



New South Wales

Fisheries Management Legislation Amendment Regulation (No 2) 2023

under the

Fisheries Management Act 1994

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

DUGALD SAUNDERS, MP
Minister for Agriculture

Explanatory note

The objects of this Regulation are as follows—

- (a) to amend the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*—
 - (i) to provide for additional secondary species that may be taken by an endorsement holder, and
 - (ii) concerning the construction and use of a hauling net (general purpose), garfish net (bullringing), prawn net (set pocket) and flathead net, and
 - (iii) concerning the use of a prawn running net and pilchard, anchovy and bait net (hauling), and
 - (iv) concerning the construction of a bait net and eel trap, and
 - (v) to amend the way an endorsement holder may configure hooks on the holder's set lines, without increasing the total number of hooks that may be used, and
 - (vi) to allow a hand gathering endorsement holder or handline endorsement holder to be assisted by 1 or more persons who hold the same type of endorsement and 1 person who does not hold an endorsement, and
 - (vii) to correct typographical errors,
- (b) to amend the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*—
 - (i) to provide for additional by-product species of fish that may be taken by an endorsement holder while fishing for target species of fish, and
 - (ii) to correct the misdescription of 1 species of fish included in the list of by-product species of fish that may be taken by an endorsement holder while fishing for target species of fish,
- (c) to amend the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* to update the requirements applying to the marker buoy used on a commercial lobster trap,
- (d) to amend the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*—
 - (i) to allow commercial fishing using a hauling net (general purpose) in certain waters near Crowdy Head for a limited season each year, and
 - (ii) concerning the construction and use of a hauling net (general purpose),

- (e) to amend the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006* to—
- (i) amend the way an endorsement holder may configure hooks on the holder's set lines, without increasing the total number of hooks that may be used, and
 - (ii) adjust the season for taking male spanner crabs, and
 - (iii) permit the holder of a line fishing eastern zone endorsement to use an automated baiting machine, and
 - (iv) increase the period allowed for an endorsement holder who takes bigeye ocean perch to make a final catch report from 3 hours to 6 hours.

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1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment Regulation (No 2) 2023*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

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

[1] Appendix

Insert in alphabetical order in clause 16, Table—

Australian herring	<i>Arripis georgianus</i>	Secondary species
Barred grunter	<i>Amniataba percooides</i>	Secondary species
Bigeeye trevally	<i>Caranx sexfasciatus</i>	Secondary species
Birdwire rockcod	<i>Epinephelus merra</i>	Secondary species
Blackspotted rockcod	<i>Epinephelus malabaricus</i>	Secondary species
Brassy trevally	<i>Caranx papuensis</i>	Secondary species
Common ponyfish	<i>Leiognathus equulus</i>	Secondary species
Diamondfish	<i>Monodactylus argenteus</i>	Secondary species
Eastern shovelnose ray	<i>Aptychotrema rostrata</i>	Secondary species
Eastern wirrah	<i>Acanthistius ocellatus</i>	Secondary species
Giant sea catfish	<i>Netuma thalassina</i>	Secondary species
Giant trevally	<i>Caranx ignobilis</i>	Secondary species
Greenback flounder	<i>Rhombosolea tapirina</i>	Secondary species
Hawaiian giant herring	<i>Elops hawaiiensis</i>	Secondary species
Moses snapper	<i>Lutjanus russellii</i>	Secondary species
Oxeye herring	<i>Megalops cyprinoides</i>	Secondary species
Painted sweetlips	<i>Diagramma pictum</i>	Secondary species
Queenfishes	<i>Scomberoides</i> spp.	Secondary species
Redthroat emperor	<i>Lethrinus miniatus</i>	Secondary species
Stargazers	various (Family: URANOSCOPIDAE)	Secondary species
Sweetlips	<i>Haemulidae</i> except <i>Pomadasys</i> spp.	Secondary species

[2] Appendix, clause 17(1)(c), (d) and (g)

Omit the paragraphs.

[3] Appendix, clause 17(1)(f)(ii)

Omit “Wollomba, Wallingat, Cooloongolok”.

Insert instead “Wallamba, Wallingat, Coolongolook”.

[4] Appendix, clause 17(1)(h)

Insert “unless the delay or interruption, including the redirection or relaying of a hauling line, is required for the safe operation of the net,” at the end of the paragraph.

[5] Appendix, clause 17(1)(i)

Omit “immediately removed on completion of the haul, or on removal of that part of the net from the water, whichever occurs first”.

Insert instead “removed on or before completion of the haul”.

[6] Appendix, clause 17, Table

Omit the Table. Insert instead—

Table Hauling net (general purpose)

- | | |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | (a) <i>Waters</i> —Tuggerah Lakes; Wallis Lake (excluding Wallamba, Wallingat, Coolongolook and Wang Wauk Rivers). |
| | (b) <i>Description of net</i> — |
| | (i) total length not more than 500m, and |
| | (ii) total length of bunt not more than one-third of the total length of the net, comprising a centre piece of not more than 90m and not less than 25m, and remainder, or shoulders, of not more than 90m, and |
| | (iii) mesh of bunt not less than 30mm, and |
| | (iv) mesh of remainder, or shoulders, of bunt not less than 57mm, and |
| | (v) mesh of wings not less than 80mm. |
| 2 | (a) <i>Waters</i> —The part of Wallaga Lake extending upwards from the bridge and embankment on Bermagui Road; the part of Clarence River known as the Broadwater of the Clarence River; the part of Lake Cathie (Lake Innes) known as Lake Innes; Smiths Lake; the parts of Myall Lakes known as Myall Lake and the Broadwater of Myall Lakes; Lake Illawarra. |
| | (b) <i>Description of net</i> — |
| | (i) total length not more than 500m, and |
| | (ii) total length of bunt not more than one-third of the total length of the net, comprising a centre piece of not more than 90m and not less than 25m, and remainder, or shoulders, of not more than 90m, and |
| | (iii) mesh of bunt not less than 30mm, and |
| | (iv) mesh of remainder, or shoulders, of bunt not less than 57mm, and |
| | (v) mesh of wings not less than 80mm. |

- 3
- (a) *Waters*—The parts of the Tweed River known as Terranora Broadwater and Cobaki Broadwater; Clarence River; Lake Wollumboola; Coila Lake; Murrah Lake; Wapengo Lake; Curalo Lake.
 - (b) *Description of net*—
 - (i) total length not more than 450m, and
 - (ii) total length of bunt not more than one-third of the total length of the net, comprising a centre piece of not more than 90m and not less than 25m, and remainder, or shoulders, of not more than 90m, and
 - (iii) mesh of bunt not less than 30mm, and
 - (iv) mesh of remainder, or shoulders, of bunt not less than 57mm, and
 - (v) mesh of wings not less than 80mm.
- 4
- (a) *Waters*—All other waters specified in clause 4, Table.
 - (b) *Description of net*—
 - (i) total length not more than 375m, and
 - (ii) total length of bunt not more than one-third of the total length of the net, comprising a centre piece of not more than 90m and not less than 25m, and remainder, or shoulders, of not more than 90m, and
 - (iii) mesh of bunt not less than 30mm, and
 - (iv) mesh of remainder, or shoulders, of bunt not less than 57mm, and
 - (v) mesh of wings not less than 80mm.
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[7] Appendix, clause 19(2)

Insert after clause 19(1)—

- (2) It is also lawful to use a net to take other permitted species of fish, other than a prohibited size class of fish, taken by the net when it is being lawfully used to take garfish.

[8] Appendix, clause 19, Table

Omit “36 mm” wherever occurring in items 2(b) and 3(b). Insert instead “45 mm”.

[9] Appendix, clause 24(1)(c)

Omit the paragraph. Insert instead—

- (c) the position of the net, if set and left unattended, is indicated by a buoy that—
 - (i) is moored so the buoy is visible and safely accessible by boat, and
 - (ii) measures at least 200mm in all dimensions, and
 - (iii) displays the relevant fishing business number followed by the letter “P”, in clearly visible letters and figures that are at least 100mm in height and of a colour that contrasts with the colour of the buoy,

[10] Appendix, clause 24, Table

Omit “Wollomba” wherever occurring in item 2(a)(i). Insert instead “Wallamba”.

[11] Appendix, clause 24, Table

Omit “5 metres” wherever occurring in items 4(b) and 5(b). Insert instead “6 metres”.

[12] Appendix, clause 25(1)(b)

Omit the paragraph. Insert instead—

- (b) for a net that is being used for taking prawns in the waters of Lake Illawarra—the net must not be operated by, or with the assistance of, another commercial fisher who is also operating, or assisting in the operation of, another prawn running net,

[13] Appendix, clause 25(1)(c)(ii)

Omit the subparagraph.

[14] Appendix, clause 29(1)(f)(ii)

Omit the subparagraph.

[15] Appendix, clause 29, Table

Omit “; any cork or float forming part of the net must not exceed 61 mm in length or 36 mm in width and must not be nearer than 3.5 metres to any other cork or float when measured along the cork line of the net” wherever occurring in items 1(b) and 2(b).

[16] Appendix, clause 30, Table

Omit “13 mm” from item 1(b). Insert instead “10 mm”.

[17] Appendix, clause 31(2)

Insert after clause 31(1)—

- (2) It is also lawful to use a net to take other permitted species of fish, other than a prohibited size class of fish, taken by the net when it is being lawfully used to take Australian sardines, Australian anchovies or whitebait spp.

[18] Appendix, clause 31F, Table

Omit “20 mm” wherever occurring in item 1(b). Insert instead “15 mm”.

[19] Appendix, clause 33(1)(b)

Omit the paragraph. Insert instead—

- (b) use more than 60 hooks in total on the holder’s set lines.

[20] Appendix, clause 38

Omit the clause. Insert instead—

38 Crew requirements for hand gathering and handline endorsement holders

- (1) The holder of a hand gathering endorsement or handline endorsement (the *primary endorsement holder*) may take fish with the assistance of—
 - (a) 1 or more persons (a *secondary endorsement holder*) who hold the same endorsement as the primary endorsement holder, and
 - (b) 1 person who does not hold the same endorsement as the primary endorsement holder.

- (2) The primary endorsement holder must comply with the general crew requirements.
- (3) Despite subclause (2), a secondary endorsement holder may take and keep possession of any fish until the fish are lawfully disposed of.

Schedule 2 Amendment of Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

[1] Appendix

Insert in clause 12, Table, at the end of the matter for the Hunter River in the column headed **By-product species**—

Australian herring (*Arripis georgianus*)
Common silverbidy (*Gerres subfasciatus*)
European carp (*Cyprinus carpio*)
Hawaiian giant herring (*Elops hawaiiensis*)
Largespotted herring (*Herklotsichthys koningsbergeri*)
Oxeye herring (*Megalops cyprinoides*)
Southern herring (*Herklotsichthys castelnaui*)

[2] Appendix, clause 12, Table

Omit “Fork-tailed catfish (*Arius* spp.)” from the matter for the Hawkesbury River in the column headed **By-product species**.

[3] Appendix, clause 12, Table

Insert at the end of the matter for the Hawkesbury River in the column headed **By-product species**—

Australian herring (*Arripis georgianus*)
Black rabbitfish (*Siganus fuscescens*)
Common pike eel (*Muraenesox bagio*)
Coral crab (*Charybdis feriata*)
Cuttlefish (*Sepia* spp.)
Diamondfish (*Monodactylus argenteus*)
Eastern fiddler ray (*Trygonorrhina fasciata*)
Eastern shovelnose ray (*Aptychotrema rostrata*)
Eeltail catfishes (Family: PLOTOSIDAE)
Estuary cobbler (*Cnidoglanis macrocephalus*)
Fantail mullet (*Paramugil georgii*)
Forktail catfishes (Family: ARIIDAE)
Giant boarfish (*Paristiopterus labiosus*)
Hawaiian giant herring (*Elops hawaiiensis*)
John dory (*Zeus faber*)
Largespotted herring (*Herklotsichthys koningsbergeri*)
Longfin pike (*Dinolestes lewini*)
Oxeye herring (*Megalops cyprinoides*)

Southern calamari (*Sepioteuthis australis*)

Southern herring (*Herklotsichthys castelnaui*)

Stingrays (Dasyatidae, Gymnuridae, Myliobatidae and Urolophidae spp.)

Striped scat (*Selenotoca multifasciata*)

Tripletail (*Lobotes surinamensis*)

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

[1] Appendix Lobster Share Management Plan

Insert “with no rope floating on the surface of the water” after “trap” in clause 40(2)(a)(i).

[2] Appendix, clause 40(2)(a)(iii)

Omit the subparagraph.

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

[1] Appendix

Omit “subclause (2)” from clause 10(1). Insert instead “subclauses (2) and (3)”.

[2] Appendix, clause 10(3)

Insert after clause 10(2)—

- (3) The declaration under subclause (1) does not prohibit the use of a hauling net (general purpose) from 1 March to 31 July in each year in waters adjacent to the shoreline between the southwesternmost point on Crowdy Head and the northern breakwall at Harrington Inlet.

[3] Appendix, clause 13A(1)(c)

Omit the paragraph.

[4] Appendix, clause 13A(1)(f)

Omit “immediately removed on completion of the haul, or on removal of that part of the net from the water, whichever occurs first”.

Insert instead “removed on or before completion of the haul”.

[5] Appendix, clause 13A, Table

Omit “nor more than 57 mm” from item 2(b)(ii).

Schedule 5 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

[1] Appendix

Omit clause 7D(2)(b). Insert instead—

(b) use more than 60 hooks in total on the holder's set lines, or

[2] Appendix, clause 9B

Omit "21 November to 20 December". Insert instead "15 November to 14 December".

[3] Appendix, clause 11(3)

Insert after clause 11(2)—

(3) This clause does not apply to a line fishing eastern zone endorsement under clause 5.

[4] Appendix, clause 12AC(5)(b)

Omit "3 hours". Insert instead "6 hours".