) (b)	\$500

**[45] Schedule 5, Part 1**

Omit the following matter from Columns 1 and 2 respectively:

Section 68 (6C) in relation to a contravention of a condition referred to in clause 15 or 16 of the <i>Ocean Hauling Share Management Plan</i> (as set out in the <i>Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006</i> )	\$200
Section 68 (6C) in any other case	\$500

Insert instead:

Section 68 (6C)	\$500
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**[46] Schedule 5, Part 1**

Omit the following matter from Columns 1 and 2 respectively:

Section 123 (1) (a)	\$200
Section 123 (1) (b)	\$200
Section 123 (1) (c)	\$200

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Section 123 (2) (a) (i)	\$200
Section 123 (2) (a) (ii)	\$200
Section 123 (2) (b)	\$200
Section 123 (2) (c)	\$200
Section 123 (3)	\$200

Insert instead:

Section 123 (1)	\$500
Section 123 (2)	\$500
Section 123 (3)	\$500
Section 123A (1)	\$500

**[47] Schedule 5, Part 1**

Omit "\$200" from Column 2 of the matter relating to section 206 (1) in Column 1.

Insert instead "\$500".

**[48] Schedule 5, Part 1**

Omit "\$300" from Column 2 of the matters relating to sections 217 (1) and 217 (2).

Insert instead "\$500".

**[49] Schedule 5, Part 1**

Omit "\$200" from Column 2 of the matter relating to section 256 (4).

Insert instead "\$500".

**[50] Schedule 5, Part 1**

Insert the following matter in Columns 1 and 2 respectively after the matter relating to section 258 (2).

Section 258A (6)	\$500
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**[51] Schedule 5, Part 1**

Insert the following matter at the end of Part 1 in Columns 1 and 2 respectively:

Section 279A (1)	\$500
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**[52] Schedule 5, Part 2**

Omit the following matter from Columns 1 and 2 respectively:

Clause 8B	\$500
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**[53] Schedule 5, Part 2**

Omit “\$200” from Column 2 of the matter relating to clause 108 (1).

Insert instead “\$500”.

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Fisheries Management Legislation Further Amendment Regulation 2010

Schedule 2      Amendment of Fisheries Management (Abalone Share Management Plan)  
Regulation 2000

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**Schedule 2      Amendment of Fisheries Management  
(Abalone Share Management Plan)  
Regulation 2000**

**Appendix, clause 19**

Omit clause 19 (2A).

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### **Schedule 3      Amendment of Fisheries Management (Aquaculture) Regulation 2007**

- [1] **Clause 7 Aquaculture permit holders liable to pay contributions towards cost of administration**  
Omit clause 7 (3) (a). Insert instead:  
    (a) annually, on or before a date determined by the Minister and notified to the permit holder, or
- [2] **Clause 7 (7) and (8)**  
Omit the subclauses.
- [3] **Clause 10 Minister may waive payment of contribution**  
Omit the clause.
- [4] **Clause 11 Aquaculture permit holders liable to pay contributions for research**  
Omit clause 11 (4) (a). Insert instead:  
    (a) annually, on or before a date determined by the Minister and notified to the permit holder, or
- [5] **Clause 11 (9)–(11)**  
Omit the subclauses.
- [6] **Clause 19 Class A and B permit holders to enter into financial arrangement to provide security**  
Omit clause 19 (6) (b).
- [7] **Clause 23 Contributions to be made by certain class A permit holders**  
Omit clause 23 (3) (a). Insert instead:  
    (a) annually, on or before a date determined by the Minister and notified to the permit holder, or
- [8] **Clause 23 (7)**  
Omit the subclause.
- [9] **Clause 23A Additional contributions to be made by certain class A permit holders**  
Omit clause 23A (8).

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Schedule 3 Amendment of Fisheries Management (Aquaculture) Regulation 2007

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- [10] **Clause 41 How rent for an aquaculture lease is to be calculated**  
Omit clause 41 (5).
- [11] **Clause 42 When rent payable**  
Omit clause 42 (2) (a). Insert instead:  
(a) annually, on or before a date determined by the Minister and notified to the permit holder, or
- [12] **Clause 47 Aquaculture lease may be surrendered**  
Omit clause 47 (6) and (8).
- [13] **Clause 60 Diseases declared for purposes of Division 4 of Part 6 of the Act**  
Omit the clause.
- [14] **Clause 61 Notification of declared diseases**  
Omit “class A or class B disease” from clause 61 (1) and (2) wherever occurring.  
Insert instead “declared disease (within the meaning of Division 4 of Part 6 of the Act)”.
- [15] **Clause 62 Order declaring quarantine area**  
Omit clause 62 (d).
- [16] **Clause 63 Withdrawal of applications relating to leases**  
Omit clause 63 (3) and (4).
- [17] **Clause 67 Fee for permit under section 37 of the Act**  
Omit clause 67 (2).
- [18] **Schedule 2 Forms**  
Omit “aquaculture farm” from Form 1. Insert instead “area”.
- [19] **Schedule 2, Form 1**  
Omit “farm” wherever occurring. Insert instead “leased area”.
- [20] **Schedule 2, Form 1**  
Omit “of Primary Industries” wherever occurring.



Fisheries Management Legislation Further Amendment Regulation 2010

Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000 Schedule 4

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**Schedule 4      Amendment of Fisheries Management  
(Lobster Share Management Plan)  
Regulation 2000**

**[1]      Appendix Lobster Share Management Plan**

Omit clause 19 (2A).

**[2]      Appendix, clause 50**

Omit the clause.