



New South Wales

Fisheries Management Legislation Amendment 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 the following:

- (a) to make amendments as a consequence of the commencement on 1 July 2018 of some of the remaining uncommenced provisions in the *Fisheries Management Amendment Act 2015*, including:
 - (i) to specify the commercial fishing activities that require a fishing boat licence, and
 - (ii) to make provision for fishing boat licences, including the matters to be specified on a licence and the licence conditions, and
 - (iii) to set out the boat marking requirements for commercial fishing boats, and
 - (iv) to provide exceptions to the new offence of removing or possessing a shark fin or part of a shark, and
 - (v) to remove provisions relating to commercial fishing boat crew members as they are no longer required to be registered,
- (b) to make further provision for the transfer of endorsements and shares by fishing business owners in restricted fisheries and share management fisheries,
- (c) to prevent the making of appeals against an allocation of quota shares by a person who has already transferred some or all of those shares,
- (d) to require a commercial fisher who carries out fishing activities on behalf of the Fisheries Administration Ministerial Corporation to make records of those fishing activities, as commercial fishers are generally required to do,
- (e) to include restricted fishery endorsements and aquaculture leases as fishing assets, which the Minister for Primary Industries may acquire for the purpose of benefiting Aboriginal communities as part of Aboriginal fishing assistance programs,
- (f) to make other minor and consequential amendments, including transferring provisions from the share management plans for the abalone and lobster fisheries to the *Fisheries Management (Supporting Plan) Regulation 2006*.

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 20B (2), 34T, 40, 60, 68 (6A), 71A (5), 107, 107B, 108, 109, 114, 121, 122, 237B (11) (definition of **fishing assets**), 276 and 289 (the general regulation-making power).

Fisheries Management Legislation Amendment Regulation 2018

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment Regulation 2018*.

2 Commencement

This Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Fisheries Management (General) Regulation 2010

[1] Clause 3 Interpretation

Insert in alphabetical order in clause 3 (1):

commercial fishing boat activity has the same meaning as in section 107 of the Act.

declared commercial fishing boat activity—see clause 134.

licensed fishing boat means a fishing boat authorised under a fishing boat licence to be used for declared commercial fishing boat activities.

measured length of a boat means the length determined in accordance with clause 145.

[2] Clause 95A

Insert after clause 95:

95A Removal and possession of certain parts of sharks permitted

- (1) A person does not commit an offence against section 20B (1) (a) of the Act in relation to a species of shark listed in the Table to this subclause if the person:
- removes only its belly flaps, with ventral fins attached, and
 - does not remove any other fin from the shark, and
 - remains in possession of the remainder of the shark while on board the boat.

Common name	Species
Gulper Shark	Family <i>Centrophoridae</i>
Dogfish	Family <i>Squalidae</i>
Catshark	Family <i>Scyliorhinidae</i>
School Shark	<i>Galeorhinus galeus</i>
Gummy Shark	<i>Mustelus antarcticus</i>

- (2) A person does not commit an offence against section 20B (1) (c) of the Act in relation to any shark (other than a school shark) if the person:
- cuts the shark across the body and vertically from the top of the body through the carcass into portions (known as barrels), and
 - does not remove any fin from any portion of the shark, and
 - remains in possession of all portions of the shark while on board the boat.
- (3) A person does not commit an offence against section 20B (1) (c) of the Act in relation to any shark (other than a school shark) if the person:
- remains in possession of the shark (either whole or without the head, gills or gut or other internal organs) while on board the boat, and
 - does not remove any fin of the shark.
- (4) A person does not commit an offence against section 20B (1) (c) of the Act in relation to a school shark if the person:

- (a) remains in possession of the shark (either whole or without the gills or gut or other internal organs) while on board the boat, and
- (b) does not remove the head or any fin of the shark.

[3] Clause 105 Transfer of sea urchin and turban shell endorsements

Omit clause 105 (3). Insert instead:

- (3) A sea urchin endorsement that is a component of a sea urchin fishing business may be transferred by the fishing business owner to another person only if all unused red sea urchin quota attached to the fishing business is transferred to the owner of another sea urchin fishing business.
Note. If the transferor owns another sea urchin fishing business, the quota may be transferred to that other fishing business.
- (4) Subclause (3) does not authorise a transfer of quota otherwise than in accordance with Division 1 of Part 9.
- (5) In this clause:
 - (a) red sea urchin quota is attached to a fishing business if it has been allocated to or acquired by the owner of that fishing business as the owner of that fishing business, and
 - (b) *sea urchin fishing business* means a fishing business a component of which is a sea urchin endorsement.

[4] Clause 109 Application of Division

Omit clause 109 (2).

[5] Clause 110 Transfer to owners in the same fishery

Insert at the beginning of the clause:

- (1A) This clause applies in respect of the transfer of shares in a relevant share management fishery only.

[6] Clause 111 Transfer to owners in other fisheries

Insert before clause 111 (1):

- (1A) This clause applies in respect of the transfer of shares in a relevant share management fishery only.

[7] Clause 111 (1)

Insert “(other than quota shares)” after “all shares”.

[8] Clause 111 (3)

Insert “or a southern fish trawl endorsement” after “relevant share management fishery”.

[9] Clause 112 Other transfers

Insert at the beginning of the clause:

- (1A) This clause applies in respect of the transfer of shares in a relevant share management fishery only.

[10] Clause 112

Omit “(other than a quota share)”.

[11] Clause 112A

Insert after clause 112:

112A Transfer of quota and shares

- (1) This clause applies in respect of the transfer of shares in all share management fisheries if the shares are a component of a fishing business to which quota is attached.
- (2) Quota is attached to a fishing business if it has been allocated to or acquired by a person as a holder of shares and the shares are a component of the fishing business.
- (3) A share that is a component of a fishing business to which quota of a particular type is attached may be transferred by the owner of the fishing business (the *transferor*) to another person (the *transferee*) in accordance with this Division only if:
 - (a) after the share transfer, the fishing business retains as a component 1 or more shares in the fishery that entitle the holder of those shares to be allocated or acquire that type of quota, or
 - (b) all unused quota of that type that is attached to the transferor's fishing business is transferred to another person (whether or not the transferee).

Note. If the transferor owns another fishing business, the unused quota may be transferred so that it is attached to that other fishing business.
- (4) Subclause (3) does not authorise a transfer of quota otherwise than in accordance with Part 2A of the Fisheries Management Supporting Plan set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

[12] Clause 113 Effect of contravention

Insert before clause 113 (1):

- (1A) This clause applies in respect of the transfer of shares in all share management fisheries.

[13] Clause 114 Approval of transfers by Secretary

Insert before clause 114 (1):

- (1A) This clause applies in respect of transfers of endorsements and shares in all restricted fisheries and share management fisheries.

[14] Part 8, Division 2, heading

Omit the heading. Insert instead:

Division 2 Fishing boat licences

[15] Clause 134

Omit the clause. Insert instead:

134 Declared commercial fishing boat activities

For the purposes of section 107 (2) of the Act, the following are commercial fishing boat activities for which a fishing boat licence is required (*declared commercial fishing boat activities*):

- (a) taking abalone for sale in the abalone fishery under an endorsement,

- (b) taking lobster for sale in the lobster fishery under an endorsement,
- (c) taking fish for sale in the ocean trawl fishery under an endorsement,
- (d) taking fish for sale in the ocean trap and line fishery under an endorsement,
- (e) taking fish for sale in the estuary general fishery under an endorsement using a boat that has a measured length exceeding 10 metres,
- (f) taking fish for sale in the estuary prawn trawl fishery under an endorsement using a boat that has a measured length exceeding 10 metres,
- (g) taking fish for sale in the ocean hauling fishery under a garfish net (hauling) endorsement or a pilchard, anchovy and bait net (hauling) endorsement using a boat that has a measured length exceeding 20 metres,
- (h) taking fish for sale in the ocean hauling fishery under a purse seine net endorsement,
- (i) taking fish for sale in a restricted fishery under an endorsement,
- (j) landing fish in New South Wales that were taken from other waters (after the boat departed from a port in New South Wales).

Note. It is a condition of an endorsement in some share management fisheries that the endorsement holder does not use a boat to take fish in the fishery if the boat exceeds a specified length unless exempted from that requirement under the share management plan for the fishery.

[16] Clause 135 Fee for application for issue of fishing boat licence

Omit clause 135 (1) and (2). Insert instead:

- (1) The fee payable for an application for the issue of a fishing boat licence is the amount specified in Schedule 8, subject to subclauses (3) and (4).
- (2) The fee payable is based on the maximum boat length specified on the licence rounded to the nearest centimetre (and an amount of 5 millimetres is to be rounded up).

[17] Clause 135 (6), definition of “licence fee”

Omit “subclause (2)”. Insert instead “subclause (1)”.

[18] Clause 136 Grounds for refusal to issue fishing boat licence

Omit clause 136 (a). Insert instead:

- (a) the applicant’s claim for a fishing boat licence is not, in the opinion of the Minister, historically connected to a boat that was licensed under the Act at 5 February 2007, or

[19] Clause 136 (d)

Omit the paragraph.

[20] Clause 136 (e)

Omit “(such as identifying particulars for the boat)”.

[21] Clauses 136 (f)

Omit “his or her”. Insert instead “the”.

[22] Clause 136 (2)

Insert at the end of the clause:

- (2) For the purposes of subclause (1) (a), the Minister is to determine whether or not an applicant's claim is historically connected to a boat that was licensed under the Act at 5 February 2007 having regard to the records, kept by the Secretary, of the issue or renewal of fishing boat licences by the Minister, the sale of licensed fishing boats by fishing boat owners and the transfer of fishing boat licences (including the right to a fishing boat licence) by fishing boat licence holders that have occurred since 5 February 2007.

[23] Clause 137 Form of licence

Omit clause 137 (2). Insert instead:

- (2) Without limiting subclause (1), a licence may specify the following:
- (a) the maximum length or maximum hull units that apply in respect of the boat authorised under the licence,
 - (b) the name of the boat,
 - (c) the identifying number for the boat,
 - (d) the measured length of the boat,
 - (e) the hull units for the boat,
 - (f) the hull identification number for the boat,
 - (g) the engine power of the boat,
 - (h) the name of the boat's home port,
 - (i) in the case of the following fisheries—any exemption code that applies in respect of the maximum boat length and the maximum boat length allowed under the exemption:
 - (i) estuary general fishery,
 - (ii) estuary prawn trawl fishery,
 - (iii) ocean hauling fishery,
 - (iv) ocean trap and line fishery,
 - (v) ocean trawl fishery,
 - (vi) southern fish trawl restricted fishery.

[24] Clause 138 Prescribed conditions of fishing boat licences

Omit clause 138 (1). Insert instead:

- (1) For the purposes of section 108 (4) (a) of the Act, the following conditions are prescribed:
- (a) the licensed fishing boat and any dinghy or other vessel that is carried on the boat must comply with the boat marking requirements in clause 146,
 - (b) the holder of the licence must not use a boat for declared commercial fishing boat activities that exceeds the maximum length or maximum hull units specified in the licence,
 - (c) the holder of the licence must notify the Secretary of any change to the information about the boat specified in the licence before using the boat for declared commercial fishing boat activities or within 7 days of the change, whichever occurs first,

- (d) the holder of the licence must notify the Minister, in writing, within 30 days of the licensed fishing boat being disposed of, destroyed or lost at sea.

[25] Clause 138 (3)

Omit the subclause.

[26] Clause 139 Renewal of fishing boat licence

Omit “his or her” from clause 139 (1). Insert instead “the”.

[27] Clause 139 (2) and (3)

Omit clause 139 (2) and (3). Insert instead:

- (2) The fee payable for an application for the renewal of a fishing boat licence is the amount specified in Schedule 8.
- (3) The fee payable is based on the maximum boat length specified on the licence rounded to the nearest centimetre (and an amount of 5 millimetres is to be rounded up).

[28] Clause 139 (4) (d)

Omit the paragraph.

[29] Clause 139 (4) (e)

Omit “(such as identifying particulars for the boat)”.

[30] Clause 140 Grounds for suspension or cancellation of fishing boat licence

Omit “any maximum boat specifications set out” from clause 140 (e).

Insert instead “the maximum length or maximum hull units specified”.

[31] Clause 140 (f) and (g)

Omit the paragraphs.

[32] Clauses 141 and 142

Omit the clauses.

[33] Clause 143 Transfer of fishing boat licence

Omit “the right to” wherever occurring in clause 143 (1)–(4).

[34] Clause 143 (6) and (7)

Omit the subclauses. Insert instead:

- (6) If the transfer of a fishing boat licence, which has an exemption from the maximum boat specifications specified on it, is approved, the transferee’s licence is to have the same exemption specified on it.

[35] Clause 143 (8)

Omit “(including on the ground that the boat does not comply with the maximum boat specifications set out on the licence)”.

[36] Clause 144 Boats taken to be licensed under the Act

Omit “section 107 (2)”. Insert instead “section 107 (4)”.

[37] Clause 144

Omit “licensed under the Act”. Insert instead “a licensed fishing boat under the Act”.

[38] Clause 145 Determining boat length and hull units

Omit clause 145 (1). Insert instead:

- (1) This clause applies for the purpose of determining the measured length and hull units of a boat.

[39] Clause 145 (2) and (5)

Omit “*Uniform Shipping Laws Code*” wherever occurring.

Insert instead “*National Standard for Commercial Vessels*”.

[40] Clause 145 (4)

Omit the subclause.

[41] Clause 145 (6)

Omit the subclause. Insert instead:

- (6) In this clause:
National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

[42] Clause 146 Boat marking requirements for commercial fishing boats

Omit “not licensed under the Act” wherever occurring.

Insert instead “not being used for a commercial fishing boat activity”.

[43] Clause 146 (3) and (4)

Insert after clause 146 (2):

- (3) For the purposes of section 109 of the Act:
 - (a) a boat being used for declared commercial fishing boat activities must display, on both sides of the outside of the bow or wheelhouse, the letters “LFB” followed by the identifier issued for the boat by the Secretary, and
 - (b) a boat being used for commercial fishing boat activities that have not been declared must display, on both sides of the outside of the bow or wheelhouse, the letters “LFB”, and
 - (c) a dinghy or other vessel carried on a boat being used for declared commercial fishing boat activities must display, on both sides of the outside of the dinghy or vessel, the letter “D” followed by the identifier issued for the boat by the Secretary, and
 - (d) a dinghy or other vessel carried on a boat being used for commercial fishing boat activities that have not been declared must display, on both sides of the outside of the dinghy or vessel, the letter “D”.
- (4) The markings must consist of clearly visible letters and figures that are of a colour that contrasts with that of the boat, dinghy or other vessel and that are:
 - (a) in the case of a boat that is more than 7.5 metres long and is used in ocean waters—not less than 300 mm in height and 150 mm in width, or

- (b) in the case of a dinghy or other vessel carried on any boat—not less than 50 mm in height, or
- (c) in the case of any other boat—not less than 150 mm in height.

[44] Clause 153 Unlicensed crew members must not sell fish

Renumber the clause as clause 133 and transfer to Division 1 of Part 8.

[45] Part 8, Division 3 Provisions relating to crew members

Omit the Division.

[46] Clause 154 Definitions

Omit the definition of *sea urchin entitlement holder*.

[47] Clause 154

Insert in alphabetical order:

sea urchin fishing business owner means the owner of a fishing business the components of which include a sea urchin endorsement.

[48] Clauses 163 (1), 164A (1) and 164B (1) and (2) (b)

Omit “sea urchin entitlement holders” wherever occurring.

Insert instead “sea urchin fishing business owners”.

[49] Clause 163 (3)

Omit “equally between sea urchin entitlement holders”.

Insert instead “to sea urchin fishing business owners equally between sea urchin fishing businesses”.

[50] Clause 164 (1) and (2)

Omit “the entitlement holder” wherever occurring.

Insert instead “the fishing business owner”.

[51] Clauses 163 (4), 164 (including the heading), 164A (2) (note) and 164B (2) (a)

Omit “sea urchin entitlement holder” wherever occurring.

Insert instead “sea urchin fishing business owner”.

[52] Clause 164A (2), note

Omit “entitlement holder’s” wherever occurring. Insert instead “fishing business owner’s”.

[53] Clause 164C Quota arrangements for 2017 fishing period

Omit the clause.

[54] Clause 174 Boat capacity restrictions

Omit “noted” from clause 174 (2) (b). Insert instead “specified”.

[55] Clause 174 (4)

Omit “length noted”. Insert instead “measured length specified”.

[56] Clause 216 Records to be made by commercial fishers

Insert after clause 216 (5):

- (5A) Despite subclause (5), a commercial fisher who engages in fishing activities in any fishery on behalf of the Fisheries Administration Ministerial Corporation is required to make a record under this clause in respect of those activities.

[57] Clause 217 Records to be made by fishing employers

Insert after clause 217 (5):

- (5A) The Fisheries Administration Ministerial Corporation is not required to make any records in respect of fishing activities engaged in by a nominated fisher on its behalf.

[58] Part 17, Division 4

Insert after Division 3 of Part 17:

Division 4 Miscellaneous

306 Fishing assets for Aboriginal fishing assistance programs

For the purposes of paragraph (c) of the definition of *fishing assets* in section 237B (11) of the Act, fishing assets includes the following:

- (a) a fishing business that has an endorsement in a restricted fishery as a component,
(b) an aquaculture lease granted by the Minister under section 163 of the Act.

[59] Schedule 7 Penalty notice offences

Omit the matter relating to offences against sections 107 (1) and 110 (9) of the Act from Part 1.

[60] Schedule 7, Part 1

Insert in appropriate order:

Section 107A (1)	\$500
Section 107B (4)	\$200
Section 109 (2)	\$500

[61] Schedule 7, Part 1

Omit “clause 138 (1) (b), (c) or (j)” from the matter relating to an offence against section 108 (7).

Insert instead “clause 138 (1) (a) or (d)”.

[62] Schedule 7, Part 2

Insert in appropriate order:

Clause 133 (1)	\$500
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[63] Schedule 7, Part 2

Omit the matter relating to offences against clauses 150 (1), 150 (2), 151 (2) and 153 (1).

[64] Schedule 8 Fees [as substituted by Fisheries Management Legislation Amendment (Fees, Charges and Contributions) Regulation 2018]

Omit items 19–24. Insert instead:

19	Application for issue of fishing boat licence under clause 135 (1):	
	(a) base fee, and	\$221
	(b) for each metre (or part of a metre rounded to nearest centimetre) by which maximum boat length specified on licence exceeds 3 metres	\$34
20	Application for renewal of fishing boat licence under clause 139 (2):	
	(a) base fee, and	\$62
	(b) for each metre (or part of a metre rounded to nearest centimetre) by which maximum boat length specified on licence exceeds 3 metres	\$34
21	Application for approval of transfer of fishing boat licence (clause 143 (3))	\$396

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

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

abalone share means a share in the abalone fishery.

lobster share means a share in the lobster fishery.

[2] Appendix, clause 4B Allocation of quota

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

(e) total allowable catch of abalone in the abalone fishery,

(f) total allowable catch of lobster in the lobster fishery.

[3] Appendix, clause 4B (6), paragraph (a) of the definition of “relevant shareholder”

Insert “(other than abalone or lobster) after “fish”.

[4] Appendix, clause 4B (6), definition of “relevant shareholder”

Insert at the end of paragraph (b):

, and

(c) in relation to the allocation of total allowable catch of abalone—a holder of abalone shares, and

(d) in relation to the allocation of total allowable catch of lobster—a holder of lobster shares.

[5] Appendix, clause 4C Transfer of quota

Insert at the end of the Table:

Abalone	Abalone shares
Lobster	Lobster shares

[6] Appendix, clause 4C (3A)

Insert after clause 4C (3):

(3A) A holder of lobster shares may not acquire by transfer more than twice the amount of the shareholder’s initial quota for the fishing period.

[7] Appendix, clause 11N Priority between endorsement holders using nets on recognised fishing grounds

Omit “licensed fishing” from clause 11N (1) (a).

[8] Appendix, clause 20 Fishing entitlements are subject to licence conditions

Omit “a fishing boat” from clause 20 (3). Insert instead “a boat”.

[9] Appendix, clause 20 (3)

Omit “the fishing boat licence”. Insert instead “a fishing boat licence”.

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

Insert after the subclause:

Note. Section 107 of the Act provides that a fishing boat licence is required to use a boat for commercial fishing boat activities that are declared by the regulations to be activities for which a fishing boat licence is required.

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

- [1] **Appendix, clauses 7–9**
Omit the clauses.
- [2] **Appendix, clause 14 TAF Committee to make TAC determination**
Re-number clause 14 as clause 35A.
- [3] **Appendix, Part 5 Total allowable catch and quota**
Omit the Part.
- [4] **Appendix, clause 23 Crew details to be recorded on daily log sheet**
Omit clause 23 (2).
- [5] **Appendix, clause 26 Boat marking requirements**
Omit clause 26 (1). Insert instead:
- (1) An endorsement holder must not use a boat to take abalone for sale unless the boat displays the letter “A” followed by the home port initials of the boat on both sides of the outside of the bow or wheelhouse in clearly visible letters that are of a colour that contrasts with that of the boat and that are:
 - (a) in the case of a boat that is more than 7.5 metres long—not less than 300 mm in height and 150 mm in width, or
 - (b) in the case of any other boat—not less than 150 mm in height.
- [6] **Clause 26 (3)**
Omit “the requirements of clause 138 (1) (b) of the *Fisheries Management (General) Regulation 2010* (which requires the letters “LFB” and other licence details to be displayed on a licensed fishing boat)”.
- Insert instead “any boat marking requirements in the *Fisheries Management (General) Regulation 2010*”.
- [7] **Appendix, clauses 27 (1) and 29 (1)**
Omit “licensed fishing” wherever occurring.
- [8] **Appendix, clause 39A Adoption of certain provisions of Supporting Plan**
Omit clause 39A (a) and (b). Insert instead:
- (a) Part 2A,
 - (b) Part 3,
 - (c) clause 21,
 - (d) clause 22.
- [9] **Appendix, clause 41 Quota arrangements for 2017 fishing period**
Omit the clause.
- [10] **Appendix, clause 42 General saving**
Omit clause 42 (3).

Schedule 4 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

- [1] **Appendix, clauses 7–9**
Omit the clauses.
- [2] **Appendix, clause 14 TAF Committee to make TAC determination**
Re-number clause 14 as clause 52A.
- [3] **Appendix, Part 5 Total allowable catch and quota**
Omit the Part.
- [4] **Appendix, clause 23 Unauthorised use of tag**
Omit “licensed fishing” from clause 23 (b).
- [5] **Appendix, clause 41 Traps to be used only if endorsement holder’s quota has not been taken**
Omit “in accordance with clause 19” from clause 41 (1) (a).
Insert instead “by means of a transfer”.
- [6] **Appendix, clause 44 Use of fishing boats**
Omit clause 44 (1). Insert instead:
- (1) An endorsement holder must not use a boat to take rock lobster for sale unless the boat displays the letters “RL” immediately before “LFB” on both sides of the outside of the bow or wheelhouse in clearly visible letters that are of a colour that contrasts with that of the boat and that are:
 - (a) in the case of a boat that is more than 7.5 metres long—not less than 300 mm in height and 150 mm in width, or
 - (b) in the case of any other boat—not less than 150 mm in height.
 - (1A) This clause applies in addition to any boat marking requirements in the *Fisheries Management (General) Regulation 2010*.
- [7] **Appendix, clause 44 (2)**
Omit “licensed fishing” wherever occurring.
- [8] **Appendix, clause 44, note**
Omit the note.
- [9] **Appendix, clause 56A Adoption of certain provisions of Supporting Plan**
Omit clause 56A (a) and (b). Insert instead:
- (a) Part 2A,
 - (b) Part 3,
 - (c) clause 21,
 - (d) clause 22.
- [10] **Appendix, clause 59 General saving**
Omit 59 (4).

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

[1] Appendix, clause 6D Appeals to Share Appeal Panel

Omit clause 6D (1). Insert instead:

(1) A person who has been issued with quota shares of a particular class may appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of that class issued to the person.

(1A) However, a person may not appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of a particular class issued to the person if the person has transferred any of those quota shares.

Note. A person to whom quota shares are transferred may not appeal under this clause.

[2] Appendix, clause 13 Boat capacity restrictions

Omit "noted" from clause 13 (2) (b). Insert instead "specified".

[3] Appendix, clause 13 (4)

Omit "length noted". Insert instead "measured length specified".

[4] Appendix, clauses 22 (6) (a), 35F (1) (a), 35L (2) (definition of "appropriate fishing gear") and 36 (3) (b)

Omit "licensed fishing" wherever occurring.

[5] Appendix, clause 36 Taking fish with the assistance of others

Omit "a licensed fishing boat while the boat is being used" from clause 36 (3) (a).

Insert instead "a boat being used".

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

[1] Appendix, clause 6D Appeals to Share Appeal Panel

Omit clause 6D (1). Insert instead:

- (1) A person who has been issued with quota shares of a particular class may appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of that class issued to the person.
- (1A) However, a person may not appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of a particular class issued to the person if the person has transferred any of those quota shares.
Note. A person to whom quota shares are transferred may not appeal under this clause.

[2] Appendix, clause 18 Boat capacity restrictions

Omit "noted" from clause 18 (2) (b). Insert instead "specified".

[3] Appendix, clause 18 (4)

Omit "length noted". Insert instead "measured length specified".

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

Omit "licensed fishing" from clause 18C (1) (a).

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

[1] Appendix, clause 5D Appeals to Share Appeal Panel

Omit clause 5D (1). Insert instead:

(1) A person who has been issued with quota shares of a particular class may appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of that class issued to the person.

(1A) However, a person may not appeal to the Share Appeal Panel against the Minister's determination of the number of quota shares of a particular class issued to the person if the person has transferred any of those quota shares.

Note. A person to whom quota shares are transferred may not appeal under this clause.

[2] Appendix, clause 9 Taking of deepwater species of fish

Omit "hapuka" from clause 9 (d). Insert instead "hapuku".

[3] Appendix, clause 9 (e)

Omit "bass groper". Insert instead "bass grouper".

[4] Appendix, clause 10 Boat capacity restrictions

Omit "noted" from clause 10 (2) (b). Insert instead "specified".

[5] Appendix, clause 10 (4)

Omit "length noted". Insert instead "measured length specified".

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

[1] Appendix, clause 9 Boat capacity restrictions

Omit “noted” from clause 9 (2) (b). Insert instead “specified”.

[2] Appendix, clause 9 (4)

Omit “length noted”. Insert instead “measured length specified”.

Schedule 9 Amendment of Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

[1] Appendix, clause 18 Boat capacity restrictions

Omit “noted” from clause 18 (2) (b). Insert instead “specified”.

[2] Appendix, clause 18 (4)

Omit “length noted”. Insert instead “measured length specified”.