



New South Wales

Fisheries Management Legislation Further 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 as follows:

- (a) to provide for the creation and issue of new shares in the estuary general, ocean hauling, ocean trap and line and ocean trawl share management fisheries (referred to as *quota shares*),
- (b) to provide for the allocation and transfer of quota shares among the relevant shareholders,
- (c) to require fishing determinations of the total allowable catch of certain species, and of the total allowable fishing effort for prawn fishing, to be made in the estuary general, ocean hauling, ocean trap and line and ocean trawl share management fisheries,
- (d) to require the Secretary of the Department of Industry (the *Secretary*) to allocate various fishing determinations as quota among the holders of quota shares in the estuary general, ocean hauling, ocean trap and line and ocean trawl share management fisheries,
- (e) to introduce bag limits for various species of fish in the estuary general, ocean hauling, ocean trap and line, ocean trawl and lobster share management fisheries,
- (f) to set out the information about fishing activities and catch that fishers in the estuary general, ocean hauling, ocean trap and line and ocean trawl share management fisheries are required to provide to the Secretary via the real time reporting system,
- (g) to further provide for the rights of priority of endorsement holders using prawn nets (set pocket) and prawn running nets in the estuary general share management fishery,
- (h) to make various other minor and miscellaneous amendments.

This Regulation amends the following Regulations:

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

(g) the *Fisheries Management (Lobster Share Management Plan) Regulation 2000*.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 17 (1), 17B (1) (a), 21 (1) (d), 23, 24 (1), 40, 40B, 40Q, 40T, 40U, 60, 65, 68 (6A), 71A, 84, 90 (1) (e), 107, 124A, 276 and 289 (the general regulation-making power).

Fisheries Management Legislation Further Amendment Regulation 2018

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Further Amendment 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 this clause.
- (2) Schedule 1 [11]–[13], [18], [19] and [21] commences on 1 July 2019.
- (3) Schedules 2 [12], [13] and [16], 3 [10], [12], [14] and [15], 4 [5] (to the extent that it inserts clause 5G), [6]–[13] and [15], 5 [2] and [3] and 7 commence on 1 May 2019.

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

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

quota share—see clause 6A.

[2] Appendix, clause 5 Classes of share

Omit “There are 66 classes of share available in the fishery, being the following classes”.

Insert instead “The following classes of shares are available in the fishery”.

[3] Appendix, clause 5 (m)–(p)

Insert after clause 5 (l):

- (m) Estuary general—pipi quota shares,
- (n) Estuary general—beachworm quota shares,
- (o) Estuary general—cockle quota shares,
- (p) Estuary general—ghost nipper quota shares.

[4] Appendix, clause 5, note

Omit “paragraphs (j)–(l)”. Insert instead “paragraphs (j)–(p)”.

[5] Appendix, clause 6A New classes of shares

Insert after clause 6A (1) (c):

- (d) Estuary general—pipi quota shares,
- (e) Estuary general—beachworm quota shares,
- (f) Estuary general—cockle quota shares,
- (g) Estuary general—ghost nipper quota shares.

[6] Appendix, clause 6B Allocation of quota shares—first issue

Omit “with quota shares” from clause 6B (1).

Insert instead “with the quota shares specified in Column 1 of the Table to subclause (2)”.

[7] Appendix, clause 6B (3)

Insert “under this clause” after “shareholder”.

[8] Appendix, clause 6BA

Insert after clause 6B:

6BA Allocation of quota shares—second issue

- (1) A person is eligible to be issued with the quota shares specified in Column 1 of the Table to this clause if the person is an eligible shareholder in relation to those shares.
- (2) A person is an *eligible shareholder* in relation to a class of quota shares specified in Column 1 if, at 12 noon on 28 September 2018, the person holds shares of a class specified opposite in Column 2.

- (3) However, a person is not an eligible shareholder in relation to estuary general—pipi quota shares, cockle quota shares or ghost nipper quota shares if:
- (a) the person holds an endorsement that authorises the taking of beachworm (but not pipi, cockle or ghost nipper), or
 - (b) the shares of a class specified in Column 2 held by the person are part of a fishing business a component of which is an endorsement that authorises the taking of beachworm (but not pipi, cockle or ghost nipper).
- (4) The Minister is to determine the number of quota shares to be issued to each eligible shareholder under this clause.
- (5) The determination is to be made on the basis of the allocation formula set out in Schedule 2.

Table Eligibility for quota shares

Column 1	Column 2
Quota shares	Existing shares
Estuary general—pipi quota shares	Estuary general—hand gathering shares—Regions 1–7
Estuary general—cockle quota shares	Estuary general—hand gathering shares—Regions 1–7
Estuary general—ghost nipper quota shares	Estuary general—hand gathering shares—Regions 1–7
Estuary general—beachworm quota shares	Estuary general—hand gathering shares—Regions 1–7

[9] Appendix, clause 6C Issue of quota shares

Omit “the determination under clause 6B” from clause 6C (1).

Insert instead “a determination under clause 6B or 6BA”.

[10] Appendix, clause 6EA

Insert after clause 6E:

6EA TAC determinations required to be made

- (1) A determination of the total allowable catch (a *TAC determination*) of each of the following species is required to be made:
- (a) pipi (*Donax deltoides*),
 - (b) beachworm (Class: *Polychaeta*),
 - (c) cockle (Family: *Arcidae/Veneridae*),
 - (d) ghost nipper (*Trypaea australiensis*).
- Note.** Under section 40C (3), the Minister may direct either the TAF Committee or the Secretary to make the fishing determinations (subject to some limitations).
- (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.

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

Insert after clause 6F (1) (c):

- (d) pipi (*Donax deltoides*),
- (e) beachworm (Class: *Polychaeta*),
- (f) cockle (Family: *Arcidae/Veneridae*),
- (g) ghost nipper (*Trypaea australiensis*).

[12] Appendix, clause 14C Storage of eels, crabs and cockles

Insert after clause 14C (2):

- (3) For the purposes of section 68 (6A) of the Act, it is a condition of a hand gathering endorsement that the endorsement holder does not store any live cockles taken, or possess any device used to store live cockles, in, on, or adjacent to, any waters in which commercial fishing for cockles is prohibited.

[13] Appendix, clause 14D Use of holding pens

Insert after clause 14D (1) (c):

- (d) cockle.

[14] Appendix, clause 24 Prawn net (set pocket)

Omit clause 24 (3) (a).

[15] Appendix, Part 7 Fishing gear

Omit Division 2.

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

Omit “or 4” from clause 35F (5).

[17] Appendix, Part 7A, Divisions 3 and 4

Omit the Divisions. Insert instead:

Division 3 Rights of priority for prawn nets (set pocket) and prawn running nets

35G Preliminary

- (1) This Division applies to:
 - (a) the use of prawn nets (set pocket) in the Myall River, the Clarence River and any other waters in which they may lawfully be used, and
 - (b) the use of prawn running nets in the following waters:
 - (i) Coila Lake,
 - (ii) Lake Brou,
 - (iii) Corunna Lake,
 - (iv) Tilba Tilba Lake,
 - (v) Cuttagee Lake,
 - (vi) Middle Lake (Bega),
 - (vii) Wallaga Lake.

- (2) In this Division:
net site means a position in waters to which this Division applies at which a prawn net (set pocket) or prawn running net may be used.
preliminary determination—see clause 35H.
priority determination and *priority determination ballot*—see clause 35I.

35H Preliminary determinations by fisheries officers

- (1) A fisheries officer may determine from time to time:
- (a) the number of prawn nets (set pocket) or prawn running nets that may be used in the waters that the fisheries officer supervises, and
 - (b) the net sites, and
 - (c) the setting times for the prawn nets (set pocket).
- (2) A determination under this clause (a *preliminary determination*) has effect for the period specified in the determination.
- (3) The fisheries officer must notify endorsement holders of a preliminary determination made under this clause in the manner required by guidelines issued by the Secretary under this Division.

35I Guidelines of Secretary for priority determinations

- (1) The Secretary is to issue guidelines for the manner in which priority between endorsement holders fishing in waters to which this Division applies is to be determined.
- (2) The guidelines may require endorsement holders to make, from time to time, a determination as to the rights of priority between endorsement holders working in waters to which this Division applies (a *priority determination*).
- (3) Without limiting the above, the guidelines may require a priority determination to be made by ballot (a *priority determination ballot*) or by some other method specified in the guidelines.
- (4) A priority determination for waters to which this Division applies must be made in accordance with the guidelines issued by the Secretary.
- (5) A priority determination is to be notified to a fisheries officer in the manner specified in the guidelines issued by the Secretary.
- (6) A priority determination, once notified to a fisheries officer, is final and conclusive.
- (7) A person must not participate in any priority determination ballot unless the person holds an endorsement authorising the person to take prawns using a prawn net (set pocket) or prawn running net (as the case requires) in the waters to which the priority determination applies.
Maximum penalty: 100 penalty units.

35J Priority determination ballots

- (1) The Secretary is to allocate, by instrument in writing, the number of votes that may be cast in a priority determination ballot on behalf of each estuary general prawning fishing business (the *ballot allowance*).
- (2) The Secretary is to determine the ballot allowance for each estuary general prawning fishing business in accordance with any guidelines approved by the Minister and published in the Gazette.

- (3) The Secretary is to notify the owner of each estuary general prawning fishing business of the ballot allowance for the business.
- (4) A fishing business owner who is notified of a ballot allowance by the Secretary under this clause must, as soon as reasonably practicable, ensure that each nominated fisher of the fishing business is notified of the ballot allowance.
- (5) For the purposes of section 65 of the Act, contravention of subclause (4) is an offence.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of a prawning endorsement that the endorsement holder does not participate in any priority determination ballot otherwise than in accordance with the ballot allowance for the relevant fishing business.
- (7) In this clause:
estuary general prawning fishing business means an estuary general fishing business that has estuary general—prawning shares—regions 1–7 as a component.

35K Minimum requirements for priority determinations

- (1) A priority determination must be made in writing and must set out, in relation to the waters to which it applies:
 - (a) the endorsement holder who has priority at each net site in the waters,
 - (b) the period during which that endorsement holder has priority.
- (2) A priority determination must be consistent with any preliminary determination made by a fisheries officer.

35L Use of prawn net (set pocket) following priority determination

- (1) A person must not use a prawn net (set pocket) at any position or at any time unless that person is entitled to use the net at that position and at that time under a priority determination.
- (2) The turn of an endorsement holder using a prawn net (set pocket) pursuant to a priority determination endures from sunset to sunrise or as determined by a fisheries officer.
- (3) This clause does not prevent an endorsement holder entitled to use a prawn net (set pocket) from receiving assistance in the use of the net from a holder of a prawning endorsement for the same region in accordance with clause 42.

35M Use of prawn running net following priority determination

If an endorsement holder who has the right of priority has not arrived at a net site by 7 pm (daylight saving time) or 6 pm (Eastern Standard Time) on any night, any other endorsement holder that has arrived at the site is entitled to use a prawn running net at the site on that night.

[18] Appendix, clause 44A

Insert after clause 44:

44A Reports of pipi, beachworm, cockle and ghost nipper catch

- (1) For the purposes of section 124A (1) of the Act, a holder of a hand gathering endorsement is required to provide the following information to the Secretary in relation to each catch of pipi, beachworm, cockle or ghost nipper 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 of pipi or cockle or the number of beachworm or ghost nipper in the catch,
 - (e) where the endorsement holder landed the catch or moved the catch above the relevant mean high water mark.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch report for pipi and beachworm must be made:
- (a) before the endorsement holder moves more than 50 metres from the relevant mean high water mark, or
 - (b) before any of the catch is placed in a boat, premises or vehicle (other than a vehicle into which the catch is placed immediately after being taken), or
 - (c) within 30 minutes after the catch is moved above the relevant mean high water mark,
- whichever occurs first.
- (3) For the purposes of section 124A (3) (a) of the Act, a catch report for cockle and ghost nipper that is placed into a boat immediately after being taken 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 placed in a holding pen or removed from the boat, or
 - (c) within 30 minutes of the endorsement holder landing the catch,
- whichever occurs first.
- (4) For the purposes of section 124A (3) (a) of the Act, a catch report for cockle and ghost nipper that is not placed into a boat after being taken must be made:
- (a) before the endorsement holder moves more than 50 metres from the relevant mean high water mark, or
 - (b) before any of the catch is placed in a vehicle or premises, or
 - (c) before any of the catch is placed in a holding pen, or
 - (d) within 30 minutes after the catch is moved above the relevant mean high water mark,
- whichever occurs first.
- (5) Despite subclause (3), a catch report for cockle and ghost nipper that is placed into a boat immediately after being taken 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.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of a hand gathering endorsement that the endorsement holder:
- (a) must remain in the immediate vicinity of the catch until the catch report has been made, and
 - (b) in the case of a catch of cockle or ghost nipper that is placed into a boat immediately after being taken—must not remove the catch from the boat, other than for the sole purpose of weighing the catch in accordance with subclause (5).
- (7) For the purposes of section 65 of the Act, contravention of subclause (6) is an offence.
- (8) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.
- (9) In this clause, *relevant mean high water mark*, in relation to a catch, means the mean high water mark of the beach or estuary from which the catch was taken.

[19] Appendix, clause 47A

Insert after clause 47:

47A 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.

[20] **Appendix, Schedule 2**

Insert after Schedule 1:

Schedule 2 Allocation of quota shares

1 Definitions

In this Schedule:

catch means the total amount of a particular species of fish taken by an eligible shareholder as determined by the Secretary under clause 2.

eligible shareholder means a holder of estuary general—hand gathering shares in any region who is an eligible shareholder within the meaning of clause 6BA of Part 3A for the class of quota shares concerned.

reporting period means:

- (a) for pipi quota shares—the period commencing on 1 July 2012 and ending on 30 June 2017 (both dates inclusive), and
- (b) for all other quota shares—the period commencing on 1 July 2009 and ending on 30 June 2017 (both dates inclusive).

2 Secretary to determine catch

- (1) For the purposes of each allocation formula in this Schedule, the Secretary is to determine the catch of pipi, ghost nipper, cockle and beachworm in accordance with this clause.
- (2) The catch of a species taken by an eligible shareholder is the catch attributable to a fishing business owned by the shareholder at 12 noon on 28 September 2018 and is to be determined on the basis of the records of fishing activities relating to the taking of that species that have been provided to the Secretary under sections 121 and 122 of the Act for the reporting period.
- (3) The Secretary is to:
 - (a) disregard any catch taken during the reporting period that is attributable to a fishing business no longer owned by the shareholder at 12 noon on 28 September 2018, and
 - (b) take account of any catch taken during the reporting period that is attributable to the shareholder because the shareholder acquired shares of the same class under special arrangements for fishing business buyouts during the Department's program known as the Adjustment Subsidy Program.
- (4) For the purposes of determining the catch of a species taken by an eligible shareholder and by all eligible shareholders (referred to as C_i and C_a in the formula in clauses 4 and 5), the Secretary is to disregard the shareholder's lowest catch of the species for a 12-month period (commencing on 1 July) taken within the reporting period.

3 Step 1—Allocation of quota shares among regions

The total number of quota shares for a particular species to be allocated to each region of the fishery is the number determined in accordance with the following formula:

$$Q_r = \frac{C_r}{C_{ar}} \times Q_t$$

where:

Q_r is the total number of quota shares for a particular species to be allocated to the region (“r”) of the fishery.

C_r is the total catch of the particular species in the region by all eligible shareholders for the reporting period.

C_{gr} is the total catch of the particular species in all regions of the fishery by all eligible shareholders for the reporting period.

Q_t is the total number of quota shares for the particular species issued under Part 3A (before any rounding under step 2).

4 Step 2—Allocation of pipi quota shares among eligible shareholders in a region

The number of pipi quota shares to be allocated to each eligible shareholder in a region is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.2 \times \frac{S_r}{S_t} \right) + \left(0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of pipi quota shares to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of hand gathering shares held by the eligible shareholder for the region.

S_t is the total number of hand gathering shares held by all eligible shareholders for the region.

C_i is the total catch of pipi in the region by the eligible shareholder for the reporting period.

C_a is the total catch of pipi in the region by all eligible shareholders for the reporting period.

Q_r is the total number of pipi quota shares for the region as determined under clause 3 (before any rounding under this step).

5 Step 2—Allocation of other quota shares among eligible shareholders in a region

The number of quota shares for ghost nipper, cockle and beachworm to be allocated to each eligible shareholder in a region is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.05 \times \frac{S_r}{S_t} \right) + \left(0.95 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of quota shares for the particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of hand gathering shares held by the eligible shareholder for the region.

S_t is the total number of hand gathering shares held by all eligible shareholders for the region.

C_i is the total catch of the particular species in the region by the eligible shareholder for the reporting period.

C_a is the total catch of the particular species in the region by all eligible shareholders for the reporting period.

Q_r is the total number of quota shares for the particular species for the region as determined under clause 3 (before any rounding under this step).

[21] Appendix, Schedule 3

Insert after Schedule 2:

Schedule 3 Bag limits

(Clause 47A)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Pipi (<i>Donax deltoides</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) handline, (b) meshing, (c) prawning, (d) trapping, (e) mud crab trapping, (f) category one hauling, (g) category two hauling. 	All waters.
Cockle spp. (Family: <i>Arcidae/Veneridae</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) handline, (b) meshing, (c) prawning, (d) trapping, (e) mud crab trapping, (f) category one hauling, (g) category two hauling. 	All waters.
Beachworm spp. (Class: <i>Polychaeta</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) handline, (b) meshing, (c) prawning, (d) trapping, (e) mud crab trapping, (f) category one hauling, (g) category two hauling. 	All waters.

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Ghost nipper (<i>Trypaea australiensis</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) handline, (b) meshing, (c) prawning, (d) trapping, (e) mud crab trapping, (f) category one hauling, (g) category two hauling. 	All waters.
Bluespotted flathead. (<i>Platycephalus caeruleopunctatus</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) handline, (b) meshing, (c) trapping, (d) mud crab trapping, (e) category one hauling. 	All waters.

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

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

quota share—see clause 6A.

[2] Appendix, clause 5 Classes of share

Omit “There are 30 classes of share available in the fishery, being the following classes” from clause 5.

Insert instead “The following classes of shares are available in the fishery”.

[3] Appendix, clause 5 (g)–(i)

Insert after clause 5 (f):

- (g) Ocean hauling—Australian sardine quota shares,
- (h) Ocean hauling—blue mackerel quota shares,
- (i) Ocean hauling—yellowtail scad quota shares.

[4] Appendix, clause 5, note

Omit “paragraph (f) were issued as a further class”.

Insert instead “paragraphs (f)–(i) were issued as further classes”.

[5] Appendix, clause 6A New classes of shares

Omit clause 6A (1). Insert instead:

- (1) The following classes of shares are available in the fishery:
 - (a) Ocean hauling—eastern sea garfish quota shares,
 - (b) Ocean hauling—Australian sardine quota shares,
 - (c) Ocean hauling—blue mackerel quota shares,
 - (d) Ocean hauling—yellowtail scad quota shares.

[6] Appendix, clause 6B Allocation of quota shares—first issue

Omit “quota shares” from clause 6B (1).

Insert instead “ocean hauling—eastern sea garfish quota shares”.

[7] Appendix, clause 6B (3)

Insert “under this clause” after “shareholder”.

[8] Appendix, clause 6BA

Insert after clause 6B:

6BA Allocation of quota shares—second issue

- (1) A person is eligible to be issued with the quota shares specified in Column 1 of the Table to this clause if the person is an eligible shareholder in relation to those shares.

- (2) A person is an *eligible shareholder* in relation to a class of quota shares specified in Column 1 if, at 12 noon on 28 September 2018, the person holds shares of the class specified opposite in Column 2.
- (3) The Minister is to determine the number of quota shares to be issued to each eligible shareholder under this clause.
- (4) The determination is to be made on the basis of the allocation formula set out in Schedule 5.

Table Eligibility for quota shares

Column 1	Column 2
Quota shares	Existing shares
Ocean hauling—Australian sardine quota shares	Ocean hauling—purse seine net shares
Ocean hauling—blue mackerel quota shares	Ocean hauling—purse seine net shares
Ocean hauling—yellowtail scad quota shares	Ocean hauling—purse seine net shares

[9] Appendix, clause 6C Issue of quota shares

Omit “the determination under clause 6B” from clause 6C (1).

Insert instead “a determination under clause 6B or 6BA for each class of quota shares”.

[10] Appendix, clause 6E

Insert after clause 6E:

6EA TAC determinations required to be made

- (1) A determination of the total allowable catch (a *TAC determination*) of each of the following species is required to be made:
 - (a) Australian sardine (*Sardinops neopilchardus*),
 - (b) blue mackerel (*Scomber australasicus*),
 - (c) yellowtail scad (*Trachurus novaezelandiae*).

Note. Under section 40C (3), the Minister may direct either the TAF Committee or the Secretary to make the fishing determinations (subject to some limitations).
- (2) A TAC determination is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.

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

Insert “(*Hyporhamphus australis*)” after “garfish” in clause 6F (1).

[12] Appendix, clause 6F (1A)

Insert after clause 6F (1):

- (1A) For the purposes of section 68 (6A) of the Act, it is a condition of a purse seine net endorsement that the endorsement holder does not take any of the following species in the fishery unless the endorsement holder has quota for that species:
 - (a) Australian sardine (*Sardinops neopilchardus*),

- (b) blue mackerel (*Scomber australasicus*),
- (c) yellowtail scad (*Trachurus novaezelandiae*).

[13] Appendix, clause 24A

Insert after clause 24:

24A Reports to be made by purse seine net endorsement holders

- (1) For the purposes of section 124A (1) of the Act, a holder of a purse seine net endorsement is required to provide the following information to the Secretary in relation to each catch of Australian sardine, blue mackerel or yellowtail scad 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) the species of fish,
 - (e) an estimate of the weight of the catch,
 - (f) where the endorsement holder proposes to land the catch.
- (2) For the purposes of section 124A (3) (a), a catch estimate report must be made:
 - (a) before any of the catch is taken out of New South Wales, or
 - (b) before any of the catch is removed from the boat,whichever occurs first.
- (3) For the purposes of section 124A (1) of the Act, a holder of a purse seine net endorsement is required to provide the following information to the Secretary in relation to each catch 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.
- (4) For the purposes of section 124A (3) (a), a final catch report must be made:
 - (a) before any of the catch is taken out of New South Wales, or
 - (b) within 72 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 purse seine net endorsement that the endorsement holder must remain in possession 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 is to be determined by accurate scales and rounded to 1 decimal place.

[14] Appendix, clause 25 Reporting when real time reporting system not available

Omit “a holder of a garfish net (hauling) endorsement cannot make a catch estimate report or a final catch report”.

Insert instead “an endorsement holder cannot make a report as required under this Part”.

[15] Appendix, Schedule 4 Bag limits

Omit “ocean” wherever occurring in Column 4.

[16] Appendix, Schedule 4

Insert at the end of the Schedule:

Australian sardine (<i>Sardinops neopilchardus</i>).	0.	Hauling net (general purpose) endorsement holders in any region and garfish net (hauling) endorsement holders in any region.	All waters.
Bass grouper (<i>Polyprion americanus</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net. 	All waters.
Hapuku (<i>Polyprion oxygeneios</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net. 	All waters.
Bigeye ocean perch (<i>Helicolenus barathri</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net. 	All waters.
Blue-eye trevalla (<i>Hyperoglyphe antarctica</i>).	0.	Holders of the following endorsements in any region: <ul style="list-style-type: none"> (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net. 	All waters.

Pink ling (<i>Genypterus blacodes</i>).	0.	Holders of the following endorsements in any region: (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net.	All waters.
Gemfish (<i>Rexea solandri</i>).	0.	Holders of the following endorsements in any region: (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net.	All waters.
Tiger flathead (<i>Platycephalus richardsoni</i>).	0.	Hauling net (general purpose) endorsement holders in any region.	All waters.
Bluepotted flathead (<i>Platycephalus caeruleopunctatus</i>).	0.	Hauling net (general purpose) endorsement holders in any region.	All waters.
Eastern school whiting (<i>Silago flindersi</i>).	0.	Holders of the following endorsements in any region: (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net.	All waters.
Stout whiting (<i>Silago robusta</i>).	0.	Holders of the following endorsements in any region: (a) hauling net (general purpose), (b) garfish net (hauling), (c) pilchard, anchovy and bait net (hauling), (d) purse seine net.	All waters.

[17] Appendix, Schedule 5

Insert after Schedule 4:

Schedule 5 Allocation of quota shares

1 Definitions

In this Schedule:

catch means the total amount of a particular species of fish taken by an eligible shareholder as determined by the Secretary under clause 2.

eligible shareholder means a holder of ocean hauling—purse seine net shares who is an eligible shareholder within the meaning of clause 6BA of Part 3A for the class of quota shares concerned.

reporting period means the period commencing on 1 July 2009 and ending on 30 June 2017 (both dates inclusive).

2 Secretary to determine catch

- (1) For the purposes of the allocation formula in this Schedule, the Secretary is to determine the catch of Australian sardine, blue mackerel and yellowtail scad in accordance with this clause.
- (2) The catch of a species taken by an eligible shareholder is the catch attributable to a fishing business owned by the shareholder at 12 noon on 28 September 2018 and is to be determined on the basis of the records of fishing activities relating to the taking of that species that have been provided to the Secretary under sections 121 and 122 of the Act for the reporting period.
- (3) The Secretary is to:
 - (a) disregard any catch taken during the reporting period that is attributable to a fishing business no longer owned by the shareholder at 12 noon on 28 September 2018, and
 - (b) take account of any catch taken during the reporting period that is attributable to the shareholder because the shareholder acquired shares of the same class under special arrangements for fishing business buyouts during the Department's program known as the Adjustment Subsidy Program.
- (4) For the purposes of determining the catch of a species taken by an eligible shareholder and by all eligible shareholders (referred to as C_i and C_a in the formula in clause 3), the Secretary is to disregard the shareholder's lowest catch of the species for a 12-month period (commencing on 1 July) taken within the reporting period.

3 Allocation of quota shares among eligible shareholders

The number of quota shares for a particular species to be allocated to each eligible shareholder is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.2 \times \frac{S_r}{S_t} \right) + \left(0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of quota shares for a particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of purse seine net shares held by the eligible shareholder.

S_t is the total number of purse seine net shares held by all eligible shareholders.

C_i is the total catch of the particular species by the eligible shareholder for the reporting period.

C_a is the total catch of the particular species by all eligible shareholders for the reporting period.

Q_r is the total number of quota shares for the particular species issued under Part 3A (before any rounding under this clause).

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

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

quota share—see clause 5A.

[2] Appendix, clause 4 Classes of share

Insert after clause 4 (g):

- (h) Ocean trap and line—bass grouper quota shares,
- (i) Ocean trap and line—blue-eye trevalla quota shares,
- (j) Ocean trap and line—gemfish quota shares,
- (k) Ocean trap and line—hapuku quota shares,
- (l) Ocean trap and line—pink ling quota shares,
- (m) Ocean trap and line—bigeye ocean perch quota shares.

[3] Appendix, clause 4, note

Omit “paragraph (g) were issued as a further class”.

Insert instead “paragraphs (g)–(m) were issued as further classes”.

[4] Appendix, clause 5A New classes of shares

Omit clause 5A (1). Insert instead:

- (1) The following classes of shares are available in the fishery:
 - (a) Ocean trap and line—spanner crab quota shares,
 - (b) Ocean trap and line—bass grouper quota shares,
 - (c) Ocean trap and line—blue-eye trevalla quota shares,
 - (d) Ocean trap and line—gemfish quota shares,
 - (e) Ocean trap and line—hapuku quota shares,
 - (f) Ocean trap and line—pink ling quota shares,
 - (g) Ocean trap and line—bigeye ocean perch quota shares.

[5] Appendix, clause 5B Allocation of quota shares—first issue

Omit “quota shares” from clause 5B (1).

Insert instead “ocean trap and line—spanner crab quota shares”.

[6] Appendix, clause 5B (3)

Insert “under this clause” after “shareholder”.

[7] Appendix, clause 5BA

Insert after clause 5B:

5BA Allocation of quota shares—second issue

- (1) A person is eligible to be issued with the quota shares specified in Column 1 of the Table to this clause if the person is an eligible shareholder in relation to those shares.

- (2) A person is an *eligible shareholder* in relation to a class of quota shares specified in Column 1 if, at 12 noon on 28 September 2018, the person holds shares of a class specified opposite in Column 2.
- (3) The Minister is to determine the number of quota shares to be issued to each eligible shareholder under this clause.
- (4) The determination is to be made on the basis of the allocation formula set out in Schedule 4.

Table Eligibility for quota shares

Column 1	Column 2
Quota shares	Existing shares
Ocean trap and line—bass grouper quota shares	Ocean trap and line—line fishing eastern zone shares
Ocean trap and line—blue-eye trevalla quota shares	Ocean trap and line—line fishing eastern zone shares
Ocean trap and line—gemfish quota shares	Ocean trap and line—line fishing eastern zone shares
Ocean trap and line—hapuku quota shares	Ocean trap and line—line fishing eastern zone shares
Ocean trap and line—pink ling quota shares	Ocean trap and line—line fishing eastern zone shares
Ocean trap and line—bigeye ocean perch quota shares	Ocean trap and line—line fishing eastern zone shares

[8] Appendix, clause 5C Issue of quota shares

Omit “the determination under clause 5B” from clause 5C (1).

Insert instead “a determination under clause 5B or 5BA for each class of quota shares”.

[9] Appendix, clause 5E

Omit clause 5E. Insert instead:

5E TAC determinations required to be made

- (1) A determination of the total allowable catch (a *TAC determination*) of each of the following species is required to be made:
 - (a) spanner crab (*Ranina ranina*),
 - (b) bass grouper (*Polyprion americanus*),
 - (c) blue-eye trevalla (*Hyperoglyphe antarctica*),
 - (d) gemfish (*Rexea solandri*),
 - (e) hapuku (*Polyprion oxygeneios*),
 - (f) pink ling (*Genypterus blacodes*),
 - (g) bigeye ocean perch (*Helicolenus barathri*).

Note. Under section 40C (3) of the Act, the Minister may direct either the TAF Committee or the Secretary to make the fishing determinations (subject to some limitations).

- (2) A TAC determination is to be made in respect of each of the following periods or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group:
- (a) in the case of spanner crab—12 months commencing on 1 July and ending on 30 June in the following year,
 - (b) in any other case—12 months commencing on 1 May and ending on 30 April in the following year.
- (3) A TAC determination for gemfish is not required to be made under this clause in respect of the fishing period commencing on 1 May 2019 and ending on 30 April 2020.

Note. For the period commencing on 1 May 2019 and ending on 30 April 2020, a TAC determination for gemfish in the ocean trap and line and ocean trawl fisheries jointly is required to be made. See clause 27 of the Supporting Plan.

[10] Appendix, clause 5F Taking fish without quota

Insert after clause 5F (1):

- (1A) 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 take any of the following species in the fishery unless the endorsement holder has quota for that species:
- (a) bass grouper (*Polyprion americanus*),
 - (b) blue-eye trevalla (*Hyperoglyphe antarctica*),
 - (c) gemfish (*Rexea solandri*),
 - (d) hapuku (*Polyprion oxygeneios*),
 - (e) pink ling (*Genypterus blacodes*).
- (1B) For the purposes of section 68 (6A) of the Act, it is a condition of the following endorsements that the endorsement holder does not take bigeye ocean perch (*Helicolenus barathri*) in the fishery unless the endorsement holder has quota for bigeye ocean perch:
- (a) line fishing eastern zone,
 - (b) line fishing western zone,
 - (c) demersal fish trap.

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

Omit “blue eye trevalla” from clause 9 (a). Insert instead “blue-eye trevalla”.

[12] Appendix, clauses 12AB and 12AC

Insert before clause 12A in Part 5A:

12AB Reports to be made by line fishing eastern zone endorsement holders

- (1) For the purposes of section 124A (1) of the Act, a holder of a line fishing eastern zone endorsement is required to provide the following information to the Secretary in relation to each catch of a relevant species 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,
 - (e) where the endorsement holder proposes to land the catch.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch estimate report must be made:
- (a) before any of the catch is moved out of New South Wales, or
 - (b) before any of the catch is removed from the boat,
- whichever occurs first.
- (3) For the purposes of section 124A (1) of the Act, a holder of a line fishing eastern zone endorsement is required to provide the following information to the Secretary in relation to each catch of a relevant species 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 species of the catch,
 - (d) the weight of the catch,
 - (e) the manner (if any) in which the catch was processed.
- (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 line fishing eastern 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 is to be determined by accurate scales and rounded to 1 decimal place.
- (8) In this clause:
relevant species means bass grouper, blue-eye trevalla, gemfish, hapuku and pink ling.

12AC Reports of bigeye ocean perch catch

- (1) This clause applies to a holder of any of the following endorsements:
- (a) line fishing western zone,
 - (b) line fishing eastern zone,
 - (c) demersal fish trap.
- (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 bigeye ocean perch 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 bigeye ocean perch,
 - (e) where the endorsement holder proposes to land the catch.
- (3) For the purposes of section 124A (3) (a) of the Act, a catch estimate report must be made:
- (a) before any of the catch is moved out of New South Wales, or
 - (b) before any of the catch is removed from the boat,
- whichever occurs first.
- (4) 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 bigeye ocean perch 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 bigeye ocean perch,
 - (d) the manner (if any) in which the catch was processed.
- (5) 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.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement to which this clause applies that the endorsement holder must remain in the immediate vicinity of the catch until the final catch report has been made.
- (7) For the purposes of section 65 of the Act, contravention of subclause (6) is an offence.
- (8) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.

[13] Appendix, clause 12B Reporting when real time reporting system not available

Omit “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”.

Insert instead “an endorsement holder cannot make a report as required under this Part”.

[14] Appendix, Schedule 3 Bag limits

Insert before the Table:

In this Schedule:

ocean trawl fisher means a person who holds an endorsement in the ocean trawl fishery or a person who takes fish using a boat on board which is another person who holds an endorsement in the ocean trawl fishery.

[15] Appendix, Schedule 3

Insert at the end of the Schedule:

Bass grouper (<i>Polyprion americanus</i>).	0.	Demersal fish trap endorsement holders.	All ocean waters.
Hapuku (<i>Polyprion oxygeneios</i>).	0.	Demersal fish trap endorsement holders.	All ocean waters.
Blue-eye trevalla (<i>Hyperoglyphe antarctica</i>).	0.	Demersal fish trap endorsement holders.	All ocean waters.
Pink ling (<i>Genypterus blacodes</i>).	0.	Demersal fish trap endorsement holders.	All ocean waters.
Gemfish (<i>Rexea solandri</i>).	0.	Demersal fish trap endorsement holders.	All ocean waters.
Tiger flathead (<i>Platycephalus richardsoni</i>).	0.	Line fishing western zone endorsement holders who are ocean trawl fishers and who are using a boat on which there is an otter trawl net (prawns), otter trawl net (fish) or danish seine net (fish) (whether or not the net is being used to take fish).	All ocean waters.
Tiger flathead (<i>Platycephalus richardsoni</i>).	0.	Line fishing eastern zone and demersal fish trap endorsement holders (whether or not they are ocean trawl fishers).	All ocean waters.
Tiger flathead (<i>Platycephalus richardsoni</i>) and bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	50 kilograms comprised wholly of any single species or a combination of species.	Line fishing western zone endorsement holders who are not ocean trawl fishers.	All ocean waters.
Tiger flathead (<i>Platycephalus richardsoni</i>) and bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	50 kilograms comprised wholly of any single species or a combination of species.	Line fishing western zone endorsement holders who are ocean trawl fishers and who are using a boat on which there is no otter trawl net (prawns), otter trawl net (fish) or danish seine net (fish).	All ocean waters.

Bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	0.	Line fishing western zone endorsement holders who are ocean trawl fishers and who are using a boat on which there is an otter trawl net (prawns), otter trawl net (fish) or danish seine net (fish) (whether or not the net is being used to take fish).	All ocean waters.
Bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	0.	Line fishing eastern zone and demersal fish trap endorsement holders (whether or not they are ocean trawl fishers).	All ocean waters.
Silver trevally (<i>Pseudocaranx dentex</i>).	0.	Line fishing western zone, line fishing eastern zone and demersal fish trap endorsement holders using a boat on which there is an otter trawl net (fish) or danish seine net (fish) (whether or not the net is being used to take fish).	All ocean waters.
Eastern school whiting (<i>Silago flindersi</i>).	0.	Holders of the following endorsements: (a) line fishing western zone, (b) line fishing eastern zone, (c) demersal fish trap.	All ocean waters.
Stout whiting (<i>Silago robusta</i>).	0.	Holders of the following endorsements: (a) line fishing western zone, (b) line fishing eastern zone, (c) demersal fish trap.	All ocean waters.
Australian sardine (<i>Sardinops neopilchardus</i>).	0.	Holders of the following endorsements: (a) line fishing western zone, (b) line fishing eastern zone, (c) demersal fish trap.	All ocean waters.

[16] Appendix, Schedule 4

Insert after Schedule 3:

Schedule 4 Allocation of quota shares

1 Definitions

In this Schedule:

catch means the total amount of a particular species of fish taken by an eligible shareholder as determined by the Secretary under clause 2.

eligible shareholder means a holder of ocean trap and line—line fishing eastern zone shares who is an eligible shareholder within the meaning of clause 5BA of Part 3A for the class of quota shares concerned.

reporting period means the period commencing on 1 July 2009 and ending on 30 June 2017 (both dates inclusive).

2 Secretary to determine catch

- (1) For the purposes of the allocation formula in this Schedule, the Secretary is to determine the catch of a particular species in accordance with this clause.
- (2) The catch of a species taken by an eligible shareholder is the catch attributable to a fishing business owned by the shareholder at 12 noon on 28 September 2018 and is to be determined on the basis of the records of fishing activities relating to the taking of that species that have been provided to the Secretary under sections 121 and 122 of the Act for the reporting period.
- (3) The Secretary is to:
 - (a) disregard any catch taken during the reporting period that is attributable to a fishing business no longer owned by the shareholder at 12 noon on 28 September 2018, and
 - (b) take account of any catch taken during the reporting period that is attributable to the shareholder because the shareholder acquired shares of the same class under special arrangements for fishing business buyouts during the Department's program known as the Adjustment Subsidy Program.
- (4) For the purposes of determining the catch of a species taken by an eligible shareholder and by all eligible shareholders (referred to as C_i and C_a in the formula in clause 3), the Secretary is to disregard the shareholder's lowest catch of the species for a 12-month period (commencing on 1 July) taken within the reporting period.

3 Allocation of quota shares among eligible shareholders

The number of quota shares for a particular species to be allocated to each eligible shareholder is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.2 \times \frac{S_r}{S_t} \right) + \left(0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of quota shares of a particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of line fishing eastern zone shares held by the eligible shareholder.

S_t is the total number of line fishing eastern zone shares held by all eligible shareholders.

C_i is the total catch of the particular species by the eligible shareholder for the reporting period.

C_a is the total catch of the particular species by all eligible shareholders for the reporting period.

Q_r is the total number of quota shares for the particular species issued under Part 3A (before any rounding under this clause).

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

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

quota share—see clause 5A.

[2] Appendix, clause 4 Classes of share

Omit “There are 4 classes of share available in the fishery, being the following classes”.

Insert instead “The following classes of shares are available in the fishery”.

[3] Appendix, clause 4 (e)–(j)

Insert after clause 4 (d):

- (e) Ocean trawl—tiger flathead quota shares,
- (f) Ocean trawl—bluespotted flathead quota shares,
- (g) Ocean trawl—trawl whiting quota shares,
- (h) Ocean trawl—silver trevally quota shares,
- (i) Ocean trawl—gemfish quota shares,
- (j) Ocean trawl—prawn effort quota shares.

[4] Appendix, clause 4, note

Omit the note. Insert instead:

Note. The classes of shares referred to in paragraphs (a)–(d) correspond to the types of endorsements available in the fishery.

The shares referred to in paragraphs (e)–(j) were issued as further classes of shares under section 71A of the Act. See Part 3A of this Plan for provisions relating to those shares.

[5] Appendix, Part 3A

Insert after clause 5:

Part 3A Quota management

5A New classes of shares

- (1) The following classes of shares are available in the fishery:
 - (a) Ocean trawl—tiger flathead quota shares,
 - (b) Ocean trawl—bluespotted flathead quota shares,
 - (c) Ocean trawl—trawl whiting quota shares,
 - (d) Ocean trawl—silver trevally quota shares,
 - (e) Ocean trawl—gemfish quota shares,
 - (f) Ocean trawl—prawn effort quota shares.
- (2) These shares are created as further classes of shares under section 71A of the Act and are referred to in this Plan as *quota shares*.

5B Allocation of quota shares

- (1) A person is eligible to be issued with the quota shares specified in Column 1 of the Table to this clause if the person is an eligible shareholder in relation to those shares.
- (2) A person is an *eligible shareholder* in relation to a class of quota shares specified in Column 1 if, at 12 noon on 28 September 2018, the person holds shares of a class specified opposite in Column 2.
- (3) The Minister is to determine the number of quota shares to be issued to each eligible shareholder under this clause.
- (4) The determination is to be made on the basis of the allocation formula set out in Schedule 4.

Table Eligibility for quota shares

Column 1	Column 2
Quota shares	Existing shares
Ocean trawl—tiger flathead quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—bluespotted flathead quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—trawl whiting quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—silver trevally quota shares	Ocean trawl—fish northern zone shares
Ocean trawl—gemfish quota shares	Ocean trawl—fish northern zone shares
Ocean trawl—prawn effort quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares

5C Issue of quota shares

- (1) The Minister is to issue quota shares to eligible shareholders in accordance with a determination under clause 5B for each class of quota shares.
- (2) The Minister must, as soon as practicable after issuing quota shares:
 - (a) notify each shareholder of the number of quota shares issued to the shareholder, and
 - (b) give each shareholder a statement in writing of any rights of appeal by the shareholder to the Share Appeal Panel.

5D Appeals to Share Appeal Panel

- (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.

- (2) 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.
- (3) When a person lodges an appeal, the quota shares issued to the person are shares that are *subject to appeal*.
- (4) The transfer of, or any other registrable dealing in, quota shares that are subject to appeal is not permitted.
- (5) On completion of an appeal, the Minister may cancel or issue shares in order to give effect to a decision of the Share Appeal Panel.
- (6) No compensation is payable by or on behalf of the State for the cancellation by the Minister of shares that are subject to appeal in order to give effect to a decision of the Share Appeal Panel.
- (7) For the purposes of section 90 (1) (e) of the Act, shares that are subject to appeal are to be registered as such on the Share Register.
- (8) Shares cease to be subject to appeal if:
 - (a) the appeal to the Share Appeal Panel is withdrawn, or
 - (b) the appeal to the Share Appeal Panel is finalised and the Minister has done anything necessary to give effect to the decision of the Share Appeal Panel.

Note. The Supporting Plan contains provisions relating to lodging an appeal to the Share Appeal Panel in relation to the issue of quota shares.

5E TAC determinations required to be made

- (1) A determination of the total allowable catch (a *TAC determination*) of each of the following species is required to be made:
 - (a) tiger flathead (*Platycephalus richardsoni*),
 - (b) bluespotted flathead (*Platycephalus caeruleopunctatus*),
 - (c) eastern school whiting (*Silago robusta*) and stout whiting (*Silago flindersi*),
 - (d) silver trevally (*Pseudocaranx dentex*).

Note. Under section 40C (3) of the Act, the Minister may direct either the TAF Committee or the Secretary to make the fishing determinations (subject to some limitations).

- (2) A TAC determination is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.

5F TAF Committee required to make TAE determinations for ocean trawl prawning

- (1) The TAF Committee is required to make a determination of the total allowable fishing effort for the taking of fish using an otter trawl net (prawns) under an offshore prawn endorsement or inshore prawn endorsement (referred to in this Plan as a *TAE determination for ocean trawl prawning*).
- (2) A TAE determination for ocean trawl prawning is to specify the total number of effort units (expressed in terms of the standardised hull unit days) for the taking of fish using an otter trawl net (prawns) under an offshore prawn

endorsement or inshore prawn endorsement during the period in respect of which the determination is made.

- (3) A TAE determination for ocean trawl prawning is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.
- (4) A TAE determination for ocean trawl prawning is to be made in accordance with Division 2 of Part 2A of the Act.
- (5) This clause is subject to Part 7 of this Plan.

Note. Part 7 provides for the Secretary, and not the TAF Committee, to make the TAE determinations for ocean trawl prawning during the transition period, which commences on 21 September 2018 and ends on 30 June 2024.

5G Taking fish without quota

- (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 silver trevally (*Pseudocaranx dentex*) unless the endorsement holder has quota for silver trevally.

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 68 (6A) of the Act, it is a condition of an offshore prawn endorsement, an inshore prawn endorsement and a fish northern zone endorsement that the endorsement holder does not take any of the following species unless the endorsement holder has quota for that species:
 - (a) tiger flathead (*Platycephalus richardsoni*),
 - (b) bluespotted flathead (*Platycephalus caeruleopunctatus*),
 - (c) eastern school whiting (*Silago robusta*),
 - (d) stout whiting (*Silago flindersi*).
- (3) For the purposes of section 65 of the Act, contravention of this clause is an offence.

[6] Appendix, clause 7A Otter trawl net (prawns)

Omit “not exceeding the maximum OPT head rope length specified on the boat licence for the boat from which the net is used or, if no length is so specified” from item 1 (b) (iv) in the Table to the clause.

[7] Appendix, clause 7A, Table

Omit “33 metres” from item 1 (b) (iv) (B). Insert instead “55 metres”.

[8] Appendix, clause 7B Otter trawl net (fish)

Insert “gemfish,” after “prawns,” in clause 7B (1).

[9] Appendix, clause 7B (3A)

Insert after clause 7B (3):

- (3A) It is also lawful to use an otter trawl net (fish) to take gemfish that are taken by the net when it is being lawfully used for taking other fish.

[10] Appendix, clause 7C Danish seine trawl net (fish)

Insert “gemfish,” after “prawns,” in clause 7C (1).

[11] Appendix, clause 7C (1A)

Insert after clause 7C (1):

- (1A) It is also lawful to use a danish seine trawl net (fish) to take gemfish that are taken by the net when it is being lawfully used for taking other fish.

[12] Appendix, clause 10

Omit the clause. Insert instead:

10 Prawning boat information to be provided to Secretary

- (1) The owner of a prawning fishing business must not use a boat, or permit a boat to be used, for the taking of fish under an offshore prawn endorsement or an inshore prawn endorsement unless the owner has provided the Secretary with the required information in respect of the boat.

Maximum penalty: 100 penalty units.

- (2) For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement and an inshore prawn endorsement that the endorsement holder does not use a boat to take fish under that endorsement unless the required information in respect of the boat has been provided to the Secretary.

- (3) The required information is to be provided to the Secretary in a form approved by the Secretary.

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

- (5) In this clause:

prawning fishing business means a fishing business a component of which is an offshore prawn endorsement or inshore prawn endorsement.

required information, in respect of a boat, means:

- (a) the name of the boat,
(b) the identifying number for the boat,
(c) the measured length, moulded depth and moulded breadth of the boat as determined under clause 145 of the *Fisheries Management (General) Regulation 2010*,
(d) the most recent certificate of survey for the boat.

[13] Appendix, Part 5A

Insert after Part 5:

Part 5A Real time reporting

10D Reports to be made by offshore and inshore prawn endorsement holders before taking fish

- (1) For the purposes of section 124A (1) of the Act, a holder of an offshore prawn endorsement or inshore prawn 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,
 - (e) the identifying number for the boat being used to take fish.
- (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 when the holder is aboard a boat in the fishery and first places any part of an otter trawl net (prawns) or a try net (prawns) in the water.
- (4) For the purposes of section 68 (6A), it is a condition of an offshore prawn endorsement and inshore prawn endorsement that the holder must not:
- (a) take any school prawn (*Metapenaeus macleayi*) or eastern king prawn (*Melicertus plebejus*) during a period in respect of which the holder has not made a pre-fishing report, or
 - (b) be in possession of those species of prawns if the prawns were taken in the fishery during a period in respect of which the holder has not made a pre-fishing report.
- (5) For the purposes of section 65 of the Act, contravention of subclause (4) is an offence.

10E Reports of flathead and whiting catch

- (1) This clause applies to a holder of any of the following endorsements:
- (a) inshore prawn,
 - (b) offshore prawn,
 - (c) fish northern zone.
- (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 a relevant species 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) the species of fish,
 - (e) an estimate of the weight of the catch,
 - (f) where the endorsement holder proposes to land the catch.
- (3) For the purposes of section 124A (3) (a) of the Act, a catch estimate report must be made:
- (a) before any of the catch is taken out of New South Wales, or
 - (b) before any of the catch is removed from the boat,
- whichever occurs first.
- (4) 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 a catch of a relevant species (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 species of fish,
 - (d) the weight of the catch.
- (5) For the purposes of section 124A (3) (a), a final catch report must be made:
- (a) within 6 hours of making a catch estimate report in relation to the catch, or
 - (b) before any of the catch is taken out of New South Wales,
- whichever occurs first.
- (6) Despite subclause (5), a final catch report is required to be made within 6 hours of making a catch estimate report (and not before any of the catch is taken out of New South Wales) if the catch is taken out of New South Wales waters while on board a boat.
- (7) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder remain in possession of the catch until the final catch report has been made.
- (8) For the purposes of section 65 of the Act, contravention of subclause (7) is an offence.
- (9) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.
- (10) In this clause:
relevant species means tiger flathead, bluespotted flathead, eastern school whiting and stout whiting.

10F Reports of silver trevally 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 silver trevally 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 silver trevally,
 - (e) where the endorsement holder proposes to land the catch.
- (2) For the purposes of section 124A (3) (a) of the Act, a catch estimate report must be made:
- (a) before any of the catch is taken out of New South Wales, or
 - (b) before any of the catch is removed from the boat,
- whichever occurs first.
- (3) 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 a catch of silver trevally (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 silver trevally.
- (4) For the purposes of section 124A (3) (a), a final catch report must be made:
- (a) within 6 hours of making a catch estimate report in relation to the catch, or
 - (b) before any of the catch is taken out of New South Wales, whichever occurs first.
- (5) Despite subclause (4), a final catch report is required to be made within 6 hours of making a catch estimate report (and not before any of the catch is taken out of New South Wales) if the catch is taken out of New South Wales waters while on board a boat.
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder remain in possession of the catch until the final catch report has been made.
- (7) For the purposes of section 65 of the Act, contravention of subclause (6) is an offence.
- (8) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.

10G 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.

[14] Appendix, Part 7

Insert after Part 6:

Part 7 Transitional TAE determinations

13 Transition period

In this Part, *transition period* means the period starting on 21 September 2018 and ending on 30 June 2024.

14 Secretary required to make TAE determinations for ocean trawl prawning during transition period

- (1) The Secretary, and not the TAF Committee, is required to make any TAE determinations for ocean trawl prawning that the TAF Committee would otherwise be required to make under clause 5F for any fishing period ending on or before 30 June 2024.
- (2) The first TAE determination is to be made in respect of the period commencing on 1 May 2019 and ending on 30 April 2020. After that, a TAE

determination is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year.

- (3) A TAE determination under this clause is to be made in accordance with Division 3 of Part 2A of the Act, subject to clause 15.

15 Transition to TAF Committee fishing determinations

- (1) The Minister may, during the transition period, give directions to the Secretary as to the matters to which the Secretary is to have regard in making any TAE determination for the fishery that the Secretary is required to make during the transition period.
- (2) A direction may exempt the Secretary from the requirement to have regard to a scientific assessment in making a TAE determination, in which case section 40M (1) of the Act does not apply to the TAE determination.
- (3) The direction is to be given by order in writing.
- (4) The Minister may give a direction under this clause only if the Minister is of the opinion that the direction is necessary to facilitate the structural adjustment of the fishery to TAF Committee fishing determinations.
- (5) Without limiting subclause (1), a direction may require the Secretary to have regard to the following:
- (a) historical catch or fishing effort in the fishery,
 - (b) the objective of gradually transitioning the fishery to TAF Committee fishing determinations.
- (6) The Secretary is to make any TAE determination that the Secretary is required to make for the fishery during the transition period in accordance with any direction given by the Minister under this clause.
- (7) In this clause, **TAF Committee fishing determination** means a fishing determination made by the TAF Committee under Division 2 of Part 2A of the Act.

[15] Appendix, Schedule 3 Bag limits

Insert at the end of the Schedule:

Tiger flathead (<i>Platycephalus richardsoni</i>).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Eastern school whiting (<i>Silago flindersi</i>).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Stout whiting (<i>Silago robusta</i>).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Australian sardine (<i>Sardinops neopilchardus</i>).	0.	All endorsement holders in the fishery.	All ocean waters.
Bass grouper (<i>Polyprion americanus</i>).	0.	All endorsement holders in the fishery.	All ocean waters.
Hapuku (<i>Polyprion oxygeneios</i>).	0.	All endorsement holders in the fishery.	All ocean waters.

Bigeye ocean perch (<i>Helicolenus barathri</i>).	0.	Inshore prawn endorsement holders and offshore prawn endorsement holders.	All ocean waters.
Bigeye ocean perch (<i>Helicolenus barathri</i>).	500 kilograms.	Deepwater prawn endorsement holders and fish northern zone endorsement holders.	All ocean waters.
Blue-eye trevalla (<i>Hyperoglyphe antarctica</i>).	0.	All endorsement holders in the fishery.	All ocean waters.
Pink ling (<i>Genypterus blacodes</i>).	0.	All endorsement holders in the fishery.	All ocean waters.
Gemfish (<i>Rexea solandri</i>).	50 kilograms.	All endorsement holders in the fishery.	All ocean waters.

[16] **Appendix, Schedule 4**

Insert after Schedule 3:

Schedule 4 Allocation of quota shares

Part 1 General

1 Definitions

In this Schedule:

catch means the total amount of a particular species of fish taken by an eligible shareholder as determined by the Secretary under clause 2.

eligible shareholder means an eligible shareholder within the meaning of clause 5B of Part 3A who holds:

- (a) in the case of tiger flathead, bluespotted flathead and trawl whiting quota shares—inshore prawn shares, offshore prawn shares or fish northern zone shares, and
- (b) in the case of silver trevally and gemfish quota shares—fish northern zone shares, and
- (c) in the case of prawn effort quota shares—inshore prawn shares or offshore prawn shares.

reporting period means the period commencing on 1 July 2009 and ending on 30 June 2017 (both dates inclusive).

2 Secretary to determine catch

- (1) For the purposes of each allocation formula in this Schedule, the Secretary is to determine the catch of a particular species in accordance with this clause.
- (2) The catch of a species taken by an eligible shareholder is the catch attributable to a fishing business owned by the shareholder at 12 noon on 28 September 2018 and is to be determined on the basis of the records of fishing activities relating to the taking of that species that have been provided to the Secretary under sections 121 and 122 of the Act for the reporting period.
- (3) The Secretary is to:
 - (a) disregard any catch taken during the reporting period that is attributable to a fishing business no longer owned by the shareholder at 12 noon on 28 September 2018, and

- (b) take account of any catch taken during the reporting period that is attributable to the shareholder because the shareholder acquired shares of the same class under special arrangements for fishing business buyouts during the Department's program known as the Adjustment Subsidy Program.
- (4) For the purposes of determining the catch of a species taken by an eligible shareholder and by all eligible shareholders (referred to as C_i and C_a in the formula in clauses 5 and 7), the Secretary is to disregard the shareholder's lowest catch of the species for a 12-month period (commencing on 1 July) taken within the reporting period.

Part 2 Tiger flathead, bluespotted flathead and trawl whiting quota shares

3 Application of Part

This clause applies to the allocation of tiger flathead, bluespotted flathead, and trawl whiting quota shares among holders of the following classes of shares:

- (a) inshore prawn,
- (b) offshore prawn,
- (c) fish northern zone.

4 Step 1—Allocation of quota shares among share classes

The total number of quota shares for a particular species to be allocated to each share class is the number determined in accordance with the following formula:

$$Q_r = \frac{C_r}{C_{ar}} \times Q_t$$

where:

Q_r is the total number of quota shares for a particular species to be allocated to the share class.

C_r is the total catch of the particular species by all eligible shareholders who hold shares of the share class for the reporting period.

C_{ar} is the total catch of the particular species by all eligible shareholders for the reporting period.

Q_t is the total number of quota shares for a particular species issued under Part 3A (before any rounding under step 2).

5 Step 2—Allocation of quota shares among eligible shareholders

The number of quota shares for a particular species to be allocated to each eligible shareholder holding a particular class of shares is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.2 \times \frac{S_r}{S_t} \right) + \left(0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of quota shares for a particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of shares of the particular share class held by the eligible shareholder.

S_t is the total number of shares of the particular share class held by all eligible shareholders.

C_i is the total catch of the particular species by the eligible shareholder who holds shares of the particular share class for the reporting period.

C_a is the total catch of the particular species by all eligible shareholders holding shares of the particular share class for the reporting period.

Q_r is the total number of quota shares for the particular class of shares as determined under clause 4 (before any rounding under this step).

Part 3 Silver trevally and gemfish quota shares

6 Application of Part

This Part applies to the allocation of quota shares for silver trevally and gemfish among holders of fish northern zone shares.

7 Allocation of quota shares among eligible shareholders

The number of quota shares of a particular species to be allocated to each eligible shareholder is the number determined in accordance with the following formula:

$$Q_i = \left[\left(0.2 \times \frac{S_r}{S_t} \right) + \left(0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where:

Q_i is the number of quota shares for the particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_r is the number of fish northern zone shares held by the eligible shareholder.

S_t is the total number of fish northern zone shares held by all eligible shareholders.

C_i is the total catch of the particular species by the eligible shareholder for the reporting period.

C_a is the total catch of the particular species by all eligible shareholders for the reporting period.

Q_r is the total number of quota shares for the particular species issued under Part 3A (before any rounding under this clause).

Part 4 Prawn effort quota shares

8 Application of Part

This Part applies to the allocation of prawn effort quota shares among holders of inshore prawn shares and offshore prawn shares.

9 Allocation of quota shares among eligible shareholders

- (1) The number of prawn effort quota shares to be allocated to each eligible shareholder is the number determined in accordance with the following formula:

$$Q_i = (S_i + S_o) \times H_s$$

where:

Q_i is the number of prawn effort quota shares to be allocated to the eligible shareholder rounded up to the nearest whole share.

S_i is the number of inshore prawn shares held by the eligible shareholder.

S_o is the number of offshore prawn shares held by the eligible shareholder.

H_s is the standardised hull units attributable to the eligible shareholder as determined in accordance with subclause (2).

- (2) The standardised hull units attributable to an eligible shareholder is the number determined in accordance with the following formula:

$$H_s = 2.4052 \times H^{0.7617}$$

where:

H_s is the standardised hull units attributable to the eligible shareholder rounded up to the nearest whole number.

H is the hull units of the eligible shareholder's licensed fishing boat as determined in accordance with subclause (3).

- (3) The hull units of a licensed fishing boat are:
- (a) the maximum hull units that apply in respect of the boat as specified on the current fishing boat licence, or
 - (b) if the current fishing boat licence does not specify the maximum hull units—the hull units (calculated in accordance with clause 145 of the *Fisheries Management (General) Regulation 2010*) of the boat used under the current fishing boat licence (subject to subclause (4)).
- (4) The hull units of a licensed fishing boat that, at 12 noon on 28 September 2018, was not authorised to take fish because of the operation of clause 10 of this Plan (as in force at that time) are the maximum hull units specified on the fishing boat licence immediately before the boat ceased to be authorised to take fish because of that clause.
- (5) H is taken to be 1 if the current fishing boat licence does not specify the details of a particular boat or if the eligible shareholder does not hold a current fishing boat licence.
- (6) If an eligible shareholder holds more than 1 current fishing boat licence, the Secretary is to determine which licence is to be used for the purposes of this clause.
- (7) In this clause, **current fishing boat licence** means a fishing boat licence held by an eligible shareholder that is in force at 12 noon on 28 September 2018.

Schedule 5 Amendment of Fisheries Management (General) Regulation 2010

[1] Clause 108 Definitions

Omit “and ocean trap and line fisheries” from the note to the definition of *quota share*.

Insert instead “, ocean trap and line and ocean trawl fisheries”.

[2] Clause 134 Declared commercial fishing boat activities

Omit clause 134 (c). Insert instead:

- (c) taking fish for sale in the ocean trawl fishery under an inshore prawn endorsement, an offshore prawn endorsement or a fish northern zone endorsement using a boat that has a measured length exceeding 20 metres,
- (c1) taking fish for sale in the ocean trawl fishery under a deepwater prawn endorsement,

[3] Schedule 7 Penalty notice offences

Insert after Part 4:

Part 5 Offences under *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*

Clause 10 (1) of the Appendix to the Regulation \$500

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

[1] Appendix, clause 2 Definitions

Omit “and ocean trap and line fisheries” from the note to the definition of *quota share* in clause 2 (1).

Insert instead “, ocean trap and line and ocean trawl fisheries”.

[2] Appendix, clause 4B Allocation of quota

Omit clause 4B (1) (a). Insert instead:

- (a) total allowable catch of the following species in the estuary general fishery:
 - (i) mud crab,
 - (ii) blue swimmer crab,
 - (iii) longfin and shortfin river eel,
 - (iv) pipi,
 - (v) beachworm,
 - (vi) cockle,
 - (vii) ghost nipper,

[3] Appendix, clause 4B (1) (c) and (d)

Omit the paragraphs. Insert instead:

- (c) total allowable catch of the following species in the ocean hauling fishery:
 - (i) eastern sea garfish,
 - (ii) yellowtail scad,
 - (iii) Australian sardine,
 - (iv) blue mackerel,
- (d) total allowable catch of the following species in the ocean trap and line fishery:
 - (i) spanner crab,
 - (ii) bass grouper,
 - (iii) hapuku,
 - (iv) pink ling,
 - (v) blue-eye trevalla,
 - (vi) bigeye ocean perch,
 - (vii) gemfish,

[4] Appendix, clause 4B (1) (g) and (h)

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

- (g) total allowable catch of the following species in the ocean trawl fishery:
 - (i) tiger flathead,
 - (ii) silver trevally,
 - (iii) bluespotted flathead,
 - (iv) eastern school whiting and stout whiting,

- (h) total allowable effort for ocean trawl prawning in the ocean trawl fishery.

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

Insert “in the estuary general fishery” after “class of share” in paragraph (b).

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

Insert at the end of paragraph (d):

, and

- (e) in relation to the allocation of total allowable effort for ocean trawl prawning—a holder of ocean trawl—prawn effort quota shares.

[7] Appendix, clause 4C Transfer of quota

Insert at the end of the Table to clause 4C:

Pipi	Estuary general—hand gathering shares—Regions 1–7 Estuary general—pipi quota shares
Beachworm	Estuary general—hand gathering shares—Regions 1–7 Estuary general—beachworm quota shares
Cockle	Estuary general—hand gathering shares—Regions 1–7 Estuary general—cockle quota shares
Ghost nipper	Estuary general—hand gathering shares—Regions 1–7 Estuary general—ghost nipper quota shares
Australian sardine	Ocean hauling—purse seine net shares Ocean hauling—Australian sardine quota shares
Blue mackerel	Ocean hauling—purse seine net shares Ocean hauling—blue mackerel quota shares
Yellowtail scad	Ocean hauling—purse seine net shares Ocean hauling—yellowtail scad quota shares
Bass grouper	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—bass grouper quota shares
Blue-eye trevalla	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—blue-eye trevalla quota shares
Gemfish	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—gemfish quota shares
Hapuku	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—hapuku quota shares
Pink ling	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—pink ling quota shares
Bigeye ocean perch	Ocean trap and line—line fishing eastern zone shares Ocean trap and line—line fishing western zone shares

	Ocean trap and line—demersal fish trap shares
	Ocean trap and line—bigeye ocean perch quota shares
Tiger flathead	Ocean trawl—inshore prawn shares
	Ocean trawl—offshore prawn shares
	Ocean trawl—fish northern zone shares
	Ocean trawl—tiger flathead quota shares
Bluespotted flathead	Ocean trawl—inshore prawn shares
	Ocean trawl—offshore prawn shares
	Ocean trawl—fish northern zone shares
	Ocean trawl—bluespotted flathead quota shares
Silver trevally	Ocean trawl—inshore prawn shares
	Ocean trawl—offshore prawn shares
	Ocean trawl—fish northern zone shares
	Ocean trawl—deepwater prawn shares
	Ocean trawl—silver trevally quota shares
Eastern school whiting and stout whiting	Ocean trawl—inshore prawn shares
	Ocean trawl—offshore prawn shares
	Ocean trawl—fish northern zone shares
	Ocean trawl—trawl whiting quota shares

[8] Appendix, clause 4C (2A)

Insert after clause 4C (2):

- (2A) Quota allocated from a determination of total allowable effort for ocean trawl prawning may only be transferred to holders of the following shares:
- (a) Ocean trawl—prawn effort quota shares,
 - (b) Ocean trawl—offshore prawn shares,
 - (c) Ocean trawl—inshore prawn shares.

[9] Appendix, clause 27

Insert after clause 26:

27 TAC determination for gemfish in 2019/2020

- (1) A determination of the total allowable catch for gemfish (*Rexea solandri*) in the ocean trap and line and ocean trawl fisheries jointly is required to be made for the 2019/2020 fishing period.

Note. Under section 40C (3) of the Act, the Minister may direct either the TAF Committee or the Secretary to make the fishing determination (subject to some limitations).

- (2) The Secretary is required to allocate the total allowable catch of gemfish in the ocean trap and line and ocean trawl fisheries for the 2019/2020 fishing period among holders of ocean trap and line—gemfish quota shares.
Note. Quota is not to be allocated to holders of gemfish quota shares in the ocean trawl fishery for the 2019/2020 fishing period. From the end of the 2019/2020 fishing period, the determination of the total allowable catch of gemfish will apply to the ocean trap and line fishery only.
- (3) The whole of a fishing determination is not required to be allocated.
- (4) The allocation is to be made in proportion to the number of ocean trap and line—gemfish quota shares held by each holder of those shares.
- (5) In this clause, *2019/2020 fishing period* means the period starting on 1 May 2019 and ending on 30 April 2020.

Schedule 7 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

Schedule 2 Bag limits

Insert at the end of the Schedule:

Australian sardine (<i>Sardinops neopilchardus</i>).	0.	All waters.
Bass grouper (<i>Polyprion americanus</i>).	0.	All waters.
Hapuku (<i>Polyprion oxygeneios</i>).	0.	All waters.
Bigeye ocean perch (<i>Helicolenus barathri</i>).	0.	All waters.
Blue-eye trevalla (<i>Hyperoglyphe antarctica</i>).	0.	All waters.
Pink ling (<i>Genypterus blacodes</i>).	0.	All waters.
Gemfish (<i>Rexea solandri</i>).	0.	All waters.
Tiger flathead (<i>Platycephalus richardsoni</i>).	0.	All waters.
Bluespotted flathead (<i>Platycephalus caeruleopunctatus</i>).	0.	All waters.
Eastern school whiting (<i>Silago flindersi</i>).	0.	All waters.
Stout whiting (<i>Silago robusta</i>).	0.	All waters.