



New South Wales

Fisheries Management Legislation Amendment (Consequential Amendments) Regulation 2016

under the

Fisheries Management Act 1994

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

NIALL BLAIR, MLC
Minister for Primary Industries

Explanatory note

The object of this Regulation is to make the following amendments, as a consequence of recent amendments to the *Fisheries Management Act 1994* (the *Act*) (made mainly by the *Fisheries Management Amendment Act 2015*):

- (a) omit redundant provisions in, and make other miscellaneous amendments to, the *Fisheries Management (Abalone Share Management Plan) Regulation 2000* (the **Abalone Plan**), the *Fisheries Management (General) Regulation 2010* (the **General Regulation**), the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* (the **Lobster Plan**) and the *Fisheries Management (Supporting Plan) Regulation 2006* (the **Supporting Plan**), as a result of the abolition of Management Advisory Committees established by the Minister under section 230 of the Act,
- (b) update references in the General Regulation, the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006* and the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006* to provisions of the Act concerning possession limits,
- (c) provide in the General Regulation for information that is not required to be made public on the Share Management Fisheries Register and to update references in that Regulation, the Abalone Plan and the Lobster Plan to provisions of the Act concerning paper-based registration of dealings,
- (d) omit redundant provisions from the General Regulation as a result of the Minister determining (rather than the Regulation prescribing) the contribution payable by participants in restricted fisheries, and to instead prescribe the maximum amounts of such contributions,
- (e) update references to the Director-General in the Regulations referred to above.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17B (1) (a), 91B (2) (d), 97 (3), 115A (4A) and 289 (the general regulation-making power).

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Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment (Consequential Amendments) Regulation 2016*.

2 Commencement

This Regulation commences on 22 July 2016 and is required to be published on the NSW legislation website.

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

[1] Appendix

Omit “section 91” from clause 8 (5). Insert instead “section 91B”.

[2] Appendix, clause 9 (2)

Omit “section 91 (3) (d)”. Insert instead “section 91B (2) (d)”.

[3] Appendix, clauses 14 (3) and 15 (2)

Omit “the Management Advisory Committee” wherever occurring.

Insert instead “any relevant advisory council or advisory group”.

[4] Appendix, clause 36 (1A) (c) and (e)

Omit “the Management Advisory Committee for the fishery” wherever occurring.

Insert instead “any relevant advisory council or advisory group”.

[5] Whole Appendix

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

Schedule 2 Amendment of Fisheries Management (General) Regulation 2010

[1] Clause 3 Interpretation

Insert in alphabetical order in clause 3 (1):

dealing has the meaning given by section 88A of the Act.

[2] Clauses 14 (1) and (2) and 176A (2)

Omit “section 18 (1)” wherever occurring. Insert instead “section 17B (1) (a)”.

[3] Clauses 114 (4) and 124 (b)

Omit “section 91” wherever occurring. Insert instead “section 91B”.

[4] Clause 123 Fee for registration of dealings in shares

Omit “section 91 (3) (d)” from clause 123 (1). Insert instead “section 91B (2) (d)”.

[5] Clause 124A

Insert after clause 124:

124A Information not required to be made available for inspection

For the purposes of section 97 (3) of the Act, information that discloses any contact details of a party or witness to a dealing (including any postal or email address or land-line or mobile phone number, whether residential or business, of a party or witness) is excluded from section 97 of the Act.

[6] Clause 132

Omit clauses 132–133A. Insert instead:

132 Maximum contribution by participants in restricted fisheries

For the purposes of section 115A (4A) of the Act, the maximum amount of contribution that the Minister may determine is payable under that section by:

- (a) a participant in the southern fish trawl restricted fishery who is the owner of a fishing business a component of which is an endorsement authorising the taking of fish for sale in that restricted fishery, or
- (b) a participant in the sea urchin and turban shell restricted fishery who is the owner of a fishing business a component of which is an endorsement authorising the taking of fish for sale in that restricted fishery, or
- (c) 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,

is the amount specified in Schedule 9.

[7] Clause 222 Definitions

Omit the definitions of *Advisory Committee*, *appointed member*, *industry member* and *non-industry member* from clause 222 (1).

[8] Clause 236 Conditions of licence—authorised activities

Omit “or 18” from clause 236 (5). Insert instead “, 17B or 17C”.

- [9] Part 13 Charter fishing management**
Omit Divisions 3 and 4.
- [10] Clause 290 Appointment of nominees**
Omit the clause.
- [11] Clause 291 Definitions**
Omit the definitions of *MAC* and *MAC nominee*.
- [12] Clause 295 Vacancy in office of member**
Omit clause 295 (h) and (j).
- [13] Part 17, Divisions 4–6**
Omit the Divisions.
- [14] Clause 347 Forfeiture offences**
Omit “(Bag limits—possession of fish)” from clause 347 (d).
Insert instead “(Offence of contravening possession limit)”.
- [15] Schedule 8 Fees and contributions**
Omit items 20–24.
- [16] Schedule 9**
Insert after Schedule 8

Schedule 9 Maximum contributions by participants in restricted fisheries

(Clause 132)

Column 1	Column 2	Column 3
Item	Matter for which contribution is payable	Maximum amount
1	Contribution by participant and owner of fishing business in southern fish trawl restricted fishery (clause 132 (a))	\$1,123
2	Contribution by participant and owner of fishing business in sea urchin and turban shell restricted fishery (clause 132 (b))	\$1,123
3	Contribution by participant and owner of fishing business in inland restricted fishery, a component of which is a class A endorsement (clause 132 (c))	\$1,123
4	Contribution by participant and owner of fishing business in inland restricted fishery, a component of which is a class B endorsement (clause 132 (c))	\$381
5	Contribution by participant and owner of fishing business in inland restricted fishery, a component of which is a class D endorsement (clause 132 (c))	\$381

[17] Whole Regulation

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

Schedule 3 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

[1] Appendix Lobster Share Management Plan

Omit “section 91” from clause 8 (5). Insert instead “section 91B”.

[2] Appendix, clause 9 (2)

Omit “section 91 (3) (d)”. Insert instead “section 91B (2) (d)”.

[3] Appendix, clauses 14 (2), 15 (2) and 53 (1A) (c) and (e)

Omit “the Management Advisory Committee for the fishery” wherever occurring.

Insert instead “any relevant advisory council or advisory group”.

[4] Appendix, clause 46A (2)

Omit “section 18 (1)”. Insert instead “section 17B (1) (a)”.

[5] Whole Appendix

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

Schedule 4 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

[1] Appendix

Omit the definition of *Director-General* from clause 2 (1).

[2] Appendix, clause 12AA (2)

Omit “section 18 (1)”. Insert instead “section 17B (1) (a)”.

[3] Whole Appendix

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

Schedule 5 Amendment of Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

[1] Appendix

Omit “section 18 (1)” from clause 10C (2). Insert instead “section 17B (1) (a)”.

[2] Whole Appendix

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

Schedule 6 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

[1] Appendix

Omit “the Management Advisory Committee for a fishery” from clause 10 (1) (c).

Insert instead “any relevant advisory council or advisory group”.

[2] Appendix, clause 10 (1) (e)

Omit “the Management Advisory Committee for the fishery”.

Insert instead “any relevant advisory council or advisory group”.

[3] Whole Appendix

Omit “Director-General” wherever occurring. Insert instead “Secretary”.