



New South Wales

Fisheries Management Legislation Amendment Regulation 2017

under the

Fisheries Management Act 1994

His Excellency the 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 objects of this Regulation are as follows:

- (a) to make changes to the minimum number of shares required to be held before a shareholder can fish in the estuary general, estuary prawn trawl, ocean hauling, ocean trap and line and ocean trawl fisheries,
- (b) to introduce bag limits for various species of fish (including blue swimmer and mud crab, longfin and shortfin river eel and eastern sea garfish) in the estuary prawn trawl, lobster, ocean hauling, ocean trap and line, ocean trawl and southern fish trawl fisheries,
- (c) to set out the information about fishing activities and catch that fishers in the estuary general, ocean hauling, abalone, lobster and sea urchin and turban shell fisheries are required to provide to the Secretary of the Department of Industry via the real time reporting system,
- (d) to make changes in relation to the use of crew by fishers in the estuary general and ocean hauling fisheries,
- (e) to provide for the Secretary to make determinations as to the maximum number of traps, hooks or crew that may be used by a fishing business in the estuary general, ocean hauling and ocean trap and line fisheries, which are based on the number and class of shares held by the fishing business,
- (f) to make changes to the requirements for identifying and marking nets, traps, drift lines, set lines and holding pens that are used in the estuary general and ocean trap and line fisheries,
- (g) to provide that a hoop or lift net may no longer be used to take fish in the estuary general fishery,
- (h) to make other minor, miscellaneous amendments.

This Regulation amends the following Regulations:

- (a) the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,
- (b) the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,
- (c) the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*,
- (d) the *Fisheries Management (General) Regulation 2010*,
- (e) the *Fisheries Management (Lobster Share Management Plan) Regulation 2000*,

- (f) the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,
- (g) the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,
- (h) the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*,
- (i) the *Fisheries Management (Supporting Plan) Regulation 2006*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17 (1), 17B (1) (a) and 21 (1) (d), 22, 23, 24 (1), 40, 65, 67 (1), 68 (6A), 69, 112 (2), 124A, 276 and 289 (the general regulation-making power).

Fisheries Management Legislation Amendment Regulation 2017

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment Regulation 2017*.

2 Commencement

This Regulation commences on 1 December 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Fisheries Management (Estuary General Share Management Plan) Regulation 2006

[1] Appendix

Insert in alphabetical order in clause 2 (1):

holding pen means any enclosure used to store or hold live fish in estuarine waters, but does not include a trap or net used in compliance with this Plan.

relevant fishing business, in relation to an endorsement holder, means the fishing business a component of which is the holder's endorsement.

relevant fishing business number, in relation to the identification of any fishing gear or holding pen, means the number of the fishing business a component of which is the endorsement held by the person who set the net, trap, line or holding pen concerned.

[2] Appendix, clauses 5 (a), 6 (1) (a), (2) and (3), 33 (1) and 34 (1) and (2)

Omit "and hauling crew" wherever occurring.

[3] Appendix, clause 6 Types of endorsement

Omit "or by assisting another commercial fisher who holds a category one or category two hauling endorsement (using hauling methods only)" from clause 6 (2).

[4] Appendix, clause 6 (8)

Omit the subclause. Insert instead:

(8) Trapping endorsement—Regions 1, 2, 3, 4, 5, 6 and 7

A trapping endorsement authorises the holder to use a fish trap to take fish (other than eels) from the estuarine waters specified in Column 3 of the Table to clause 4 within a region of the fishery specified in the endorsement.

[5] Appendix, clause 6 (12)

Omit "or a hoop or lift net (or both) to take mud crabs".

Insert instead "to take fish (other than eels)".

[6] Appendix, clause 6F Taking fish without quota

Omit clause 6F (3).

[7] Appendix, clauses 7 and 7A

Omit clause 7. Insert instead:

7 Minimum shareholding—all shares other than hand gathering shares

- (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 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 section 68 (3) (b) of the Act.

- (2) The shares relied on to meet the minimum shareholding requirement must all be a component of the same estuary general fishing business.

Table

Class of shares	Minimum shareholding
Estuary general—handline shares (Region 1, 2, 3, 4, 5, 6 or 7)	375
Estuary general—meshing shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—prawning shares (Region 1, 2, 3, 4, 6 or 7)	150
Estuary general—prawning shares (Region 5)	125
Estuary general—trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—eel trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—mud crab trapping shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—category one hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	125
Estuary general—category two hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	125

7A Minimum shareholding—hand gathering shares

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to estuary general—hand gathering shares is, subject to subclause (2):
 - (a) for estuary general—hand gathering shares (Region 1, 2, 3, 4, 6 or 7)—125 shares, or
 - (b) for estuary general—hand gathering shares (Region 5)—100 shares.
- (2) The minimum shareholding in relation to estuary general—hand gathering shares is 1 share, if the shareholder is an original entitlement holder.
- (3) Subclause (2) ceases to apply if the shareholder transfers, assigns, forfeits or surrenders any of the shares or if any of the shares are cancelled after 5 February 2007 (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an **original entitlement holder** is a person who:
 - (a) held estuary general—hand gathering shares immediately before 5 February 2007, and
 - (b) was, immediately before 5 February 2007, 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) A person who was issued with estuary general—hand gathering shares as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before 5 February 2007, is taken to be an original entitlement holder for the purposes of this clause.
- (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same estuary general fishing business.

[8] Appendix, clause 9

Insert at the beginning of Part 5:

9 Trap limits

- (1) The Secretary is to determine, by instrument in writing, a trap limit for each estuary general trapping fishing business.
- (2) The *trap limit* for an estuary general trapping fishing business is the maximum number of crab, eel or fish traps that may be used or set at any one time in all waters, or in specified waters, by persons taking fish on behalf of the fishing business.
- (3) The Secretary is to determine the trap limit for each estuary general trapping fishing business in accordance with any guidelines approved by the Minister and published in the Gazette.
- (4) The Secretary is to notify the owner of each estuary general trapping fishing business of the trap limit for the business.
- (5) A fishing business owner who is notified of a trap limit by the Secretary under this clause must, as soon as reasonably practicable, ensure each nominated fisher of the fishing business is notified of the trap limit.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of each of the following endorsements that the endorsement holder does not use or set, or cause to be used or set, a number of traps at any one time that exceeds the trap limit for the relevant fishing business:
 - (a) trapping endorsement,
 - (b) eel trapping endorsement,
 - (c) mud crab trapping endorsement.
- (7) For the purposes of section 65 of the Act, contravention of subclause (5) or (6) is an offence.
- (8) In this clause, *estuary general trapping fishing business* means an estuary general fishing business that has any of the following classes of shares as a component:
 - (a) Estuary general—trapping shares—Regions 1–7,
 - (b) Estuary general—eel trapping shares—Regions 1–7,
 - (c) Estuary general—mud crab trapping shares—Regions 1–7.

[9] Appendix, clause 14 Taking fish with the assistance of other persons

Omit the clause.

[10] Appendix, clauses 14C and 14D

Omit clause 14C. Insert instead:

14C Storage of eels and crabs

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that authorises the taking of eel that the endorsement holder does not store any live eels taken, or possess any device used to store live eels, in, on, or adjacent to, the following waters:
 - (a) any freshwater river, creek, stream, lake or lagoon,
 - (b) waters in which commercial fishing for eel or the use of eel traps is prohibited.

- (2) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that authorises the taking of mud crabs or blue swimmer crabs that the endorsement holder does not store any live mud crabs or blue swimmer crabs taken, or possess any device used to store live mud crabs or blue swimmer crabs, in, on, or adjacent to, any waters in which commercial fishing for mud crabs or blue swimmer crabs is prohibited.

14D Use of holding pens

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that authorises the taking of any of the following species of fish that the endorsement holder does not use a holding pen to store the fish other than in compliance with this clause:
- (a) mud crab,
 - (b) blue swimmer crab,
 - (c) longfin river eel and shortfin river eel.
- (2) A holding pen may be used only if:
- (a) the dimensions of the holding pen do not exceed the dimensions of a fish trap, and
 - (b) the holding pen is sealed (so that the fish cannot get in or out), and
 - (c) the position of the holding pen is indicated by a buoy that:
 - (i) is moored so as to be positioned above the holding pen, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) is moored in such a way that no rope is floating on the surface of the water, and
 - (v) displays the relevant fishing business number followed by the letter “P”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[11] Appendix, clause 16B

Insert before clause 17 in Division 1 of Part 7:

16B Use of nets to assist commercial fishers to take fish

It is lawful for a person to assist an endorsement holder in the operation of a net in accordance with this Division and Part 8.

[12] Appendix, clause 17 Hauling net (general purpose)

Omit clause 17 (1) (k). Insert instead:

- (k) the net is operated with the assistance of at least 1 other person,

[13] Appendix, clause 17 (2)

Omit the subclause.

[14] Appendix, clause 18 Trumpeter whiting net (hauling)

Omit clause 18 (2).

[15] Appendix, clause 19 Garfish net (bullringing)

Omit clause 19 (2).

[16] Appendix, clause 20 Garfish net (hauling)

Omit clause 20 (3).

[17] Appendix, clause 22 Prawn net (hauling): Manning River

Omit clause 22 (7) and (8).

[18] Appendix, clause 23 Prawn net (hauling): Wallis Lake

Omit clause 23 (7) and (8).

[19] Appendix, clause 25 Prawn running net

Omit clause 25 (1) (b) (i).

[20] Appendix, clause 28 Meshing net

Omit clause 28 (8). Insert instead:

- (8) Both ends of a set net must be marked on the surface of the water by a white buoy that:
 - (a) is moored so as to be positioned above the end of the net, and
 - (b) measures not less than 100 mm in all dimensions, and
 - (c) has a height above the water of not less than 50 mm, and
 - (d) is moored in such a way that no rope is floating on the surface of the water, and
 - (e) displays the relevant fishing business number followed by the letter "M", in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[21] Appendix, clause 29 Flathead net

Omit clause 29 (1) (i). Insert instead:

- (i) both ends of a set net must be marked on the surface of the water by a white buoy that:
 - (i) is moored so as to be positioned above the end of the net, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) is moored in such a way that no rope is floating on the surface of the water, and
 - (v) displays the relevant fishing business number followed by the letter "F", in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,

[22] Appendix, clause 30 Bait net

Omit clause 30 (2).

[23] Appendix, clause 31 Pilchard, anchovy and bait net (hauling)

Omit clause 31 (2).

[24] Appendix, clause 31A Hoop or lift net

Omit the clause.

[25] Appendix, clause 31E Crab trap

Omit clause 31E (1) (a) (ii)–(iv). Insert instead:

- (ii) measures not less than 100 mm in all dimensions, and
- (iii) has a height above the water of not less than 50 mm, and
- (iv) is moored in such a way that no rope is floating on the surface of the water, and
- (v) displays the relevant fishing business number followed by the letter “C”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,

[26] Appendix, clause 31E (1) (d) and (e)

Omit the paragraphs.

[27] Appendix, clause 31E (2)

Omit the subclause. Insert instead:

- (2) It is also lawful to use a crab trap for taking any other permitted species of fish that are taken by the trap when it is being lawfully used for taking mud crabs.

[28] Appendix, clause 31F Eel trap

Omit clause 31F (1). Insert instead:

- (1) It is lawful for the holder of an eel trapping endorsement to use an eel trap for taking eels in the waters specified in the Table to this clause if the trap complies with the description as set out in relation to those waters in that Table and the eel trap is not set or used unless its position is indicated by a buoy that:
 - (a) is moored so as to be positioned above the trap, and
 - (b) measures not less than 100 mm in all dimensions, and
 - (c) has a height above the water of not less than 50 mm, and
 - (d) is moored in such a way that no rope is floating on the surface of the water, and
 - (e) displays the relevant fishing business number followed by the letter “E”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[29] Appendix, clause 32 Fish trap

Insert “and eels” after “rock lobsters” in clause 32 (1).

[30] Appendix, clause 32 (1) (a)

Omit subparagraphs (ii)–(iv). Insert instead:

- (ii) measures not less than 100 mm in all dimensions, and
- (iii) has a height above the water of not less than 50 mm, and
- (iv) is moored in such a way that no rope is floating on the surface of the water, and
- (v) displays the relevant fishing business number followed by the letter “F”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,

[31] Appendix, clause 32 (1) (d) and (3)

Omit the provisions.

[32] Appendix, clause 33 Use of set lines

Omit clause 33 (1A). Insert instead:

- (1A) An endorsement holder must not, for the purpose of taking fish in the fishery, use a set line unless its position is identified by a buoy that:
- (a) is moored so as to be positioned above the set line, and
 - (b) measures not less than 100 mm in all dimensions, and
 - (c) has a height above the water of not less than 50 mm, and
 - (d) is moored in such a way that no rope is floating on the surface of the water, and
 - (e) displays the relevant fishing business number followed by the letter “S”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[33] Appendix, clause 34 Use of drift lines

Omit clause 34 (2A). Insert instead:

- (2A) An endorsement holder must not, for the purpose of taking fish in the fishery, use a drift line unless its position is indicated by a buoy, float or similar device attached to the line that:
- (a) measures not less than 100 mm in all dimensions, and
 - (b) has a height above the water of not less than 50 mm, and
 - (c) displays the relevant fishing business number followed by the letter “D”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[34] Appendix, clause 35A

Omit the clause. Insert instead:

35A Registration of fishing gear

For the purposes of section 22 of the Act, a meshing net that has a mesh size greater than 115 mm is registrable.

[35] Appendix, clause 35F Priority between endorsement holders using certain nets

Omit clause 35F (2) and (3).

[36] Appendix, clause 35G Preliminary

Omit the definition of *crew* from clause 35G (2). Insert instead:

crew means a crew consisting of 1 prawning endorsement holder and the number of other persons required by a preliminary determination to operate a prawn net (set pocket).

[37] Appendix, clause 35H Preliminary determination by fisheries officer

Omit clause 35H (1) (c). Insert instead:

- (c) the minimum number of persons who, in addition to the prawning endorsement holder, are required to operate a prawn net (set pocket) in those waters, and

[38] Appendix, clause 35I Guidelines of Secretary for priority determination

Insert after clause 35I (6):

- (7) It is an offence for a person to participate in any ballot to make a priority determination if the person does not hold an endorsement authorising the person to take prawns using a prawn net (set pocket) in the waters to which the priority determination applies.

Maximum penalty: 100 penalty units.

[39] Appendix, clause 35L Preliminary

Omit “registered” from the definition of *appropriate fishing gear* in clause 35L (2).

[40] Appendix, clause 35L (2), definition of “crew”

Omit the definition.

[41] Appendix, clause 35M Preliminary determination by fisheries officer

Omit clause 35M (1) (b) and (c). Insert instead:

- (b) the net sites.

[42] Appendix, clause 35N Priority between endorsement holders using prawn running nets

Omit “the crew that is the first crew” from clause 35N (1) (a).

Insert instead “the first endorsement holder”.

[43] Appendix, clause 35N (1) (a)

Omit “the crew entitled”. Insert instead “the endorsement holder entitled”.

[44] Appendix, clause 35N (1) (b)

Omit “crews”. Insert instead “endorsement holders”.

[45] Appendix, clause 35N (1) (b)

Omit “which crew”. Insert instead “which endorsement holder”.

[46] Appendix, clause 35N (1) (b) and (2)

Omit “any other crew” wherever occurring. Insert instead “any other endorsement holder”.

[47] Appendix, clause 35N (2)

Omit “a crew”. Insert instead “an endorsement holder”.

[48] Appendix, clause 35N (3)

Omit the subclause.

[49] Appendix, Parts 8 and 9

Renumber Parts 8 and 9 as Parts 10 and 11 and renumber clauses 36–40 appropriately.

[50] Appendix, Parts 8 and 9

Insert after Part 7A:

Part 8 Fishing crews

36 Taking fish with the assistance of others

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not take fish with the assistance of any other person contrary to the provisions of this Part.
- (2) An endorsement holder does not contravene this Part in respect of anything done by, or with the authority of, a fisheries officer.
- (3) For the purposes of this Part, an endorsement holder takes fish with the assistance of another person if the other person:
 - (a) is aboard a licensed fishing boat while the boat is being used by the endorsement holder to take fish in the fishery, or
 - (b) removes any fish from any fishing gear or licensed fishing boat being used by the endorsement holder to take fish in the fishery, or
 - (c) while in, on or adjacent to the waters of the fishery, stows or assists in stowing any fishing gear before or after its use by the endorsement holder to take fish in the fishery, or
 - (d) operates, or assists in operating, any fishing gear being used by the endorsement holder to take fish in the fishery, or
 - (e) while in, on or adjacent to the waters of the fishery, operates any motor vehicle or other device (such as a torch or light) to assist the endorsement holder to take fish in the fishery, or
 - (f) while in, on or adjacent to the waters of the fishery, places any fish into a container or other receptacle, or into a boat or motor vehicle, being used by the endorsement holder in connection with the taking of fish in the fishery.

37 General crew requirements

In this Part, the *general crew requirements* that an endorsement holder is required to comply with if taking fish with the assistance of another person are:

- (a) the endorsement holder and the other person must be engaged in the same fishing activity, and
- (b) the endorsement holder must remain in the immediate vicinity of the other person at all times, and
- (c) any fish taken by the endorsement holder are to be kept in the endorsement holder's possession until the fish are lawfully disposed of.

38 Crew requirements for hand gathering and handline endorsement holders

A holder of a hand gathering or handline endorsement must not take fish in the fishery with the assistance of any other person, other than a person who holds the same type of endorsement to take fish as the endorsement holder.

39 Crew requirements for hauling endorsement holders

A holder of a category one or category two hauling endorsement may take fish in the fishery with the assistance of 1 or more other persons if the holder complies with the general crew requirements.

Note. Clause 12 limits the number of nets that may be used by the holder of a category one or category two hauling endorsement.

40 Crew requirements for trapping endorsement holders

A holder of a trapping, mud crab trapping or eel trapping endorsement may take fish in the fishery with the assistance of 1 or more other persons if:

- (a) the endorsement holder complies with the general crew requirements, and
- (b) the other person or persons are in the same boat as the endorsement holder.

41 Crew requirements for meshing endorsement holders

- (1) A holder of a meshing endorsement for a region of the fishery may take fish in that region of the fishery with the assistance of 1 other person (and not more than 1 other person) if:

- (a) the relevant fishing business has at least 250 estuary general—meshing shares for the same region of the fishery as a component, and
- (b) the endorsement holder complies with the general crew requirements, and
- (c) the other person is in the same boat as the endorsement holder.

- (2) For the purposes of section 65 of the Act, contravention of this clause is an offence.

42 Crew requirements for prawning endorsement holders

- (1) A holder of a prawning endorsement for a region of the fishery may take fish in that region of the fishery with the assistance of 1 other person (and not more than 1 other person) if:

- (a) the relevant fishing business has at least 250 estuary general—prawning shares for the same region of the fishery as a component, and
- (b) the endorsement holder complies with the general crew requirements, and
- (c) the endorsement holder does not use or set more than 1 net at any one time.

- (2) For the purposes of section 65 of the Act, contravention of this clause is an offence.

Part 9 Real time reporting

43 Reports to be made by meshing and hauling endorsement holders before taking fish

- (1) For the purposes of section 124A (1) of the Act, a holder of a meshing endorsement or a hauling endorsement is required to provide the following information to the Secretary in relation to each 24-hour period in which the endorsement holder takes fish under the endorsement (a *pre-fishing report*):

- (a) the date of the report,

- (b) the registration number of the commercial fishing licence of the endorsement holder,
 - (c) the type of endorsement,
 - (d) the number of the fishing business of which the endorsement is a component.
- (2) For the purposes of section 124A (3) (a) of the Act, a pre-fishing report must be made before the endorsement holder commences taking fish in the 24-hour period to which the report relates.
- (3) For the purposes of subclause (2), an endorsement holder commences taking fish:
- (a) in the case of an endorsement holder taking fish using a hauling net (general purpose)—when the holder first uses the net, or
 - (b) in any other case—when the endorsement holder is aboard a boat in the fishery and in possession of a net authorised to be used to take fish by the holder’s meshing endorsement or hauling endorsement.
- (4) In this clause:
- hauling endorsement** means:
- (a) a category one hauling endorsement—Regions 1–7, or
 - (b) a category two hauling endorsement—Regions 1–7.
- meshing endorsement** means a meshing endorsement—Regions 1–7.

44 Reports of mud crab, blue swimmer crab and eel catch

- (1) This clause applies to the holder of an endorsement that authorises the taking of any of the following species of fish:
- (a) mud crab,
 - (b) blue swimmer crab,
 - (c) eel.
- (2) For the purposes of section 124A (1) of the Act, an endorsement holder to whom this clause applies is required to provide the following information to the Secretary in relation to each catch of mud crab, blue swimmer crab or eel taken by the endorsement holder (a **catch report**):
- (a) the registration number of the commercial fishing licence of the endorsement holder,
 - (b) the number of the fishing business of which the endorsement is a component,
 - (c) the species of fish,
 - (d) the weight of the catch,
 - (e) where the endorsement holder landed the catch.
- (3) For the purposes of section 124A (3) (a) of the Act, a catch report must be made:
- (a) before the endorsement holder leaves the waters of the fishery, or
 - (b) before the endorsement holder moves more than 50 metres from where the endorsement holder landed the catch, or
 - (c) before any of the catch is placed in a holding pen or removed from the boat, or

- (d) within 30 minutes of the endorsement holder landing the catch, whichever occurs first.
- (4) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that authorises the taking of mud crab, blue swimmer crab or eel that the endorsement holder:
- (a) must remain in the immediate vicinity of the catch until the catch report has been made, and
- (b) must not remove the catch from the boat before the catch report has been made, other than for the purposes of weighing the catch.
- (5) For the purposes of section 65 of the Act, contravention of subclause (4) is an offence.
- (6) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.
- (7) In this clause, *eel* means longfin river eel or shortfin river eel.

45 Reporting when real time reporting system not available

For the purposes of section 124A (4) of the Act, if an endorsement holder cannot make a report as required under this Part because the real time reporting system malfunctions or is not available, the endorsement holder must:

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form, and
- (b) send the completed form to the Secretary within the time specified in the form.

[51] Appendix, Schedule 1 Other restrictions on areas of operation

Omit paragraph (a) from Column 3 wherever occurring in the matters relating to Richmond River—Weekend Netting, Richmond River (Upper Reaches)—Nets and Traps, Wilsons River (Upper Reaches)—Nets and Shoalhaven River Entrance—Nets.

[52] Appendix, Schedule 1

Omit paragraph (b) from Column 3 wherever occurring in the matters relating to Nambucca River Entrance—Nets, Wallis Lake (Forster Keys Canal Estate)—Nets, Shoalhaven River—Weekend Netting and Crookhaven River—Weekend Netting.

[53] Appendix, Schedule 1

Omit paragraph (c) from Column 3 in the matter relating to Macleay River—Weekend Netting.

[54] Appendix, Schedule 1

Omit paragraph (d) from Column 3 wherever occurring in the matters relating to Cudgera Creek, Cudgen Creek and Cudgen Lake, Mooball Creek, Jerusalem Creek, Lake Cathie and Cathie Creek—Nets, Camden Haven River—Weekend Netting, Budgewoi Lake—Nets, Tuggerah Lakes (Canton Beach)—Nets, Tuggerah Lakes (Long Jetty to Parry's Jetty)—Nets, Pittwater—Weekend Netting, Moruya River—Weekend Netting, Moruya River—Entrance and Wallaga Lake—Weekend Netting.

[55] Appendix, Schedule 1

Omit paragraph (e) from Column 3 wherever occurring in the matters relating to Evans River—Entrance, Lake Innes—Weekend Netting and Hawkesbury River (Berowra Creek)—Weekend Netting.

[56] Appendix, Schedule 1

Omit paragraph (f) from Column 3 wherever occurring in the matters relating to Wallis Lake—Weekend Netting and Wallagoot Lake—Various nets.

Schedule 2 Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

[1] **Appendix**

Omit clause 6F (3).

[2] **Appendix, clauses 7 and 7A**

Omit clause 7. Insert instead:

7 Minimum shareholding—all shares other than general ocean hauling and purse seine net shares

- (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 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 section 68 (3) (b) of the Act.

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

Table

Class of shares	Minimum shareholding
Ocean hauling—hauling net (general purpose) shares (Region 1)	80
Ocean hauling—hauling net (general purpose) shares (Region 2, 4 or 6)	50
Ocean hauling—hauling net (general purpose) shares (Region 3)	120
Ocean hauling—hauling net (general purpose) shares (Region 5)	70
Ocean hauling—hauling net (general purpose) shares (Region 7)	160
Ocean hauling—garfish net (hauling) shares (Region 1)	10
Ocean hauling—garfish net (hauling) shares (Region 2, 3, 4, 5, 6 or 7)	40
Ocean hauling—pilchard, anchovy and bait net (hauling) shares (Region 1, 3, 5 or 7)	30
Ocean hauling—pilchard, anchovy and bait net (hauling) shares (Region 2)	10
Ocean hauling—pilchard, anchovy and bait net (hauling) shares (Region 4 or 6)	20

7A Minimum shareholding—general ocean hauling and purse seine net shares

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to the following classes of shares (*relevant shares*) is, subject to subclause (2):

- (a) for ocean hauling—general ocean hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)—40 shares,
 - (b) for ocean hauling—purse seine net shares—40 shares.
- (2) The minimum shareholding in relation to the relevant shares is 1 share, if the shareholder is an original entitlement holder.
- (3) Subclause (2) ceases to apply if the shareholder transfers, assigns, forfeits or surrenders any of the relevant shares or if any of the relevant shares are cancelled after 5 February 2007 (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an *original entitlement holder* is a person who:
 - (a) held relevant shares immediately before 5 February 2007, and
 - (b) was, immediately before 5 February 2007, 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) A person who was issued with relevant shares as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before 5 February 2007, is taken to be an original entitlement holder for the purposes of this clause.
- (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean hauling fishing business.

[3] Appendix, clause 13AA

Insert before clause 13A in Division 1 of Part 6A:

13AA Use of nets to assist commercial fishers to take fish

It is lawful for a person to assist an endorsement holder in the operation of a net in accordance with this Division and Part 8.

[4] Appendix, clause 13A Hauling net (general purpose)

Omit “one other commercial fisher (who is the holder of a hauling net (general purpose) endorsement or general ocean hauling endorsement for the region concerned)” from clause 13A (1) (h).

Insert instead “1 other person”.

[5] Appendix, clause 13A (2)

Omit the subclause.

[6] Appendix, clause 13A, Table

Omit “Length” from item 1 (b) (ii).

Insert instead “Total length not exceeding 400 metres; length”.

[7] Appendix, clause 13B Garfish net (hauling)

Omit clause 13B (1) (d) and (3).

[8] Appendix, clause 13C Pilchard, anchovy and bait net (hauling)

Omit clause 13C (1) (d) and (3).

[9] Appendix, Part 6A, Division 2 Registration of fishing gear

Omit the Division.

[10] Appendix, clause 14 Taking of fish with the assistance of others

Omit the clause.

[11] Appendix, clause 17A

Insert after clause 17:

17A 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 4 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 17B (1) (a) of the Act, the possession limit of fish of a species described in Column 1 of Schedule 4 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.

[12] Appendix, clause 18C Priority between endorsement holders taking fish from same ocean beach

Omit clause 18C (2) and (3). Insert instead:

- (2) In this clause, *crew* means a crew consisting of a holder of an endorsement that authorises the holder to use the relevant net and the number of other persons (if any) that are required to effectively operate the net.

[13] Appendix, clause 18C (6)

Omit the subclause. Insert instead:

- (6) The minimum crew number is 4 persons, 1 of whom must be a holder of an endorsement that authorises the holder to use the relevant net.

[14] Appendix, Parts 8 and 9

Re-number Parts 8 and 9 as Parts 10 and 11 and re-number clauses 19–23 appropriately.

[15] Appendix, Part 8

Insert after Part 7A:

Part 8 Fishing crews

19 Taking fish with the assistance of others

For the purposes of section 68 (6A) of the Act, it is a condition of each of the following endorsements that the endorsement holder does not take fish with the assistance of any other person contrary to the provisions of this Part:

- (a) garfish net (hauling) endorsement,
- (b) hauling net (general purpose) endorsement,
- (c) pilchard, anchovy and bait net (hauling) endorsement.

20 General crew requirements

In this Part, the *general crew requirements* that an endorsement holder is required to comply with if taking fish with the assistance of another person are:

- (a) the endorsement holder and the other person must be engaged in the same fishing activity, and
- (b) the endorsement holder must remain in the immediate vicinity of the other person at all times, and
- (c) the endorsement holder must not use, or cause to be used, more than 1 net at any one time, and
- (d) any fish taken by the endorsement holder are to be kept in the endorsement holder's possession until the fish are lawfully disposed of.

21 Crew requirements for garfish net (hauling) endorsement holders

A holder of a garfish net (hauling) endorsement may take fish in the fishery with the assistance of 1 or more other persons if the endorsement holder complies with the general crew requirements.

22 Crew requirements for hauling net (general purpose) and pilchard, anchovy and bait net (hauling) endorsement holders

- (1) A holder of a hauling net (general purpose) or a pilchard, anchovy and bait net (hauling) endorsement may take fish in the fishery with the assistance of 1 or more other persons if:
 - (a) the endorsement holder complies with the general crew requirements, and
 - (b) the endorsement holder does not exceed the crew limit determined by the Secretary under this Part for the relevant fishing business (being the fishing business a component of which is the holder's endorsement).
- (2) For the purposes of section 65 of the Act, contravention of subclause (1) (b) is an offence.

23 Crew limits for hauling net (general purpose) and pilchard, anchovy and bait net (hauling) fishing businesses

- (1) The Secretary is to determine, by instrument in writing, a crew limit for each hauling or PAB fishing business.

- (2) The **crew limit** for a hauling or PAB fishing business is the maximum number of crew that may assist an endorsement holder taking fish on behalf of the fishing business.
- (3) The Secretary is to determine the crew limit for each hauling or PAB fishing business in accordance with any guidelines approved by the Minister and published in the Gazette.
- (4) The Secretary is to notify the owner of each hauling or PAB fishing business of the crew limit for the business.
- (5) A fishing business owner who is notified of a crew limit by the Secretary under this clause must, as soon as reasonably practicable, ensure each nominated fisher of the fishing business is notified of the crew limit.
- (6) For the purposes of section 65 of the Act, contravention of subclause (5) is an offence.
- (7) In this clause:
hauling fishing business means an ocean hauling fishing business that has ocean hauling—hauling net (general purpose) shares—Regions 1–7 as a component.
PAB fishing business means an ocean hauling fishing business that has ocean hauling—pilchard, anchovy and bait net (hauling) shares—Regions 1–7 as a component.

Part 9 Real time reporting

24 Reports to be made by garfish net (hauling) endorsement holders

- (1) For the purposes of section 124A (1) of the Act, a holder of a garfish net (hauling) endorsement is required to provide the following information to the Secretary in relation to each catch of eastern sea garfish taken by the endorsement holder (a **catch estimate report**):
 - (a) the date of the report,
 - (b) the registration number of the commercial fishing licence of the endorsement holder,
 - (c) the number of the fishing business of which the endorsement is a component,
 - (d) an estimate of the weight of the catch of eastern sea garfish.
- (2) For the purposes of section 124A (3) (a), a catch estimate report must be made:
 - (a) before the endorsement holder leaves the waters of the fishery, or
 - (b) before the endorsement holder moves more than 50 metres from where the endorsement holder landed the catch, or
 - (c) before any of the catch is removed from the boat, or
 - (d) within 30 minutes of the endorsement holder landing the catch, whichever occurs first.
- (3) For the purposes of section 124A of the Act, the endorsement holder is required to provide the following information to the Secretary in relation to a catch within 3 hours of making a catch estimate report in relation to that catch (a **final catch report**):
 - (a) the registration number of the commercial fishing licence of the endorsement holder,

- (b) the number of the fishing business of which the endorsement is a component,
 - (c) the weight of the catch of eastern sea garfish,
 - (d) where the endorsement holder landed the catch.
- (4) For the purposes of section 68 (6A) of the Act, it is a condition of a garfish net (hauling) endorsement that the endorsement holder must remain in the immediate vicinity of the catch until the final catch report has been made.
- (5) For the purposes of section 65 of the Act, contravention of subclause (4) is an offence.
- (6) For the purposes of this clause, the weight of a catch of eastern sea garfish is to be determined by accurate scales and rounded to 1 decimal place.

25 Reporting when real time reporting system not available

For the purposes of section 124A (4) of the Act, if a holder of a garfish net (hauling) endorsement cannot make a catch estimate report or a final catch report because the real time reporting system malfunctions or is not available, the endorsement holder must:

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form, and
- (b) send the completed form to the Secretary within the time specified in the form.

[16] Appendix, Schedule 4

Insert after Schedule 3:

Schedule 4 Bag limits

(Clause 17A)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Blue swimmer crab (<i>Portunus armatus</i>).	0.	Hauling net (general purpose) endorsement holders—Regions 1–7.	All ocean waters.
Mud crab (<i>Scylla serrata</i>).	0.	Hauling net (general purpose) endorsement holders—Regions 1–7.	All ocean waters.
Longfin river eel (<i>Anguilla reinhardtii</i>).	0.	Hauling net (general purpose) endorsement holders—Regions 1–7.	All ocean waters.
Shortfin river eel (<i>Anguilla australis</i>).	0.	Hauling net (general purpose) endorsement holders—Regions 1–7.	All ocean waters.

Schedule 3 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

[1] Appendix

Insert in alphabetical order in clause 2 (1):

relevant fishing business number, in relation to the identification of fishing gear in Part 4A, means the number of the fishing business a component of which is the endorsement held by the person who set the net, trap or line concerned.

[2] Appendix, clause 5 Types of endorsement

Omit the notes to clause 5 (2) and (4).

[3] Appendix, clause 6 Minimum shareholdings

Omit “the commencement of the amendments to this clause made by the *Fisheries Management Legislation Amendment Regulation 2015*” from clause 6 (2).

Insert instead “18 December 2015”.

[4] Appendix, clause 6 (7)

Omit the subclause.

[5] Appendix, clause 6, Table

Omit “40” from the matter relating to Ocean trap and line—line fishing western zone shares.

Insert instead “60”.

[6] Appendix, clause 6, Table

Omit “40” from the matter relating to Ocean trap and line—demersal fish trap shares.

Insert instead “50”.

[7] Appendix, clause 7A Fish trap

Omit clause 7A (1) (a) (ii)–(iv). Insert instead:

- (ii) measures not less than 100 mm in all dimensions, and
- (iii) has a height above the water of not less than 50 mm, and
- (iv) is moored in such a way that no rope is floating on the surface of the water, and
- (v) displays the relevant fishing business number followed by the letter “F”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,

[8] Appendix, clause 7A Fish trap

Omit clause 7A (1) (d), (2) and (3).

[9] Appendix, clause 7AA

Insert after clause 7A:

7AA Fish trap limits

- (1) The Secretary is to determine, by instrument in writing, a trap limit for each demersal fish trap fishing business.
- (2) The *trap limit* for a demersal fish trap fishing business is the maximum number of fish traps that may be used or set at any one time in all waters, or in specified waters, by persons taking fish on behalf of the fishing business.
- (3) The Secretary is to determine the trap limit for each demersal fish trap fishing business in accordance with any guidelines approved by the Minister and published in the Gazette.
- (4) The Secretary is to notify the owner of each demersal fish trap fishing business of the trap limit for the business.
- (5) A fishing business owner who is notified of a trap limit by the Secretary under this clause must, as soon as reasonably practicable, ensure each nominated fisher of the fishing business is notified of the trap limit.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of a demersal fish trap endorsement that the endorsement holder does not use or set, or cause to be used or set, a number of traps at any one time that exceeds the trap limit for the relevant fishing business.
- (7) For the purposes of section 65 of the Act, contravention of subclause (5) or (6) is an offence.
- (8) In this clause:
demersal fish trap fishing business means an ocean trap and line fishing business that has ocean trap and line—demersal fish trap shares as a component.
relevant fishing business, in relation to an endorsement holder, means the demersal fish trap fishing business a component of which is the holder's endorsement.

[10] Appendix, clause 7B Spanner crab net

Omit clause 7B (1) (a)–(c). Insert instead:

- (a) in the case of the holder of a spanner crab southern zone endorsement, not more than 30 spanner crab nets are used at any one time,
- (b) in the case of the holder of a spanner crab northern zone endorsement, not more than 40 spanner crab nets are used at any one time,
- (c) the net is not used unless its position is indicated by a buoy that:
 - (i) is moored so as to be positioned above the net, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) is moored in such a way that no rope is floating on the surface of the water, and
 - (v) displays the relevant fishing business number followed by the letter “C”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,

- (d) 1 buoy may be used to indicate the position of a group of nets that are attached to the same line.

[11] Appendix, clause 7D Use of set lines (restrictions applying to waters within 3 nm)

Omit clause 7D (2) (d). Insert instead:

- (d) use a set line unless its position is indicated by a buoy that:
 - (i) is moored so as to be positioned above the set line, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) is moored in such a way that no rope is floating on the surface of the water, and
 - (v) displays the relevant fishing business number followed by the letter “S”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[12] Appendix, clause 7E Use of set lines (other restrictions apply to waters outside 3 nm and the taking of school and gummy shark)

Omit clause 7E (6A). Insert instead:

- (6A) The endorsement holder must not, for the purpose of taking fish in the fishery in accordance with this clause, use a set line unless its position is indicated by a buoy that:
 - (a) is moored so as to be positioned above the set line, and
 - (b) measures not less than 100 mm in all dimensions, and
 - (c) has a height above the water of not less than 50 mm, and
 - (d) is moored in such a way that no rope is floating on the surface of the water, and
 - (e) displays the relevant fishing business number followed by the letter “S”, in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[13] Appendix, clause 7E (7A)

Insert after clause 7E (7):

- (7A) If a hook limit of greater than 1,200 hooks applies to a line fishing eastern zone fishing business (being a fishing business that has ocean trap and line—line fishing eastern zone shares as a component) under clause 7EA, the following applies:
 - (a) the endorsement limit for the holder of a line fishing eastern zone endorsement taking fish on behalf of that business is the greater hook limit and not 1,200 hooks,
 - (b) the fishing business limit for that business is the greater hook limit and not 1,200 hooks,
 - (c) the greater limit applies only to the taking of fish in the eastern zone,
 - (d) any references in this clause to 1,200 hooks in relation to a line fishing eastern zone endorsement or fishing business are to be read as the greater hook limit.

[14] Appendix, clause 7EA

Insert after clause 7E:

7EA Hook limits for line fishing eastern zone endorsement holders

- (1) The Secretary is to determine, by instrument in writing, a hook limit for each line fishing eastern zone fishing business.
- (2) The *hook limit* for a line fishing eastern zone fishing business is the maximum number of hooks that may be used on all set lines at any one time, by line fishing eastern zone endorsement holders taking fish on behalf of the fishing business.
- (3) The Secretary is to determine the hook limit for each line fishing eastern zone fishing business in accordance with any guidelines approved by the Minister and published in the Gazette.
- (4) The Secretary is to notify the owner of each line fishing eastern zone fishing business of the hook limit for the business.
- (5) A fishing business owner who is notified of a hook limit by the Secretary under this clause must, as soon as reasonably practicable, ensure each nominated fisher of the fishing business is notified of the hook limit.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of a line fishing eastern zone endorsement that the endorsement holder does not use, or cause to be used, a number of hooks at any one time that exceeds the hook limit for the relevant fishing business.
- (7) For the purposes of section 65 of the Act, contravention of subclause (5) or (6) is an offence.
- (8) In this clause:
line fishing eastern zone fishing business means an ocean trap and line fishing business that has ocean trap and line—line fishing eastern zone shares as a component.
relevant fishing business, in relation to an endorsement holder, means the line fishing eastern zone fishing business a component of which is the holder's endorsement.

[15] Appendix, clause 7F Use of drift lines

Omit clause 7F (2A). Insert instead:

- (2A) The endorsement holder must not, for the purpose of taking fish in the fishery, use a drift line unless its position is indicated by a buoy, float or similar device attached to the line that:
 - (a) measures not less than 100 mm in all dimensions, and
 - (b) has a height above the water of not less than 50 mm, and
 - (c) displays the relevant fishing business number followed by the letter "D", in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy.

[16] Appendix, Schedule 3 Bag limits

Insert in appropriate order:

Blue swimmer crab (<i>Portunus armatus</i>).	25 kilograms.	Demersal fish trap endorsement holders.	All ocean waters.
Blue swimmer crab (<i>Portunus armatus</i>).	0.	Line fishing western zone endorsement holders and line fishing eastern zone endorsement holders.	All ocean waters.
Mud crab (<i>Scylla serrata</i>).	0.	Line fishing western zone endorsement holders, line fishing eastern zone endorsement holders and demersal fish trap endorsement holders.	All ocean waters.
Longfin river eel (<i>Anguilla reinhardtii</i>).	0.	Line fishing western zone endorsement holders, line fishing eastern zone endorsement holders and demersal fish trap endorsement holders.	All ocean waters.
Shortfin river eel (<i>Anguilla australis</i>).	0.	Line fishing western zone endorsement holders, line fishing eastern zone endorsement holders and demersal fish trap endorsement holders.	All ocean waters.
Eastern sea garfish (<i>Hyporhamphus australis</i>).	20.	Line fishing western zone endorsement holders.	All ocean waters.
Eastern sea garfish (<i>Hyporhamphus australis</i>).	0.	Line fishing eastern zone endorsement holders and demersal fish trap endorsement holders.	All ocean waters.

Schedule 4 Amendment of Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

[1] Appendix

Omit “, subject to subclause (2),” from clause 6 (1).

[2] Appendix, clause 6 (2)–(6)

Omit the subclauses.

[3] Appendix, clause 6, Table

Omit the Table. Insert instead:

Table	
Class of shares	Minimum shareholding
Ocean trawl—inshore prawn shares	50
Ocean trawl—offshore prawn shares	50
Ocean trawl—deepwater prawn shares	25
Ocean trawl—fish northern zone shares	50

[4] Appendix, clause 10 Boat restrictions—offshore prawn endorsement

Omit “, engine power”.

[5] Appendix, Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Bag limits

(Clause 10C)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Spanner crab (<i>Ranina ranina</i>).	0 kilograms from 21 October in any year to 20 January in the next year (both dates inclusive). 10 kilograms from 21 January to 20 October in each year (both dates inclusive).	All endorsement holders.	All ocean waters.
Wobbegong shark (<i>Orectolobus</i> spp.).	6 comprised of any single species or a combination of species.	All endorsement holders.	All ocean waters.
Blue swimmer crab (<i>Portunus armatus</i>).	25 kilograms.	Inshore prawn endorsement holders, offshore prawn endorsement holders and fish northern zone endorsement holders.	All ocean waters.

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Blue swimmer crab (<i>Portunus armatus</i>).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Mud crab (<i>Scylla serrata</i>).	0.	All endorsement holders.	All ocean waters.
Longfin river eel (<i>Anguilla reinhardtii</i>).	0.	All endorsement holders.	All ocean waters.
Shortfin river eel (<i>Anguilla australis</i>).	0.	All endorsement holders.	All ocean waters.
Eastern sea garfish (<i>Hyporhamphus australis</i>).	0.	All endorsement holders.	All ocean waters.

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

[1] Appendix

Insert in alphabetical order in clause 2 (1):

estuarine waters has the meaning given by Schedule 1 to the Act.

[2] Appendix, clause 7 Minimum shareholding

Omit “, subject to subclause (2),” from clause 7 (1).

[3] Appendix, clause 7 (2)–(5)

Omit the subclauses.

[4] Appendix, clause 7, Table

Omit the Table. Insert instead:

Table

Class of shares	Minimum shareholding
Estuary prawn trawl—Clarence River shares	250
Estuary prawn trawl—Hunter River shares	100
Estuary prawn trawl—Hawkesbury River shares	200

[5] Appendix, clause 21B

Insert after clause 21A:

21B 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 17B (1) (a) 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.

[6] Appendix, Schedule 3

Insert after Schedule 2:

Schedule 3 Bag limits

(Clause 21B)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Blue swimmer crab (<i>Portunus armatus</i>).	25 kilograms.	Hawkesbury River endorsement holders.	All estuarine waters.
Blue swimmer crab (<i>Portunus armatus</i>).	0.	Clarence River endorsement holders.	All estuarine waters.
Mud crab (<i>Scylla serrata</i>).	0.	Clarence River endorsement holders and Hawkesbury River endorsement holders.	All estuarine waters.

Schedule 6 Amendment of Fisheries Management (General) Regulation 2010

[1] Clause 11 Prohibited size fish

Omit the matter relating to Blue Swimmer Crab from Part 2 of Table 1.

Insert instead:

Blue Swimmer Crab, Sand Crab	<i>Portunus armatus</i>	6.5 in the case of a holder of an endorsement in a share management fishery or the southern fish trawl restricted fishery
		6 in any other case

[2] Clause 23 Nets used in share management fisheries

Omit the following from the Table to the clause:

Hoop or lift net	Estuary general
------------------	-----------------

[3] Clause 28 Hoop or lift net

Omit clause 28 (2) and the note.

[4] Clauses 166A–166C

Insert after clause 166:

166A Reports to be made before taking sea urchin and turban shell

- (1) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to each occasion on which the endorsement holder proposes to take sea urchin or turban shell under the endorsement (a *pre-fishing report*):
 - (a) the date of the report,
 - (b) the registration number of the commercial fishing licence of the endorsement holder,
 - (c) the number of the fishing business of which the endorsement is a component,
 - (d) the number of the licence for the boat being used by the endorsement holder to take sea urchin or turban shell,
 - (e) where the endorsement holder intends to come ashore after having taken sea urchin or turban shell.
- (2) For the purposes of section 124A (3) (a) of the Act, a pre-fishing report must be made before:
 - (a) the boat being used by the endorsement holder to take sea urchin or turban shell enters the water, or
 - (b) the endorsement holder enters the water to take sea urchin or turban shell,whichever occurs first.

166B Reports of sea urchin and turban shell catch

- (1) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to each occasion on which the endorsement holder takes sea urchin or turban shell (a *catch report*):
 - (a) the registration number of the commercial fishing licence of the endorsement holder,
 - (b) the number of the fishing business of which the endorsement is a component,
 - (c) the weight of any catch of red sea urchin,
 - (d) where the endorsement holder came ashore.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch report must be made:
 - (a) before the endorsement holder moves more than 50 metres from where the endorsement holder came ashore, or
 - (b) before any of the catch is taken out of New South Wales, or
 - (c) within 30 minutes of the endorsement holder coming ashore, whichever occurs first.
- (3) For the purposes of section 112 (2) of the Act, it is a condition of an endorsement that the endorsement holder must remain in the immediate vicinity of the catch until the catch report has been made.
- (4) For the purposes of this clause and clause 166C, the weight of a catch of red sea urchin is to be determined by accurate scales and rounded to 1 decimal place.

166C Reporting when real time reporting system not available

For the purposes of section 124A (4) of the Act, if an endorsement holder cannot make a pre-fishing report or a catch report because the real time reporting system malfunctions or is not available, the endorsement holder must:

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form, and
- (b) send the completed form to the Secretary within the time specified in the form.

[5] Clause 176A

Omit the clause. Insert instead:

176A 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 the Table to this clause is, when taken by an endorsement holder from the southern fish trawl fishery, the quantity specified next to that species in Column 2 of the Table.
- (2) For the purposes of section 17B (1) (a) of the Act, the possession limit of fish of a species described in Column 1 of the Table to this clause is, when taken from the southern fish trawl fishery and the person in possession of that species of fish is an endorsement holder, the quantity specified next to that species in Column 2 of the Table.

- (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 clause if the person charged satisfies the court that the fish were lawfully taken from outside the southern fish trawl fishery.

Table Bag limits

Column 1	Column 2
Species of fish	Daily limit and possession limit
Blue swimmer crab (<i>Portunus armatus</i>).	25 kilograms.
Mud crab (<i>Scylla serrata</i>).	0.
Longfin river eel (<i>Anguilla reinhardtii</i>).	0.
Shortfin river eel (<i>Anguilla australis</i>).	0.
Eastern sea garfish (<i>Hyporhamphus australis</i>).	0.
Wobbegong shark (<i>Orectolobus</i> spp.).	6 comprised of any single species or a combination of species.

[6] Schedule 7 Penalty notice offences

Omit “\$200” from the matter relating to an offence against section 65 (1) in Part 1.
 Insert instead “\$1,000”.

[7] Schedule 7, Part 2

Omit the matter relating to offences against clauses 163 (4) and 164 (6).
 Insert instead in appropriate order:

Clause 164	\$200
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[8] Schedule 7, Part 7

Insert after Part 6:

Part 7 Offences under Fisheries Management (Estuary General Share Management Plan) Regulation 2006

Clause 35I (7) of the Appendix to the Regulation	\$1,000
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Schedule 7 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

[1] Appendix

Omit “other than the abalone fishery and the lobster fishery” from clause 5 (2).

[2] Appendix, clause 5A

Insert after clause 5:

5A Nominated fishers entitled to take fish under own shares

Any shares in a fishery held by a person who is also a nominated fisher of another shareholder in the same fishery do, for the purposes of section 69 (5) of the Act, confer an entitlement on the nominated fisher to take fish in the fishery.

[3] Appendix, clause 6 One nominated fisher per fishing business

Omit “, subject to this clause” from clause 6 (5).

[4] Appendix, clause 6 (6) and (7)

Omit the subclauses.

[5] Appendix, clause 21

Insert after clause 20:

21 Contravention of share management plan and endorsement condition

A shareholder cannot be proceeded against or convicted for an offence against both section 65 and section 68 of the Act in respect of the same conduct.

Schedule 8 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

[1] Appendix

Insert after clause 49:

50 Real time reporting of catch

- (1) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to each catch of eastern rock lobster taken by the endorsement holder (a *catch report*):
 - (a) the registration number of the commercial fishing licence of the endorsement holder,
 - (b) the number of the fishing business of which the endorsement is a component,
 - (c) the weight of the catch of eastern rock lobster taken (and not discarded).
- (2) For the purposes of section 124A (3) (a) of the Act, a catch report must be made:
 - (a) before any of the catch is placed in a holding pen, or
 - (b) before any of the catch is taken out of New South Wales, or
 - (c) within 2 hours of landing the catch,whichever occurs first.
- (3) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder must remain in the immediate vicinity of the catch until the catch report has been made.
- (4) For the purposes of section 65 of the Act, contravention of subclause (3) is an offence.
- (5) For the purposes of this clause, the weight of a catch of eastern rock lobster is to be determined by accurate scales and rounded to 1 decimal place.

50A Reporting when real time reporting system not available

For the purposes of section 124A (4) of the Act, if an endorsement holder cannot make a catch report under clause 50 because the real time reporting system malfunctions or is not available, the endorsement holder must:

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form, and
- (b) send the completed form to the Secretary within the time specified in the form.

[2] Appendix, Schedule 2 Bag limits

Insert in appropriate order:

Blue swimmer crab (<i>Portunus armatus</i>). 0.	All waters.
Mud crab (<i>Scylla serrata</i>). 0.	All waters.
Longfin river eel (<i>Anguilla reinhardtii</i>). 0.	All waters.

Shortfin river eel (<i>Anguilla australis</i>).	0.	All waters.
Eastern sea garfish (<i>Hyporhamphus australis</i>).	0.	All waters.

Schedule 9 Amendment of Fisheries Management (Abalone Share Management Plan) Regulation 2000

[1] Appendix, clauses 30, 30A and 30B

Omit clause 30. Insert instead:

30 Containers for hanging abalone

For the purposes of section 68 (6A), it is a condition of an endorsement that any bin or container used for the purposes of hanging abalone must be clearly identified and securely sealed.

30A Real time reporting of catch

- (1) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to each occasion on which the endorsement holder takes abalone (a *catch report*):
 - (a) the registration number of the commercial fishing licence of the endorsement holder,
 - (b) the number of the fishing business of which the endorsement is a component,
 - (c) the weight of any abalone taken,
 - (d) the number, weight and location (latitude and longitude) of any abalone that have been hung,
 - (e) where the endorsement holder came ashore.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch report must be made:
 - (a) before the endorsement holder moves more than 50 metres from where the endorsement holder came ashore, or
 - (b) before any of the catch is taken out of New South Wales, or
 - (c) within 30 minutes of the endorsement holder coming ashore, whichever occurs first.
- (3) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder must remain in the immediate vicinity of any landed catch until the catch report has been made.
- (4) For the purposes of section 65 of the Act, contravention of subclause (3) is an offence.
- (5) For the purposes of this clause and clause 30B, the weight of a catch of abalone or of any hung abalone is to be determined by accurate scales and rounded to 1 decimal place.

30B Reporting when real time reporting system not available

For the purposes of section 124A (4) of the Act, if an endorsement holder cannot make a catch report under clause 30A because the real time reporting system malfunctions or is not available, the endorsement holder must:

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form and send the completed form to the Secretary within the time specified in the form, and

- (b) if any of the abalone in the catch is hung—provide the following information to the nearest office of the Department within 1 hour of hanging the abalone:
 - (i) the name of the endorsement holder,
 - (ii) the number, weight and location (latitude and longitude) of any hung abalone.

[2] Appendix, clause 31 (1) (c) and (d)

Omit clause 31 (1) (c) and (d). Insert instead:

- (c) complete the relevant documentation, insert it in a waterproof envelope of an approved kind and attach the envelope to the container in which the abalone, or any part of the abalone, is placed.

Note. See also clause 30A, which requires an endorsement holder to make a catch report using the real-time reporting system.

[3] Appendix, clause 31 (4A)

Insert after subclause (4A):

Note. The information required by the daily log sheet may be provided electronically to the Secretary via the real time reporting system (within the meaning of section 124A of the Act).

[4] Appendix, clause 31 (6)

Insert after clause 31 (5):

- (6) In this clause, *relevant documentation* means a daily log sheet or the form known as the “NSW DPI Abalone Disposal Record” provided to shareholders by the Department.

[5] Appendix, clause 32 Nil returns

Omit clause 32 (1).

[6] Appendix, clause 32 (3)

Omit “sheet or” wherever occurring.

[7] Appendix, clause 32 (3) (b)

Insert “(if the Secretary so requires)” after “practicable”.