



New South Wales

# Fisheries Management Legislation Amendment (Spanner Crab) Regulation 2018

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 require a determination of the total allowable catch of spanner crab to be made for every 12-month fishing period in the ocean trap and line share management fishery,
- (b) to require the Secretary of the Department of Industry (the *Secretary*) to allocate the determination as quota among the holders of spanner crab quota shares in the fishery,
- (c) to provide for the transfer of spanner crab quota among certain shareholders in the fishery,
- (d) to set out the information about each catch of spanner crab that spanner crab northern and southern zone endorsement holders in the fishery are required to provide to the Secretary via the real time reporting system,
- (e) to introduce a bag limit of 0 spanner crab for certain fishers in the ocean trap and line, ocean hauling and lobster share management fisheries and the southern fish trawl restricted fishery,
- (f) to make other minor amendments, including amendments of a law revision nature.

The Regulation amends the following Regulations:

- (a) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,
- (b) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,
- (c) *Fisheries Management (General) Regulation 2010*,
- (d) *Fisheries Management (Lobster Share Management Plan) Regulation 2000*,
- (e) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,
- (f) *Fisheries Management (Supporting Plan) Regulation 2006*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17 (1), 17B (1) (a), 40, 40B, 40Q, 40T, 65, 68 (6A), 124A and 289 (the general regulation-making power).

## **Fisheries Management Legislation Amendment (Spanner Crab) Regulation 2018**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management Legislation Amendment (Spanner Crab) Regulation 2018*.

### **2 Commencement**

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedules 1 [2] (to the extent that it inserts clause 5F into the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*), [3] and [4], 3, 4 and 5 [3] commence on 1 July 2018.

## Schedule 1 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

### [1] Appendix, Part 3A

Omit “shares” from the heading to Part 3A. Insert instead “management”.

### [2] Appendix, clauses 5E and 5F

Insert after clause 5D:

#### 5E TAC determinations required for spanner crab

- (1) A determination of total allowable catch of fish (a *TAC determination*) for spanner crab (*Ranina ranina*) is required to be made.  
**Note.** Under section 40C (3) of the Act, the Minister may direct either the TAF Committee or the Secretary to make the fishing determination.
- (2) A TAC determination is to be made in respect of each period of 12 months commencing on 1 July and ending on 30 June in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.

#### 5F Taking spanner crab without quota

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of a spanner crab northern zone endorsement and a spanner crab southern zone endorsement that the endorsement holder does not take spanner crab (*Ranina ranina*) in the fishery unless the endorsement holder has quota for that species.  
**Note.** It is also an offence under section 40S of the Act for a shareholder to take fish, or use a fishing method, or to cause or permit an agent to do so, in contravention of the shareholder's quota.
- (2) For the purposes of section 65 of the Act, contravention of this clause is an offence.

### [3] Appendix, Part 5A

Insert after Part 5:

## Part 5A Real time reporting

### 12A Reports to be made by spanner crab northern zone and southern zone endorsement holders

- (1) For the purposes of section 124A (1) of the Act, a holder of a spanner crab northern zone or a spanner crab southern zone endorsement is required to provide the following information to the Secretary in relation to each catch of spanner crab 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 spanner crab.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch estimate report must be made:

- (a) before the endorsement holder moves more than 50 metres from where the endorsement holder landed the catch, or
  - (b) before any of the catch is removed from the boat, or
  - (c) within 30 minutes of the endorsement holder landing the catch, whichever occurs first.
- (3) For the purposes of section 124A (1) of the Act, the endorsement holder is required to provide the following information to the Secretary in relation to each catch of spanner crab in respect of which the endorsement holder has made a catch estimate report (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 spanner crab,
  - (d) where the endorsement holder landed the catch.
- (4) For the purposes of section 124A (3) (a) of the Act, a final catch report must be made:
- (a) before any of the catch is moved out of New South Wales, or
  - (b) within 3 hours of making a catch estimate report in relation to the catch, whichever occurs first.
- (5) For the purposes of section 68 (6A) of the Act, it is a condition of a spanner crab northern zone endorsement and a spanner crab southern zone endorsement that the endorsement holder must remain in the immediate vicinity of the catch until the final catch report has been made.
- (6) For the purposes of section 65 of the Act, contravention of subclause (5) is an offence.
- (7) For the purposes of this clause, the weight of a catch of spanner crab is to be determined by accurate scales and rounded to 1 decimal place.

**12B Reporting when real time reporting system not available**

For the purposes of section 124A (4) of the Act, if a holder of a spanner crab northern zone endorsement or a spanner crab southern zone 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.

**[4] Appendix, Schedule 3 Bag limits**

Insert in appropriate order:

Spanner crab ( <i>Ranina</i> <i>ranina</i> ).	0.	Line fishing western zone endorsement holders, line fishing eastern zone endorsement holders and demersal fish trap endorsement holders.	All ocean waters.
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## **Schedule 2      Amendment of Fisheries Management (Estuary General Share Management Plan) Regulation 2006**

**[1] Appendix, clause 6E TAF Committee required to make fishing determinations**

Omit “Part 9” wherever occurring. Insert instead “Part 11”.

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

Insert “of the Act” after “section 68 (6A)”.

**[3] Appendix, clause 44 Reports of mud crab, blue swimmer crab and eel catch**

Insert “on board the boat” after “fishery” in clause 44 (3) (a).

**[4] Appendix, clause 44 (3A)**

Insert after clause 44 (3):

- (3A) Despite subclause (3), a catch report may be made after the catch is removed from the boat if the endorsement holder complies with the following:
- (a) the catch must be removed from the boat for the sole purpose of weighing the catch,
  - (b) the catch must be weighed immediately after being removed from the boat on scales that are located:
    - (i) outdoors and within 50 metres of where the endorsement holder landed the catch, or
    - (ii) at indoor premises approved by the Secretary,
  - (c) the catch report must be made immediately after the catch is weighed,
  - (d) the catch must not be mixed with any other fish until the catch report has been made.

**[5] Appendix, clause 44 (4) (b)**

Omit “the purposes of weighing the catch”.

Insert instead “the sole purpose of weighing the catch in accordance with subclause (3A)”.

**[6] Appendix, clause 49 Secretary required to make fishing determinations during transition period**

Omit “clause 40” from clause 49 (3). Insert instead “clause 50”.

### **Schedule 3      Amendment of Fisheries Management (General) Regulation 2010**

#### **Clause 176A Bag limits for certain species**

Insert in appropriate order in the Table to the clause:

Spanner crab ( <i>Ranina ranina</i> ).	0.
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## **Schedule 4      Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000**

### **Appendix, Schedule 2 Bag limits**

Insert in appropriate order:

Spanner crab ( <i>Ranina ranina</i> ).	0.	All waters.
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## **Schedule 5      Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006**

**[1] Appendix, clause 6E TAF Committee required to make TAC determinations**

Omit “Part 9” wherever occurring. Insert instead “Part 11”.

**[2] Appendix, clause 29 Secretary required to make TAC determinations during transition period**

Omit “clause 23” from clause 29 (3). Insert instead “clause 30”.

**[3] Appendix, Schedule 4 Bag limits**

Insert in appropriate order:

Spanner crab ( <i>Ranina ranina</i> ).	0.	Hauling net (general purpose) All ocean waters. endorsement holders— Regions 1–7
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## **Schedule 6      Amendment of Fisheries Management (Supporting Plan) Regulation 2006**

**[1] Appendix, clause 4B Allocation of quota**

Insert after clause 4B (1) (c):

(d) total allowable catch of spanner crab in the ocean trap and line fishery.

**[2] Appendix, clause 4C Transfer of quota**

Insert in appropriate order in the Table to clause 4C (1):

Spanner crab	Ocean trap and line—spanner crab northern zone shares
	Ocean trap and line—spanner crab southern zone shares
	Ocean trap and line—spanner crab quota shares