



New South Wales

# Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2014

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*.

KATRINA HODGKINSON, MP  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to make miscellaneous changes to regulations made under the *Fisheries Management Act 1994*.

This Regulation modifies restrictions on fishing in various share management plans as follows:

- (a) by changing the restrictions on the use of fish traps by endorsement holders in the estuary general fishery in the Clarence River (under the Estuary General Share Management Plan),
- (b) by changing the restrictions on the use of otter trawl nets in parts of the Hawkesbury River (under the Estuary Prawn Trawl Share Management Plan),
- (c) by changing the fishing period in the lobster fishery (under the Lobster Share Management Plan) and omitting redundant provisions of that plan,
- (d) by changing the description of the waters in the ocean hauling fishery at Trial Bay South West Rocks that are waters in which the class of commercial fishing that consists of any method involving the use of a purse seine net or a pilchard, anchovy and bait net (hauling) is prohibited (under the Ocean Hauling Share Management Plan),
- (e) by changing the restrictions on fishing using a net, handline or rod and line in the ocean trap and line fishery (under the Ocean Trap and Line Share Management Plan),
- (f) by changing the bag limits and restrictions on fishing using a net, and the areas where certain fishing is restricted, in the ocean trawl fishery (under the Ocean Trawl Share Management Plan),
- (g) by changing restrictions that apply across all of the commercial share management fisheries other than the abalone fishery and the lobster fishery (under the *Fisheries Management (Supporting Plan) Regulation 2006*), as follows:
  - (i) to prohibit the use of nets or traps in a manner that reduces the size of the lateral mesh openings in the net or trap in a share management fishery,
  - (ii) by omitting provisions that restrict certain fishing activities in or near critical habitat of the Greynurse Shark, which have been replaced by restrictions implemented by way of a fishing closure,
  - (iii) by omitting redundant provisions about fishing closures,

- (h) by updating references to species the taxonomical classification of which has changed,
- (i) by updating references to legislation that has been repealed.

This Regulation also makes miscellaneous amendments to the *Fisheries Management (General) Regulation 2010* as follows:

- (a) to change the daily limit on the taking of Murray Cod from 2 (with no size limit) to 2, only one of which can be longer than 100 cm,
- (b) to omit an offence relating to the taking of fish while using breathing apparatus (which is covered by clause 54),
- (c) to reduce the area around Fish Rock waters where the use of certain fishing gear is prohibited, so that it aligns the boundary of the Fish Rock waters with the boundary of the critical habitat of the Greynurse Shark at Fish Rock,
- (d) to simplify the requirements for lifting ropes fitted to otter trawl nets in the southern fish trawl restricted fishery,
- (e) to provide that a Spanner Crab net used in ocean waters north of Korogoro Point (Hat Head) must not have more than 2 layers of netting,
- (f) to make it a condition of use of a hoop or lift net in inland waters that a person does not leave any net set for more than 24 hours, and to change the requirements for the marking of a hoop or lift net in such waters by commercial fishers,
- (g) to change the requirements for the marking of the position of yabby traps (whether by tag or by buoy),
- (h) to make it lawful to use a yabby trap in waters located on private land (such as farm dams) east of the Newell Highway,
- (i) to make it a condition of use of a shrimp trap that a person must not leave the trap set for more than 24 hours,
- (j) to prohibit the use of nets or traps in a manner that reduces the size of the lateral mesh openings in the net or trap,
- (k) to make it clear that the Minister must not endorse a commercial fishing licence in the sea urchin and turban shell restricted fishery or the southern fish trawl restricted fishery if any fee or contribution required has not been paid,
- (l) to provide that an endorsement in the sea urchin and turban shell restricted fishery or the southern fish trawl restricted fishery remains in force for the period specified in the endorsement (instead of an indefinite period),
- (m) to add waters at Magic Point (Maroubra) to the list of waters in the southern fish trawl restricted fishery that are closed to ocean trawling,
- (n) to simplify rules about transfers of class A and class B endorsements in the inland restricted fishery,
- (o) to change eligibility for a class A or class B endorsement in the inland restricted fishery in circumstances where nominated fishers are taking fish in the inland restricted fishery on behalf of fishing business owners,
- (p) to provide that a person whose inland restricted fishery endorsement is cancelled by the Minister is taken, on that cancellation, to cease to be eligible for the endorsement,
- (q) to require a participant in the inland restricted fishery who is the owner of a fishing business to pay a contribution towards certain industry costs,
- (r) to provide for the cancellation of the endorsement in the inland restricted fishery of an entitlement holder who nominates an endorsement holder, in certain circumstances,
- (s) to exempt certain dredging work, and certain reclamation work, carried out by a public authority from certain requirements of the *Fisheries Management Act 1994* relating to the protection of aquatic habitats,
- (t) to omit provisions that restrict certain fishing and diving activities in or near critical habitat of the Greynurse Shark, which have been replaced by restrictions implemented by way of a fishing closure,
- (u) to omit provisions protecting Murray Crayfish from recreational fishing, and protecting the waters of Blowering Dam from recreational fishing using a net (other than a landing net), as such matters are dealt with by way of fishing closures under section 8 of the Act,

- (v) to restrict recreational fishing in certain waters of the Richmond River adjacent to Jabour Weir,
- (w) to amend the boundaries of the waters in the vicinity of the L.P. Dutton Trout Hatchery in which recreational fishing is prohibited and to exempt certain circumstances when the fish are taken for hatchery purposes or as part of a workshop or other educational program coordinated by the Department from the prohibition on taking fish in that hatchery, in certain waters of the Thredbo River and in the dams and ponds of the Gaden Trout Hatchery,
- (x) to prohibit certain fishing at Thompsons Creek Dam,
- (y) to add the spillway watercourse below the Blowering Dam power station to the waters below the power station that are protected from recreational fishing,
- (z) to increase penalty notice amounts for certain offences relating to commercial fishing,
- (aa) to provide that an offence under section 220AA (3) of the Act of failing to comply with a stop work order can be dealt with by penalty notice,
- (ab) to omit provisions about interfering with the critical habitat of the Greynurse Shark (as a consequence of amendments to the Act that make it an offence to interfere with any fish of a threatened species (see section 220ZGB)),
- (ac) by updating references to species the taxonomical classification of which has changed.

This Regulation also makes permanent restrictions on fishing in the waters of the ex-HMAS Adelaide Reserve (which are currently the subject of a temporary fishing closure).

This Regulation is made under the *Fisheries Management Act 1994*, including sections 15, 17, 18, 20A, 23, 24, 34F, 34T, 40, 60, 114, 115A, 116, 198B, 276 and 289 (the general regulation-making power).

## **Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2014**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2014*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Fisheries Management (Abalone Share Management Plan) Regulation 2000**

**[1] Appendix, Abalone Share Management Plan**

Omit “clause 108 of the *Fisheries Management (General) Regulation 2002*” from paragraph (d) of the definition of *serious fisheries offence* in clause 2 (1).

Insert instead “clause 66 of the *Fisheries Management (General) Regulation 2010*”.

**[2] Appendix, clause 3, table**

Omit “clause 9 of the *Fisheries Management (General) Regulation 2002*” from Column 1 of the matter relating to item 2 in the Table to the clause.

Insert instead “clause 11 of the *Fisheries Management (General) Regulation 2010*”.

**[3] Appendix, clause 23 (2)**

Omit “clause 165 of the *Fisheries Management (General) Regulation 2002*”.

Insert instead “clause 150 of the *Fisheries Management (General) Regulation 2010*”.

**[4] Appendix, clause 24, note**

Omit the note. Insert instead:

**Note.** Clause 11 of the *Fisheries Management (General) Regulation 2010* prescribes a minimum size of 11.7 centimetres for abalone.

**[5] Appendix, clause 26 (3)**

Omit “clause 153 (1) (b) of the *Fisheries Management (General) Regulation 2002*”.

Insert instead “clause 138 (1) (b) of the *Fisheries Management (General) Regulation 2010*”.

**[6] Appendix, clause 35 (1) (d)**

Omit “clause 108 of the *Fisheries Management (General) Regulation 2002*”.

Insert instead “clause 66 of the *Fisheries Management (General) Regulation 2010*”.

**[7] Appendix, clause 35, note**

Omit “Clause 139 of the *Fisheries Management (General) Regulation 2002*”.

Insert instead “Clause 121 of the *Fisheries Management (General) Regulation 2010*”.

**[8] Appendix, clause 39 (1) and (2) (b)**

Omit “*Fisheries Management (General) Regulation 2002*” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

**[9] Appendix, clause 39, note**

Omit “11.5 centimetres (see clause 9 of the *Fisheries Management (General) Regulation 2002*)”.

Insert instead “11.7 centimetres (see clause 11 of the *Fisheries Management (General) Regulation 2010*)”.

**[10] Appendix, Schedule 1**

Insert before the matter relating to Port Jackson (Sydney Harbour):

Ex-HMAS Adelaide Reserve

The whole of the waters enclosed by the following coordinates:

33°27.887'S, 151°27.301'E

33°27.767'S, 151°27.374'E

33°27.852'S, 151°27.574'E

33°27.973'S, 151°27.502'E

## Schedule 2 Amendment of Fisheries Management (Estuary General Share Management Plan) Regulation 2006

### [1] Appendix, Estuary General Share Management Plan

Omit the definition of *prohibited size class of fish* from clause 2 (1). Insert instead:

*prohibited size class of fish* means any species of fish referred to in Division 3 of Part 2 of the *Fisheries Management (General) Regulation 2010*.

### [2] Appendix, clause 15, note, Part 7A, note and clause 35F (4)

Omit “*Fisheries Management (General) Regulation 2002*” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

### [3] Appendix, clause 16, table

Omit “*Portunus pelagicus*” from the matter relating to the Blue swimmer crab in the Table to the clause.

Insert instead “*Portunus armatus*”.

### [4] Appendix, Schedule 1

Omit the matter relating to “**Clarence River—Fish Trap**”, from Columns 1, 2, 3 and 4, respectively.

Insert instead:

#### **Clarence River (all waters other than the Middle Wall trap ground)—Fish Trap**

The whole of the waters of the Clarence River, other than the waters bounded by a line drawn from the downstream side of the most easterly opening in Middle Wall across to the western extremity of Moriarty’s Wall, then upstream to a wooden peg marked “FT1” located at the upstream end of the training wall that runs adjacent to Spencer Street boat ramp at Iluka, then westerly to the Roads and Maritime Services Lead beacon number 037 located adjacent to the south eastern extremity of Goodwood Island, then upstream to the Roads and Maritime Services Lead beacon number 041, then in a line south westerly to the north western extremity of Freeburn Island, then downstream along the north eastern side of Freeburn Island and north eastern side of Middle Training Wall to the point of commencement.	Any species of fish.	Any method involving the use of a fish trap.	All year.
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**Clarence River (Middle Wall trap ground)—Fish Trap**

The waters of the Clarence River bounded by a line drawn from the downstream side of the most easterly opening in Middle Wall across to the western extremity of Moriarty's Wall, then upstream to a wooden peg marked "FT1" located at the upstream end of the training wall that runs adjacent to Spencer Street boat ramp at Iluka, then westerly to the Roads and Maritime Services Lead beacon number 037 located adjacent to the south eastern extremity of Goodwood Island, then upstream to the Roads and Maritime Services Lead beacon number 041, then in a line south westerly to the north western extremity of Freeburn Island, then downstream along the north eastern side of Freeburn Island and north eastern side of Middle Training Wall to the point of commencement.	Any species of fish.	Any method involving the use of a fish trap.	The period from September in any year to April in the next year (both months inclusive).
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## Schedule 3 Amendment of Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

### [1] Appendix, Estuary Prawn Trawl Share Management Plan

Omit “*Portunus pelagicus*” wherever occurring in the matter relating to the Clarence River and the Hawkesbury River in the Table to clause 12.

Insert instead “*Portunus armatus*”.

### [2] Appendix, clause 17, table and clause 17A (1) (b) and (c) and (4)

Omit “Eleanor Bluff” wherever occurring. Insert instead “Eleanor Bluffs”.

### [3] Appendix, clause 17A, table

Omit the Table. Insert instead:

#### Table Otter trawl net (prawns)

- 1 (a) *Waters*—Clarence River, Hunter River and that part of Hawkesbury River upstream from a line drawn from Juno Point to Eleanor Bluffs.
- (b) *Description of net:*
  - (i) total length of net (length of head line between the first and last hanging) not exceeding 11 metres, and
  - (ii) total length of either net (when towed as twin gear in Clarence River) not exceeding 7.5 metres, and
  - (iii) mesh of the body of the net (or that portion of net not capable of being used as a codend) not less than 40 mm nor more than 60 mm, and
  - (iv) codend of the net (or that portion of net capable of being used as codend) is a square shaped mesh codend, and
  - (v) sweeps secured to head line and otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater).
- 2 (a) *Waters*—That part of Hawkesbury River downstream from a line drawn from Juno Point to Eleanor Bluffs.
- (b) *Description of net:*
  - (i) total length of net (length of head line between the first and last hanging):
    - (A) when one net is being towed as single gear—not exceeding 11 metres, or
    - (B) when 2 nets are being towed as twin gear— each net (length of head line of each net between the first and last hanging) not exceeding 11 metres, and
  - (ii) mesh of the body of the net (or that portion of net not capable of being used as a codend) not less than 40 mm nor more than 60 mm, and
  - (iii) codend of the net (or that portion of net capable of being used as codend) is either a square shaped mesh codend or a diamond shaped mesh codend, and
  - (iv) except where a V-bridle is used, sweeps secured to head line and otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

## **Schedule 4 Amendment of Fisheries Management (General) Regulation 2010**

- [1] **Clause 3 Interpretation**  
Omit the definition of *critical habitat of the greynurse shark* from clause 3 (1).
- [2] **Clause 3 (1), definition of “rocklobster”**  
Omit “*Jasus verreauxi*”. Insert instead “*Sagmariasus verreauxi*”.
- [3] **Clause 11 Prohibited size fish**  
Omit “*Portunus pelagicus*” from Column 1 of the matter relating to “Blue Swimmer Crab, Sand Crab” in Part 2 of Table 1 to the clause.  
Insert instead “*Portunus armatus*”.
- [4] **Clause 11, tables**  
Omit “*Jasus verreauxi*” wherever occurring in Column 1 of the matter relating to “Eastern Rocklobster” in Table 1 and Table 2.  
Insert instead “*Sagmariasus verreauxi*”.
- [5] **Part 2, Division 4, table**  
Omit “*Portunus pelagicus*” from Column 1 of the matter relating to “Blue Swimmer Crab, Sand Crab” in Part 2 of the Table.  
Insert instead “*Portunus armatus*”.
- [6] **Part 2, Division 4, table**  
Omit “*Jasus verreauxi*” from Column 1 of the matter relating to the Eastern Rocklobster in Part 2 of the Table.  
Insert instead “*Sagmariasus verreauxi*”.
- [7] **Part 2, Division 4, table**  
Omit “2” from Column 3 of the matter relating to Murray Cod in Part 3.  
Insert instead “2 (only 1 of which can be longer than 100 cm)”.
- [8] **Clause 22 Use of certain fishing gear prohibited in vicinity of Fish Rock**  
Omit clause 22 (2).
- [9] **Clause 22 (3)**  
Omit “500 metres”. Insert instead “200 metres”.
- [10] **Clause 22 (3), note**  
Omit the note.
- [11] **Clause 24 Otter trawl net (fish)—southern fish trawl fishery**  
Omit “effective” from clause 24 (2) (c).  
Insert instead “lateral openings of the meshes or the”.

**[12] Clause 24 (2) (c)**

Omit “(and, in particular, the rope must not be connected so as to form a loop around the net (or codend) that has a circumference less than that part of the net when stretched transversely)”.

**[13] Clause 27 Spanner crab net**

Omit the matter relating to “*Description of net*” from the Table to the clause. Insert instead:

*Description of net:*

- (a) netting attached to a rigid rectangular frame not exceeding 1.6 metres in length and 1 metre in width, and
- (b) netting not capable of extending more than 0.1 metre beneath the frame when the frame is suspended in a horizontal position, and
- (c) no more than 2 layers of netting.

**[14] Clause 28 Hoop or lift net**

Omit clause 28 (1) (c) (v). Insert instead:

- (v) in the case of a net used by a person other than a commercial fisher—displays the letters “HN”, and the name and address of the person using the net, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy, and
- (vi) in the case of a net used by a commercial fisher in inland waters—displays the following in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy:
  - (A) the letters “HN”,
  - (B) the name of the commercial fisher using the net,
  - (C) the registration number of the commercial fishing licence of the commercial fisher using the net.

**[15] Clause 28 (1) (d)**

Insert after clause 28 (1) (c):

- (d) in the case of the use of a hoop or lift net in inland waters by a person other than a commercial fisher—the net is not left set for more than 24 hours.

**[16] Clause 39 Yabby trap**

Omit clause 39 (1) and (2). Insert instead:

- (1) It is lawful for a person to use a trap for taking yabbies in the waters specified in the Table to this clause if:
  - (a) the trap complies with the description as set out in that Table, and
  - (b) the person complies with the following conditions:
    - (i) the trap must not be used unless its position is indicated by a buoy or a tag,
    - (ii) if the trap’s position is indicated by a buoy:
      - (A) the buoy must be moored so as to be positioned above the trap, and

- (B) the buoy must measure not less than 100 mm in all dimensions, and
  - (C) the buoy must have a height above the water of not less than 50 mm, and
  - (D) if the trap is not being used to take fish for sale, the buoy must display the letters “YT” and the name and address of the person using the trap in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy, and
  - (E) if the trap is being used to take fish for sale, the buoy must display the following in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy:
    - (I) the letters “YT”,
    - (II) the name of the commercial fisher using the trap,
    - (III) the registration number of the commercial fishing licence of the commercial fisher using the trap, and
  - (F) any rope attached to the buoy must not be floating on the surface of the water,
- (iii) if the trap’s position is indicated by a tag:
- (A) the tag must be securely attached to a part of the trap that is at or above water level, and
  - (B) the tag must be at least 80 mm by 45 mm in size, and
  - (C) if the trap is not being used to take fish for sale, the tag must display the letters “YT” followed by the name and address of the person using the trap, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the tag, and
  - (D) if the trap is being used to take fish for sale, the tag must display the following in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the tag:
    - (I) the letters “YT”,
    - (II) the name of the commercial fisher using the trap,
    - (III) the registration number of the commercial fishing licence of the commercial fisher using the trap,
- (iv) the maximum number of traps that can be used at any time is:
- (A) if the trap is not being used to take fish for sale—5 traps (none of which may be left set for more than 24 hours), or
  - (B) if the trap is being used in inland waters to take fish for sale—100.

**[17] Clause 39, table**

Omit “waters east of the Newell Highway”.

Insert instead “public water land east of the Newell Highway”.

**[18] Clause 40 Shrimp trap**

Omit “and” where thirdly occurring in clause 40 (1) (a) (iii).

**[19] Clause 40 (1) (c)**

Insert after clause 40 (1) (b):

- (c) a person does not leave the trap set for more than 24 hours.

**[20] Clauses 42 and 42A**

Omit clause 42. Insert instead:

**42 Illegally reducing mesh size or lateral mesh openings of nets**

- (1) For the purposes of this Part, it is unlawful for a person to use a net in which any meshes (or any bars) are wholly or partly covered or twisted in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under this Part as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the net.
- (2) For the purposes of this Part, it is unlawful for a person to use a net in which any string, rope, wire, cord, netting or other material is fixed to any meshes or placed around the net in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under this Part as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the net.

**42A Illegally reducing mesh size or lateral mesh openings of traps**

- (1) For the purposes of this Part, it is unlawful for a person to use a trap in which any meshes are wholly or partly covered in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under this Part as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the trap.
- (2) For the purposes of this Part, it is unlawful for a person to use a trap in which any string, rope, wire, cord, netting or other material is fixed to any meshes or placed around the trap in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under this Part as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the trap.

**[21] Clause 75 Eastern rocklobster not to be sold unless tag attached**

Omit “*Jasus verreauxi*” from the definition of *eastern rocklobster* in clause 75 (3).

Insert instead “*Sagmariasus verreauxi*”.

**[22] Clause 82 Reductions in fishing fee for fishing in far north**

Omit “Scenic Drive Road Bridge” wherever occurring in clause 82 (2) (a) (iii) and (iv).

Insert instead “Bilambil Road Bridge”.

**[23] Clause 105A**

Insert after clause 105:

**105A Transfer of class A or class B inland endorsements**

- (1) For the purposes of section 114 of the Act, the transfer of a class A inland endorsement, or a class B inland endorsement, in accordance with this clause, is authorised.
- (2) A class A inland endorsement or a class B inland endorsement that is a component of a fishing business may be transferred by the owner of the fishing business to another person only if:
  - (a) all components of the fishing business are transferred to that person, or
  - (b) the transfer is part of an arrangement for the endorsement concerned to be surrendered to the Minister for cancellation.
- (3) In this clause:

*class A inland endorsement* means a class A endorsement that authorises the taking of fish for sale in the inland restricted fishery.

*class B inland endorsement* means a class B endorsement that authorises the taking of fish for sale in the inland restricted fishery.

**Note.** Clause 157 provides that if the transfer of an endorsement is in accordance with this Part, the person who transfers the endorsement ceases to be eligible for that endorsement, and the person to whom the transfer is made becomes eligible for an endorsement of the same kind.

**[24] Clause 133A**

Insert after clause 133:

**133A Annual contribution by participants in inland restricted fishery**

- (1) For the purposes of section 115A of the Act, an annual contribution is payable towards the costs referred to in section 115A (1) of the Act by a participant in the inland restricted fishery who is the owner of a fishing business a component of which is a class A, class B or class D endorsement authorising the taking of fish for sale in the inland restricted fishery (an *inland restricted fishing business*).
- (2) The annual contribution for each inland restricted fishing business is the amount specified in Schedule 8.
- (3) The contribution must be paid in accordance with arrangements for payment approved by the Minister.
- (4) The contribution payable under this clause is additional to any other contribution, fee or charge that is payable in relation to a licence.

**[25] Clause 159 Endorsement of commercial fishing licences**

Omit clause 159 (1). Insert instead:

- (1) The Minister may endorse the commercial fishing licence of a person only if:
  - (a) the person satisfies the eligibility requirements for an endorsement, and
  - (b) any fee or contribution due and payable in connection with the endorsement has been paid.

**[26] Clause 159 (2) (e)**

Omit the paragraph.

**[27] Clause 160**

Omit the clause. Insert instead:

**160 Duration of endorsement**

An endorsement takes effect from the date it is given and:

- (a) remains in force (except while suspended or after being cancelled) for the period specified in the endorsement, and
- (b) may be renewed by the grant of an endorsement for a further period.

**[28] Clause 166 Waters closed to taking of sea urchins and turban shells**

Insert after the matter relating to Seal Rocks to Broughton Island in the Table to the clause:

**Ex-HMAS Adelaide Reserve**

The whole of the waters enclosed by the following coordinates:

- (a) 33°27.887' S and 151°27.301' E,
- (b) 33°27.767' S and 151°27.374' E,
- (c) 33°27.852' S and 151°27.574' E,
- (d) 33°27.973' S and 151°27.502' E.

**[29] Clause 171 Application for endorsements**

Omit clause 171 (1). Insert instead:

- (1) The Minister may endorse the commercial fishing licence of a person only if:
  - (a) the person satisfies the eligibility requirements for an endorsement, and
  - (b) any fee or contribution due and payable in connection with the endorsement has been paid.

**[30] Clause 171 (2) (e)**

Omit the paragraph.

**[31] Clause 172**

Omit the clause. Insert instead:

**172 Duration of endorsement**

An endorsement takes effect from the date it is given and:

- (a) remains in force (except while suspended or after being cancelled) for the period specified in the endorsement, and
- (b) may be renewed by the grant of an endorsement for a further period.

**[32] Clause 176 Waters closed to ocean trawling**

Insert before the matter relating to "Port Kembla (Red Point to Windang" Island) in the Table to the clause:

**Magic Point (Maroubra)**

The whole of the waters extending 200 metres in all directions around a point centred on a coordinate at 151°15.864'E, 33°57.359'S, excluding the waters within 50 metres of the mainland shore.

**[33] Clause 177 Definitions**

Insert in alphabetical order:

*entitlement holder* means a person who is eligible for an endorsement in the restricted fishery, but does not include any person who is eligible for an endorsement only because the person is the nominated fisher of another person.

*nominated fisher* of a fishing business owner means a person nominated in accordance with Division 4 to take fish in the restricted fishery.

**[34] Clause 179 Types of endorsement in restricted fishery**

Omit “clause 189” wherever occurring in clause 179 (a) and (b).

Insert instead “the fishing business transfer rules”.

**[35] Clause 180 Eligibility for endorsement**

Insert after clause 180 (1):

- (1A) If a fishing business owner transfers a class A endorsement that is a component of a fishing business to another person, in accordance with the fishing business transfer rules:
- (a) the fishing business owner, or any nominated fisher of the fishing business owner, ceases to be eligible for that endorsement, and
  - (b) the person to whom the endorsement is transferred becomes eligible for an endorsement of the same kind.

**[36] Clause 180 (2A)**

Insert after clause 180 (2):

- (2A) If a fishing business owner transfers a class B endorsement that is a component of a fishing business to another person, in accordance with the fishing business transfer rules:
- (a) the fishing business owner, or any nominated fisher of the fishing business owner, ceases to be eligible for that endorsement, and
  - (b) the person to whom the endorsement is transferred becomes eligible for an endorsement of the same kind.

**[37] Clause 180 (4A)**

Insert after clause 180 (4):

(4A) **Persons whose endorsements are cancelled not eligible**

A person is not eligible for an endorsement if the person’s endorsement has been cancelled under this Division.

**[38] Clause 182 Class D endorsement—special grounds for eligibility**

Insert before clause 182 (a):

- (a1) the person is a natural person, and

**[39] Clause 183 General restrictions on eligibility**

Omit clause 183 (2) and the note to the subclause.



**[40] Clause 184**

Omit the clause. Insert instead:

**184 Endorsements**

- (1) The Minister may endorse the commercial fishing licence of a person only if:
  - (a) the person satisfies the eligibility requirements for an endorsement, and
  - (b) any fee or contribution due and payable in connection with the endorsement has been paid.
- (2) The Minister may refuse to endorse the commercial fishing licence of a person who is otherwise eligible if the person, or the entitlement holder who nominated the person:
  - (a) has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or
  - (b) has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
  - (c) has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
  - (d) has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence.
- (3) The Minister may refuse to endorse the commercial fishing licence of a person who is otherwise eligible if the person has previously held an endorsement that has been suspended or cancelled by the Minister.

**[41] Clause 185 Endorsement of licence for further period**

Omit the clause.

**[42] Clause 186 Endorsement fees**

Omit the clause.

**[43] Clause 187**

Omit the clause. Insert instead:

**187 Duration of endorsement**

An endorsement takes effect from the date on which it is given and:

- (a) remains in force (except while suspended or after being cancelled) for the period specified in the endorsement, and
- (b) may be renewed by the grant of an endorsement for a further period.

**[44] Clause 188**

Omit the clause. Insert instead:

**188 Cancellation and suspension of endorsements**

- (1) The Minister may cancel or suspend an endorsement held by a person if the endorsement holder, or the entitlement holder who nominated the endorsement holder:
  - (a) has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or

- (b) has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
  - (c) has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
  - (d) has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or
  - (e) has not paid any fee or contribution due and payable in connection with the endorsement, or
  - (f) in the case of a class B endorsement—has, in the opinion of the Minister:
    - (i) failed to comply with any agreement relating to the taking of carp that the holder made with the Director-General or with the Department, or
    - (ii) not attempted to take carp for a period of 12 months, or
  - (g) in the case of a class D endorsement—has, in the opinion of the Minister, not attempted to take carp for a period of 12 months.
- (2) The Minister may cancel or suspend an endorsement if the endorsement holder ceases to be eligible for an endorsement.

**[45] Clause 189 Transfer of class A and class B endorsements**

Omit the clause.

**[46] Clause 193 Nomination of fishers to take fish in restricted fisheries**

Omit clause 193 (5).

**[47] Clause 218 Records of sale and possession of fish—commercial quantity**

Omit “*Jasus verreauxi*” from clause 218 (b). Insert instead “*Sagmariasus verreauxi*”.

**[48] Clause 263A**

Insert after clause 263:

**263A Exemption for certain work**

Any dredging work or any reclamation work carried out by a public authority is exempt from Division 3 of Part 7 of the Act if the work is carried out in accordance with the Code of Practice for Minor Works in NSW Waterways published by Roads and Maritime Services.

**[49] Part 15, Division 1**

Omit the Division.

**[50] Schedule 2 Maps of critical habitat of greynurse shark**

Omit the Schedule.

**[51] Schedule 4 Fish and waters protected from recreational fishing**

Insert after clause 63:

**63A Ex-HMAS Adelaide Reserve**

- (1) **Waters:** The whole of the waters enclosed by the following coordinates:
  - (a) 33°27.887' S and 151°27.301' E,

- (b) 33°27.767' S and 151°27.374' E,
- (c) 33°27.852' S and 151°27.574' E,
- (d) 33°27.973' S and 151°27.502' E.

- (2) **Prohibited fishing method:** Any method.
- (3) **Species of fish that must not be taken:** Any species of fish.
- (4) **Period:** All year.

**[52] Schedule 4, clauses 77 (3), 78 (3), 81 (3), 84 (3), 85 (3), 98 (3), 100 (3), 101 (3) and 114 (3)**

Omit “*Jasus verreauxi*” wherever occurring. Insert instead “*Sagmariasus verreauxi*”.

**[53] Schedule 4, clauses 148, 191 and 192**

Omit the clauses.

**[54] Schedule 4, clause 149**

Insert “**and two-spined blackfish**” after “**blackfish**” in the heading to the clause.

**[55] Schedule 4, clause 149 (3)**

Insert “and two-spined blackfish (*Gadopsis bispinosus*)” after “*marmoratus*)”.

**[56] Schedule 4, clause 153A**

Insert after clause 153:

**153A Richmond River (Jabour Weir)**

- (1) **Waters:** That part of the Richmond River from within 50 metres upstream and 200 metres downstream from the weir face at Jabour Weir.
- (2) **Prohibited fishing method:** Any method other than a method that involves:
  - (a) the use of up to 2 hand held lines with no more than 2 single hooks or 2 artificial flies or lures attached (with up to 3 hooks attached to a lure), and
  - (b) any fish taken upstream from the weir being released immediately and with the least possible harm, and
  - (c) any fish taken downstream from the weir being released with the least possible harm:
    - (i) immediately, or
    - (ii) as soon as possible upstream from the weir and within the waters described in subclause (1).
- (3) **Species of fish that must not be taken:** Any species of fish.
- (4) **Period:** All year.

**[57] Schedule 4, clause 165**

Omit the clause. Insert instead:

**165 Serpentine River (L.P. Dutton Trout Hatchery)**

- (1) **Waters:** That part of Serpentine River and its tributaries upstream from the Serpentine Falls to the weir above the Point Lookout road crossing and including all dams and ponds of the L.P. Dutton Trout Hatchery.

- (2) **Prohibited fishing method:** Any method other than the taking of fish from the Serpentine River and the dams and ponds of the L.P. Dutton Trout Hatchery:
  - (a) for hatchery purposes, or
  - (b) as part of a workshop coordinated by the Department, or
  - (c) as part of an educational program coordinated by the Department.
- (3) **Species of Fish that must not be taken:** Any species of fish.
- (4) **Period:** All year.

**[58] Schedule 4, clause 167**

Omit “Manilla River” from the heading to the clause. Insert instead “Namoi River”.

**[59] Schedule 4, clause 167 (1)**

Omit “Manilla River”. Insert instead “Namoi River”.

**[60] Schedule 4, clause 172A**

Insert after clause 172:

**172A Thompsons Creek Dam**

- (1) **Waters:** The whole of the waters of Thompsons Creek Dam and its tributaries.
- (2) **Prohibited fishing method:** Any method other than fishing from the bank or edge of the waters, or fishing from within the waters that are no more than 1 metre from the bank or edge of the waters, where:
  - (a) fishing is not from the dam wall, or from a boat, flotation device or floating platform, and
  - (b) that fishing involves the use of:
    - (i) a landing net, or
    - (ii) one rod and line:
      - (A) with not more than 3 hooks attached, those hooks being artificial flies or lures, and with not more than 3 treble hooks, or 3 double hooks, attached to any lure, and
      - (B) that is within the person’s line of sight and that person remains within 50 metres of the rod and line, and
  - (c) the maximum quantity that a person may take on any one day is 2 and the maximum quantity that a person may have in the person’s possession is 4, consisting of any single species or a combination of species of Atlantic Salmon (*Salmo salar*), Brook Trout (*Salvelinus fontinalis*), Brown Trout (*Salmo trutta*) or Rainbow Trout (*Oncorhynchus mykiss*).
- (3) **Species of fish that must not be taken:** Any species of fish other than Atlantic Salmon (*Salmo salar*), Brook Trout (*Salvelinus fontinalis*), Brown Trout (*Salmo trutta*) or Rainbow Trout (*Oncorhynchus mykiss*).
- (4) **Period:** From 4 hours after sunset to 1 hour before sunrise each night in each year.

**[61] Schedule 4, clause 190 (1)**

Omit the subclause. Insert instead:

- (1) **Waters:** That part of Tumut River (including its lagoons and channels) that is:
- (a) within 250 metres downstream from the Blowering Dam power station at Blowering Dam, or
  - (b) within 280 metres from the end of the concrete spillway at Blowering Dam downstream to the causeway road.

**[62] Schedule 4, clause 225 (2)**

Omit the subclause. Insert instead:

- (2) **Prohibited fishing method:** Any method other than the taking of fish from Thredbo River and the dams and ponds of the Gaden Trout Hatchery:
- (a) for hatchery purposes, or
  - (b) as part of a workshop coordinated by the Department, or
  - (c) as part of an educational program coordinated by the Department.

**[63] Schedule 5 Importation of live fish—prohibited species**

Omit the matter relating to “*Haliotis* spp.” from Columns 1 and 2 of the table to the Schedule.

Insert instead:

*Haliotis* spp. other than *Haliotis rubra*                      Abalone other than Blacklip Abalone

**[64] Schedule 7 Penalty notice offences**

Omit all the matter relating to sections 14, 19, 24, 25, 35, 68, 102, 104 and 112 of the Act from Columns 1 and 2 of the table to the Schedule.

Insert instead:

Section 14 (1) – where fish are being taken for sale	\$1,500
Section 14 (1) – in any other case	\$500
Section 14 (2) – where fish are being taken for sale	\$1,500
Section 14 (2) – in any other case	\$500
Section 19 (2) – where fish are being taken for sale	\$1,500
Section 19 (2) – in any other case	\$500
Section 19 (3) – where fish are being taken for sale	\$1,500
Section 19 (3) – in any other case	\$500
Section 24 (1) – where fish are being taken for sale	\$1,000
Section 24 (1) – in any other case	\$500
Section 25 (1) – where fish are being taken for sale	\$1,000
Section 25 (1) – in any other case	\$500
Section 35 (1) – where fish are being taken for sale	\$1,000
Section 35 (1) – in any other case	\$500
Section 68 (6C)	\$1,000

Section 102 (1)—where fish are being taken by a person who is authorised under the Act, or a law of the Commonwealth or of another State, to take fish for sale but who is not authorised to take fish for sale in the fishery concerned \$2,750

Section 102 (1) – in any other case \$500

Section 104 (7) \$1,000

Section 112 (4) \$1,000

**[65] Schedule 7, table**

Insert in appropriate order in Columns 1 and 2, respectively:

Section 220AA (3) \$5,000

**[66] Schedule 7, table**

Omit the matter relating to clauses 265, 266 and 267 (1) from Columns 1 and 2.

**[67] Schedule 8 Fees and contributions**

Insert after Item 18 in Columns 1, 2 and 3 of the table, respectively:

18A Contribution by owner of inland restricted fishing business, a component of which is a class A endorsement (clause 133A (2)) \$1,064

18B Contribution by owner of inland restricted fishing business, a component of which is a class B endorsement (clause 133A (2)) \$361

18C Contribution by owner of inland restricted fishing business, a component of which is a class D endorsement (clause 133A (2)) \$361

**[68] Schedule 8, items 26–28**

Omit all matter related to the items.

## **Schedule 5 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000**

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

Omit “*Jasus verreauxi*” wherever occurring in the definitions of *eastern rock lobster* and *rock lobster* in clause 2 (1).

Insert instead “*Sagmariasus verreauxi*”.

**[2] Appendix, clause 2 (1), definition of “fishing period”**

Omit the definition. Insert instead:

*fishing period* means a period of 12 months commencing on 1 August and ending on the following 31 July, or such other period in respect of which a determination of total allowable catch is made (as referred to in clause 14 (2)).

**[3] Appendix, clause 2 (1), definition of “serious offence”**

Omit “clause 107 of the *Fisheries Management (General) Regulation 1995*” from paragraph (b) of the definition.

Insert instead “clause 66 of the *Fisheries Management (General) Regulation 2010*”.

**[4] Appendix, clause 4**

Omit the clause.

**[5] Appendix, clause 14 (2)**

Omit “commencing on the next 1 July and ending on the following 30 June”.

Insert instead “commencing on the next 1 August and ending on the following 31 July”.

**[6] Appendix, clause 40, note**

Omit “the *Fisheries Management (General) Regulation 1995*”.

Insert instead “clause 11 of the *Fisheries Management (General) Regulation 2010*”.

**[7] Appendix, clause 44 (1) (b), clause 45, note and clauses 45 (1) and 56 (2) (b)**

Omit “*Fisheries Management (General) Regulation 1995*” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

**[8] Appendix, clause 44, note**

Omit “The *Fisheries Management (General) Regulation 1995*”.

Insert instead “Clause 138 (1) (b) of the *Fisheries Management (General) Regulation 2010*”.

**[9] Appendix, clause 45, note**

Omit “clause 7 (2) (f)”. Insert instead “clause 11 (3) (g)”.

**[10] Appendix, clause 52, table**

Omit “clause 107 of the *Fisheries Management (General) Regulation 1995* (Interference with set fishing gear)” from Column 1 of the Table.

Insert instead “clause 66 of the *Fisheries Management (General) Regulation 2010*”.

**[11] Appendix, clause 52, note**

Omit “Clause 133 of the *Fisheries Management (General) Regulation 1995*”.

Insert instead “Clause 121 of the *Fisheries Management (General) Regulation 2010*”.

**[12] Appendix, clauses 54 (3), 58 and 60**

Omit the subclause and clauses.

**[13] Appendix, clause 56, note**

Omit the note. Insert instead:

**Note.** At present the minimum size for eastern rock lobster is 10.4 centimetres, the minimum size for southern rock lobster (male) is 11 centimetres and the minimum size for southern rock lobster (female) is 10.5 centimetres (see clause 11 of the *Fisheries Management (General) Regulation 2010*). It is an offence under the Act for a person to have any rock lobster that is less than the minimum size in his or her possession or to sell any rock lobster that is less than the minimum size. Eastern rock lobster is also subject to a maximum size of 18 centimetres.

In addition, clause 96 of the *Fisheries Management (General) Regulation 2010* makes it an offence to take, sell or be in possession of any rock lobster carrying ova externally. It is also an offence to be in possession of a rock lobster from which any ova have been deliberately removed.

**[14] Appendix, Schedule 1**

Insert after the matter relating to Wallis Lake:

Ex-HMAS Adelaide Reserve    The whole of the waters enclosed by the following coordinates:  
33°27.887'S, 151°27.301'E,  
33°27.767'S, 151°27.374'E,  
33°27.852'S, 151°27.574'E,  
33°27.973'S, 151°27.502'E.



## Schedule 6 Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

### [1] Appendix, Ocean Hauling Share Management Plan

Omit the definition of *prohibited size class of fish* from clause 2 (1). Insert instead:

*prohibited size class of fish* means any species of fish referred to in Division 3 of Part 2 of the *Fisheries Management (General) Regulation 2010*.

### [2] Appendix, clause 15, note

Omit the note.

### [3] Appendix, Part 7A, note and clause 18C (7)

Omit “*Fisheries Management (General) Regulation 2002*” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

### [4] Appendix, Schedule 3

Omit the matter relating to Trial Bay South West Rocks from Columns 1, 2 and 3, respectively:

Insert instead:

#### **Trial Bay South West Rocks**

The whole of the waters within a 100 metre radius of the following points at Trial Bay: 30°52.645'S, 153°03.175'E and 30°52.664' S, 153°03.106' E which are ordinarily marked by a Roads and Maritime Services buoy and a Department of Primary Industries buoy.

Any method involving the use of the following: All year.

- (a) a purse seine net,
- (b) a pilchard, anchovy and bait net (hauling).

#### **Ex-HMAS Adelaide Reserve**

The whole of the waters enclosed by the following coordinates:

33°27.887'S, 151°27.301'E,  
33°27.767'S, 151°27.374'E,  
33°27.852'S, 151°27.574'E,  
33°27.973'S, 151°27.502'E.

Any method.

All year.

## **Schedule 7      Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006**

### **[1]    Appendix, Ocean Trap and Line Share Management Plan**

Omit “*Fisheries Management (General) Regulation 2002*” from the definition of *natural coast line* in clause 2 (1).

Insert instead “*Fisheries Management (General) Regulation 2010*”.

### **[2]    Appendix, clause 7B**

Omit paragraph (b) from the Table to the clause. Insert instead:

- (b) *Description of net:*
  - (i) netting attached to a rigid frame with a surface area not exceeding 1.6 square metres, and
  - (ii) netting not capable of extending more than 0.1 metre beneath the frame when the frame is suspended in a horizontal position, and
  - (iii) no more than 2 layers of netting.

### **[3]    Appendix, clause 7GA**

Insert after clause 7G:

#### **7GA    Use of handline or rod**

- (1) The holder of a line fishing endorsement must not, when taking fish by means of a handline or rod (or pole) and line in ocean waters that are not more than 3 nautical miles from the natural coast line, for the purpose of taking fish in the fishery, use any handline or rod (or pole) and line with more than 6 hooks attached.
- (2) It is a condition of a line fishing endorsement that the endorsement holder does not contravene this clause.

### **[4]    Appendix, clause 12AA**

Insert after clause 12:

#### **12AA    Bag limits for certain species**

- (1) For the purposes of section 17 (1) of the Act, the daily limit of a species of fish described in Column 1 of Schedule 3 is, when the fish are taken from waters specified opposite that species of fish in Column 4 of that Schedule and the person taking the fish falls within the class of endorsement holders specified next to the species in Column 3 of that Schedule, the quantity specified next to that species in Column 2 of that Schedule.
- (2) For the purposes of section 18 (1) of the Act, the possession limit of fish of a species described in Column 1 of Schedule 3 is, when the fish are taken from waters specified opposite that species of fish in Column 4 of that Schedule and the person in possession of that species of fish falls within the class of endorsement holders specified next to the species described in Column 3 of that Schedule, the quantity specified next to that species in Column 2 of that Schedule.
- (3) For the purposes of section 21 (1) (d) of the Act, it is a defence to a prosecution for an offence under section 18 (2) of the Act that is constituted by being in possession of fish in contravention of a possession limit imposed by this Plan

if the person charged satisfies the court that the fish were lawfully taken from outside the fishery.

**[5] Appendix, Part 5A**

Omit the Part.

**[6] Appendix, Schedule 2**

Insert after the matter relating to Crowdy Head Boat Harbour, in Columns 1 and 2 respectively:

**Ex-HMAS Adelaide Reserve**

The whole of the waters enclosed by the following coordinates: Any method of fishing.

33°27.887'S, 151°27.301'E,

33°27.767'S, 151°27.374'E,

33°27.852'S, 151°27.574'E,

33°27.973'S, 151°27.502'E.

**[7] Appendix, Schedule 3**

Omit "Clause 12D". Insert instead "Clause 12AA".

## **Schedule 8 Amendment of Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006**

### **[1] Appendix, Ocean Trawl Share Management Plan**

Omit the definition of *prohibited size class of fish* from clause 2 (1). Insert instead:

*prohibited size class of fish* means any species of fish referred to in Division 3 of Part 2 of the *Fisheries Management (General) Regulation 2010*.

### **[2] Appendix, clause 7A, table**

Omit paragraph (b) from the Table. Insert instead:

- (b) *Description of net:*
- (i) Droppers with a minimum length of 100 mm and fitted to separate the foot rope of the net from the ground line or ground chain, and
  - (ii) no more than one line of ground chain, and
  - (iii) ground chain with links not more than 12 mm in diameter, and
  - (iv) total length of net (length of head line between the first and last hanging) or, where multiple nets are used, the total combined length of the head line of each net between the first and last hanging not exceeding the maximum OPT head rope length specified on the boat licence for the boat from which the net is used or, if no length is so specified:
    - (A) not exceeding 60 metres (in the case of a net being used by the holder of a deepwater prawn endorsement taking fish pursuant to a deepwater prawn endorsement), or
    - (B) not exceeding 33 metres (in any other case), and
  - (v) mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 40 mm or more than 75 mm, and
  - (vi) codend of the net (or that part of the net capable of being used as a codend) complying with the requirements of this clause in relation to the waters concerned, and
  - (vii) sweeps secured to head line and otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

### **[3] Appendix, clause 7B (2) (b)**

Omit “draw” where secondly occurring.

### **[4] Appendix, clause 7B (2) (c)**

Omit “effective”. Insert instead “lateral openings of the meshes or the”.

### **[5] Appendix, clause 7B (2) (c)**

Omit “(and, in particular, the rope must not be connected so as to form a loop around the net (or codend) that has a circumference less than that part of the net when stretched transversely)”.

### **[6] Appendix, Schedule 1**

Omit “*Portunus pelagicus*” from the matter relating to the Blue swimmer crab in Table 2. Insert instead “*Portunus armatus*”.

**[7] Appendix, Schedule 2**

Omit the matter relating to Tweed Heads, Brunswick Heads and Ballina in Columns 1, 2 and 3, respectively.

Insert instead:

**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°08.450' 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 (references to directions are indicative only).

Otter trawl net All year.  
(prawns).

**Brunswick Heads**

The whole of the waters within the area bounded by a line commencing at 28°30.246' S and 153°33.670' E, then due east for 0.7 nautical miles to 28°30.246' S and 153°34.467' E, then south-east to 28°32.251' S and 153°34.839' E, then due west to 28°32.251' S and 153°34.044' E, then north-west to the point of commencement (references to directions are indicative only).

Otter trawl net All year.  
(prawns).

**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°48.571' S and 153°37.100' E, then due east to the point 28°48.571' 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°53.350' S and 153°37.372' E, then south west to the point 29°00.000' S and 153°31.845' E, then due west to the point 29°00.000' S and 153°29.850' E, then north east to the point 28°53.451' S and 153°35.585' 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 All year.  
(prawns).

**[8] Appendix, Schedule 2**

Omit the matter relating to Angourie Point from Columns 1, 2 and 3, respectively.

Insert instead:

**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°29.050' S and 153°22.130' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 2.7 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.
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**[9] Appendix, Schedule 2**

Insert after the matter relating to South West Rocks (school prawn corridor), in Columns 1, 2 and 3, respectively:

**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.
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**Green Island (South West Rocks)**

The waters extending 200 metres in all directions from the mean high water mark of Green Island excluding the waters within 50 metres of the mainland shore.	Otter trawl net (prawns).	All year.
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**Fish Rock (South West Rocks)**

The whole of the waters within 200 metres of the mean high water mark of Fish Rock.	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
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**[10] Appendix, Schedule 2**

Insert after the matter relating to Newcastle in Columns 1, 2 and 3, respectively:

**Ex-HMAS Adelaide Reserve**

The whole of the waters enclosed by the following coordinates: 33°27.887' S and 151°27.301' E, 33°27.767' S and 151°27.374' E, 33°27.973' S and 151°27.502' E, 33°27.852' S and 151°27.574' E.	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
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**[11] Appendix, Schedule 2**

Omit the matter relating to Smoky Cape (that follows the matter relating to Newcastle) from Columns 1, 2 and 3, respectively.

**[12] Appendix, Schedule 3**

Omit the matter relating to Spanner crabs (*Ranina ranina*) from Columns 1, 2, 3 and 4, respectively.

Insert instead:

Spanner Crabs ( <i>Ranina ranina</i> ).	0 kilograms from 21 October in any year to 20 January in the next year (both dates inclusive).	All endorsement holders.	All waters.
	10 kilograms from 21 January to 20 October in each year (both dates inclusive).		

## **Schedule 9 Amendment of Fisheries Management (Supporting Plan) Regulation 2006**

**[1] Appendix, Fisheries Management Supporting Plan**

Omit “Part 8A of the Regulation” from the definition of *eligible fisher* in clause 2 (1).

Insert instead “Part 10 of the *Fisheries Management (General) Regulation 2010*”.

**[2] Appendix, clause 2 (1), definition of “fishing business card” and clauses 7 (4) (b), 13 (2), 14 (1), 15, 16, 17 and 20 (2) and (4)**

Omit “Regulation” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

**[3] Appendix, clause 2 (1), definition of “the Regulation”**

Omit the definition.

**[4] Appendix, clause 3**

Omit “Clause 134 of the Regulation”.

Insert instead “Clause 117 (1) (a) of the *Fisheries Management (General) Regulation 2010*”.

**[5] Appendix, clause 5 (1), note**

Omit “Part 8A of the Regulation”.

Insert instead “Part 10 of the *Fisheries Management (General) Regulation 2010*”.

**[6] Appendix, clauses 11E and 11EA**

Omit clause 11E. Insert instead:

**11E Illegally reducing mesh size or lateral mesh openings of nets**

- (1) It is unlawful for a person to use a net in which any meshes (or any bars) are wholly or partly covered or twisted in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under the share management plan for a fishery as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the net.
- (2) It is unlawful for a person to use a net in which any string, rope, wire, cord, netting or other material is fixed to any meshes or placed around the net in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under the share management plan for a fishery as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the net.

**11EA Illegally reducing mesh size or lateral mesh openings of traps**

- (1) It is unlawful for a person to use a trap in which any meshes are wholly or partly covered in any manner:
  - (a) so as to reduce the mesh size of the meshes to less than that specified under the share management plan for a fishery as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the trap.



- (2) It is unlawful for a person to use a trap in which any string, rope, wire, cord, netting or other material is fixed to any meshes or placed around the trap in any manner:
- (a) so as to reduce the mesh size of the meshes to less than that specified under the share management plan for a fishery as lawful, or
  - (b) so as to reduce the size of the lateral mesh openings in the trap.

**[7] Appendix, Part 5C, note and clause 11J**

Omit “*Fisheries Management (General) Regulation 2002*” wherever occurring.

Insert instead “*Fisheries Management (General) Regulation 2010*”.

**[8] Appendix, clause 12, note**

Omit “Clause 6 of the Regulation”.

Insert instead “Clause 5 of the *Fisheries Management (General) Regulation 2010*”.

**[9] Appendix, clauses 18 and 21 and Schedule 1**

Omit the clauses and Schedule.

**[10] Appendix, clause 20 (3)**

Omit “the regulations”.

Insert instead “the *Fisheries Management (General) Regulation 2010*”.

**[11] Appendix, clause 26 (1) and (4)**

Omit “Part 8A of the *Fisheries Management (General) Regulation 2002*” wherever occurring.

Insert instead “Part 10 of the *Fisheries Management (General) Regulation 2010*”.