



New South Wales

# Fisheries Management Legislation Amendment (Management Plans) 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 objects of this Regulation are:

- (a) to amend the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006* to increase the minimum shareholding for certain classes of shares in the ocean trawl share management fishery, and
- (b) to amend the *Fisheries Management (Supporting Plan) Regulation 2006* to increase the maximum management charges payable by holders of shares in a share management fishery.

The amendment to the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006* increases the minimum shareholding that a person is required to hold, for the relevant class of shares, to be eligible to be given, or nominate a person to be given, an endorsement from the Minister authorising the taking of fish in the fishery in respect of the shares of that class. The amendment also provides for a transitional period during which existing shareholders will not be required to meet the new minimum shareholding.

The *Fisheries Management (Supporting Plan) Regulation 2006* is amended as follows:

- (a) to increase the maximum management charge payable in respect of a fishing business (whether the fishing business is comprised of shares in one or more share management fisheries) by \$500,
- (b) to provide that on and from 1 July 2011, a holder of shares must pay a management charge, in respect of a fishing business comprised of, or including, shares in more than one relevant share management fishery, of an amount that is not to exceed \$839 for each relevant share management fishery in which those shares are held and a further amount of \$500,

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- (c) to make a minor amendment to the *Fisheries Management (Supporting Plan) Regulation 2006* to remove a provision made redundant by amendments to the *Fisheries Management Act 1994*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 60, 67, 76 and 289 (the general regulation-making power).

## **Fisheries Management Legislation Amendment (Management Plans) Regulation 2010**

under the

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### **1 Name of Regulation**

This Regulation is the *Fisheries Management Legislation Amendment (Management Plans) Regulation 2010*.

### **2 Commencement**

This Regulation commences on 1 January 2011 and is required to be published on the NSW legislation website.

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Schedule 1 Amendment of Fisheries Management (Ocean Trawl Share Management  
Plan) Regulation 2006

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## Schedule 1 Amendment of Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

### Appendix, clause 6 Minimum shareholding

Omit the clause. Insert instead:

#### 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 a current entitlement holder in relation to that class of shares, the minimum shareholding provided for in relation to that class of shares by this Plan immediately before 1 January 2011.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if the shareholder transfers, assigns, forfeits or surrenders any shares of that class or if any shares of that class are cancelled (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, a **current entitlement holder**, in relation to a class of shares, is a person who:
  - (a) held shares of that class immediately before 1 January 2011, and
  - (b) was, immediately before 1 January 2011, 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.
- (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 commencing on 1 January 2011 and ending on 5 February 2012.

- (7) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean trawl fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean trawl—inshore prawn shares	40
Ocean trawl—offshore prawn shares	40
Ocean trawl—deepwater prawn shares	20
Ocean trawl—fish northern zone shares	40

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Schedule 2 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

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**Schedule 2 Amendment of Fisheries Management  
(Supporting Plan) Regulation 2006**

**[1] Appendix, clause 9 Fishing period**

Omit the clause.

**[2] Appendix, clause 10A Management charge—special provisions**

Omit clause 10A (2) and (3). Insert instead:

- (2) If a fishing business is comprised of, or includes, shares in one relevant share management fishery only, the management charge in respect of that fishing business is not to exceed \$1,339.
- (3) Before 1 July 2011, if a fishing business is comprised of, or includes, shares in more than one relevant share management fishery, the management charge in respect of that fishing business is not to exceed the total of:
  - (a) \$1,339 for the first relevant share management fishery in which those shares are held, and
  - (b) \$104 for each other relevant share management fishery in which those shares are held.
- (3A) On and from 1 July 2011, if a fishing business is comprised of, or includes, shares in more than one relevant share management fishery, the management charge in respect of that fishing business is not to exceed the total of:
  - (a) \$839 for each relevant share management fishery in which those shares are held, and
  - (b) \$500.