

Fisheries Management (Supporting Plan) Regulation 2006

[2006-733]



New South Wales

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New South Wales

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Fisheries Management (Supporting Plan) Regulation 2006



New South Wales

1 Name of Regulation

This Regulation is the *Fisheries Management (Supporting Plan) Regulation 2006*.

2 Commencement

This Regulation commences on 5 February 2007.

3 Fisheries Management Supporting Plan

The *Fisheries Management Supporting Plan* set out in the Appendix to this Regulation has effect.

Appendix

(Clause 3)

Part 1 Preliminary

1 Name of Plan

This is the *Fisheries Management Supporting Plan*.

2 Definitions

(1) In this Plan:

approved means approved by the Director-General.

eligible fisher means a person for the time being registered as an eligible fisher under Part 8A of the Regulation.

endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in a fishery.

endorsement holder means a person who holds a commercial fishing licence that has an endorsement.

fishery means a share management fishery (as described in Schedule 1 to the Act).

fishing business card has the same meaning as in the Regulation.

the Act means the *Fisheries Management Act 1994*.

the Regulation means the *Fisheries Management (General) Regulation 2002*.

(2) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

(3) Notes in this Plan do not form part of the Plan.

Note—

This Plan has effect only in respect of those share management fisheries that adopt this Plan in their individual share management plans.

Part 2 Dealings in shares

3 Persons prohibited to hold shares

Clause 134 of the Regulation continues to apply in respect of all fisheries.

Note—

This clause prohibits foreign-owned bodies from holding shares in a share management fishery.

4 Provisions relating to transfers

For the purposes of section 71 (4) of the Act, a transfer, assignment, transmission, or mortgage of shares in a fishery is permitted only in accordance with the fishing business transfer rules made under section 34T of the Act.

Part 3 Nomination of fishers

5 Nomination of fisher

(1) A shareholder may nominate a person to take fish on behalf of the shareholder in a fishery only if the person is an eligible fisher in respect of the fishing business of the shareholder.

Note—

Eligible fishers are persons registered by the Director-General as eligible fishers in respect of a fishing business under Part 8A of the Regulation.

(2) For the purposes of section 69 (6) (a) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in the same fishery is authorised in all fisheries other than the abalone fishery and the lobster fishery.

(3) For the purposes of section 69 (6) (b) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in another fishery is authorised in

all fisheries.

- (4) The nomination of an eligible fisher does not take effect until:
- (a) the nomination is given to the Director-General in the form and manner required by section 69 (3) of the Act, and
 - (b) if the shareholder has been issued with a fishing business card in respect of the fishing business to which the nomination applies, possession of the fishing business card is given to the nominated fisher.

Note—

Section 69 (3) of the Act requires the nomination to be made in a form and manner approved by the Director-General.

- (5) A nomination has effect for a minimum period of 48 hours, or a lesser period approved by the Director-General.
- (6) If a nomination is revoked before the end of the period of 48 hours (or the lesser period approved by the Director-General), a further nomination cannot be made until the end of the relevant period.

6 One nominated fisher per fishing business

- (1) An eligible fisher nominated to take fish on behalf of a shareholder must be nominated in respect of all shares held by the shareholder that are a component of the same fishing business and all endorsements in a restricted fishery that are a component of that fishing business.
- (2) A shareholder may nominate one (and not more than one) eligible fisher to take fish on behalf of the shareholder for each fishing business of which he or she is the owner.
- (3) A nomination applies in respect of the fishing business indicated by the shareholder and operates to authorise an eligible fisher to take fish only in respect of those shares (and endorsements) that are a component of the relevant business.
- (4) A separate nomination must be made in respect of each separate fishing business.
- (5) If shares held by a shareholder are components of more than one fishing business, either the same or a different eligible fisher may be nominated in respect of each separate fishing business, subject to this clause.
- (6) If the shares held by a shareholder in the abalone fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each fishing business.
- (7) If the shares held by a shareholder in the lobster fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each

fishing business.

(8) This clause is subject to section 69 (2) of the Act.

Note—

Section 69 (2) prevents a shareholder from nominating a person to take fish on behalf of the shareholder unless the shareholder has the minimum shareholding in the fishery required.

7 Revocation of nomination of commercial fisher

- (1) A shareholder's nomination of a person to take fish on behalf of the shareholder may be revoked:
 - (a) by the shareholder, or
 - (b) by the Director-General, if revocation by the Director-General is authorised by this clause.
- (2) A revocation of a nomination by a shareholder is to be made in a form and manner approved by the Director-General.
- (3) The shareholder must inform the nominated fisher of the revocation of the nomination.
- (4) The Director-General is authorised to revoke a shareholder's nomination of a person to take fish on behalf of the shareholder (without the consent of the shareholder) if:
 - (a) the nominated fisher requests the revocation, in a form and manner approved by the Director-General, or
 - (b) the Director-General cancels the registration of the person as an eligible fisher in respect of the shareholder under the Regulation, or
 - (c) the shareholder is not entitled to nominate the person to take fish on behalf of the shareholder under section 69 (6) of the Act, this Plan or the share management plan for the fishery.
- (5) The Director-General revokes a nomination by giving the shareholder notice in writing of the revocation.
- (6) The Director-General must, by notice in writing, inform the person whose nomination has been revoked of that revocation.

Part 4 Endorsements

8 Cancellation and suspension of endorsements

An endorsement may be suspended or cancelled if the endorsement holder:

- (a) is convicted, or found guilty, of an offence against the Act, or any regulations made

under the Act or of an offence relating to commercial fishing operations under a law of the Commonwealth, another State, a Territory or New Zealand, or

- (b) is convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) has, in the opinion of the Minister, contravened a condition of the endorsement, or
- (d) is no longer eligible for an endorsement under the Act, this Plan or the share management plan for the fishery, or
- (e) is convicted or found guilty of an offence under the *Marine Parks Act 1997* or the regulations made under that Act.

9 Fishing period

For the purposes of section 68 (2) of the Act, the relevant fishing period for a fishery is not to exceed the period of 5 years.

Part 5 Management charges and community contributions

10 Management charge

- (1) For the purposes of section 76 (2) of the Act, the following costs of management are attributed to industry:
 - (a) the costs of developing, reviewing, implementing and ensuring compliance with strategies, policies and legislation relating to a fishery (including for the purpose of promoting ecologically sustainable development of a fishery),
 - (b) the costs of providing administrative services in connection with the operation of a fishery,
 - (c) the costs incurred in connection with the establishment and operation of the Management Advisory Committee for a fishery,
 - (d) the costs incurred in connection with the following research (or such part of those costs as the Minister determines):
 - (i) ongoing research into the management and sustainability of a fishery or of commercial fisheries generally,
 - (ii) specific research projects relating to the management and sustainability of a fishery or of commercial fisheries generally,
 - (e) such other costs of management of a fishery as may be determined by the Minister after consultation with the Management Advisory Committee for the fishery.

- (2) The costs of management attributed to industry may be reduced in any manner the Minister considers appropriate to recognise any saving, or any public benefit or benefit to any other fishing sector, that is achieved in the management of a fishery.
- (3) The management charge may, with the approval of the Minister, be paid by instalments on such terms as the Minister approves.

Note—

Section 76 of the Act provides that if an instalment is not paid by the due date, the balance then becomes due and payable (together with any interest for late payment chargeable under section 76).

10A Management charge—special provisions

- (1) The management charge payable under section 76 of the Act by holders of shares in a relevant share management fishery is to be calculated by applying the following principles:
 - (a) a separate management charge is payable in respect of each fishing business the components of which include shares in one or more relevant share management fisheries (accordingly, if the shares of a shareholder are components of separate fishing businesses, separate management charges are payable in respect of those shareholdings), and
 - (b) a single management charge is payable in respect of each fishing business, even if the fishing business is comprised of, or includes, shares in more than one relevant share management fishery.
- (2) For the purposes of section 76 (3) of the Act, if a fishing business is comprised of, or includes, shares in one relevant share management fishery only, the management charge in respect of that fishing business is not to exceed \$795.
- (3) For the purposes of section 76 (3) of the Act, if a fishing business is comprised of, or includes, shares in more than one relevant share management fishery, the management charge in respect of that fishing business is not to exceed:
 - (a) \$795 for the first relevant share management fishery in which those shares are held, and
 - (b) \$99 for each other relevant share management fishery in which those shares are held.
- (4) This clause does not affect any requirement that a shareholder pay a separate or additional management charge in respect of shares in a share management fishery that is not a relevant share management fishery, even if those shares are a component of a fishing business that includes shares in a relevant share management fishery.

(5) In this clause:

relevant share management fishery means any of the following share management fisheries, as described in Schedule 1 to the Act:

- (a) the estuary general fishery,
- (b) the estuary prawn trawl fishery,
- (c) the ocean hauling fishery,
- (d) the ocean trawl fishery,
- (e) the ocean trap and line fishery.

11 Community contribution

- (1) For the purposes of section 77 of the Act, a community contribution is payable by a shareholder in a fishery, in respect of each fishing business of the shareholder, for each financial year.
- (2) The community contribution is payable 2 months after the end of each financial year, or on such later date as may be determined by the Minister.
- (3) No community contribution is payable for the financial year commencing on 1 July 2006.
- (4) The community contribution for each subsequent financial year is \$100 for each fishing business the components of which include shares in a fishery.
- (5) A shareholder is liable for only one community contribution under this clause in respect of a fishing business (even if the fishing business includes components in more than one fishery).
- (6) If a community contribution is unpaid after the due date for its payment, the balance then becomes due and payable (together with any interest that may be charged on the overdue amount).
- (7) Interest may be charged, at the discretion of the Minister, if a community contribution is unpaid after the due date for its payment, on the overdue amount at the rate payable from time to time in respect of judgments of the Supreme Court.
- (8) In this clause, **financial year** means the period of 12 months commencing on 1 July and ending on 30 June in the following year.

Part 6 General

12 Protected fish

An endorsement does not authorise an endorsement holder to take any species of fish that is declared to be protected fish (whether before or after the commencement of this Plan) under section 19 of the Act.

Note—

Clause 6 of the Regulation lists species that are protected fish.

13 Fish protected from commercial fishing

- (1) An endorsement does not authorise an endorsement holder to take any species of fish which are protected from commercial fishing for the purposes of section 20 (1) of the Act.
- (2) The following Table sets out the species of fish that are currently protected from commercial fishing.

Table Fish protected from commercial fishing

Part 1 Marine or estuarine species

Common name	Species
Groper, blue, brown or red	<i>Achoerodus viridis</i>
Marlin, black	<i>Makaira indica</i>
Marlin, blue	<i>Makaira mazara</i>
Marlin, striped	<i>Tetrapturus audax</i>

Part 2 Freshwater species

Common name	Species
Atlantic salmon	<i>Salmo salar</i>
Australian bass	<i>Macquaria novemaculeata</i>
Catfish, eel-tailed	<i>Tandanus tandanus</i>
Estuary perch	<i>Macquaria colonorum</i>
Freshwater crayfish	All species of the genera <i>Euastacus</i> and <i>Cherax</i> except for the common yabby <i>Cherax destructor</i>
Golden perch	<i>Macquaria ambigua</i>
Murray cod	<i>Maccullochella peelii peelii</i>
Silver perch	<i>Bidyanus bidyanus</i>

Trout, brook	<i>Salvelinus fontinalis</i>
Trout, brown	<i>Salmo trutta</i>
Trout, rainbow	<i>Oncorhynchus mykiss</i>

14 Prohibited size fish

- (1) The entitlement of an endorsement holder to take fish in a fishery is subject to the provisions of the Regulation with respect to the prohibited size for any fish that may be taken in the fishery.
- (2) An endorsement does not authorise an endorsement holder to take fish in a fishery in contravention of those provisions.

15 Use of fishing gear

An endorsement does not authorise an endorsement holder to take fish using a net, trap or other fishing gear in contravention of the requirements of Part 3 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those requirements.

16 Priorities in the use of fishing gear

An endorsement does not authorise an endorsement holder to take fish in contravention of any relevant rights of priority contained in Part 4 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those priority rights.

17 Miscellaneous provisions relating to fisheries management

An endorsement does not authorise a person to contravene the provisions of Part 5 of the Regulation, unless a provision of the share management plan for the fishery expressly authorises a departure from those provisions.

18 Threatened species conservation

An endorsement does not authorise a person to contravene the provisions of Part 11A of the Regulation.

19 Aquatic reserves regulation

An endorsement does not authorise a person to contravene the provisions of any regulation relating to aquatic reserves made under section 197 of the Act.

20 Fishing entitlements are subject to licence conditions

- (1) An endorsement does not authorise an endorsement holder to take fish in a fishery in contravention of any conditions of his or her commercial fishing licence (whether

those conditions are prescribed by the regulations or imposed by the Minister under section 104 of the Act).

- (2) Any endorsement conditions prescribed by this Plan or the share management plan for a fishery are in addition to any commercial fishing licence conditions prescribed by the Regulation or imposed by the Minister under section 104 of the Act.
- (3) An endorsement does not authorise the use of a fishing boat to take fish in a fishery in contravention of the conditions of the fishing boat licence (whether those conditions are prescribed by the regulations or imposed by the Minister under section 108 of the Act).
- (4) Any fishing boat licence conditions prescribed by this Plan or the share management plan for a fishery are in addition to any fishing boat licence conditions prescribed by the Regulation or imposed by the Minister under section 108 of the Act.

21 Preservation of existing fishing closures

The entitlement of an endorsement holder to take fish in a fishery specified in Column 3 of Schedule 1 is subject to a fishing closure made under the Act (before the commencement of this Plan) with the Gazette reference and subject matter set out in Column 1 and 2 of the Schedule next to that fishery.

22 New fishing closures

The entitlement of an endorsement holder to take fish in a fishery specified in Column 2 of Schedule 2 is subject to any fishing closure made under the Act (after the commencement of this Plan) with prohibitions of a kind referred to in Column 1 of the Schedule next to the fishery concerned.

Note—

Schedule 2 refers to any fishing closures made after the commencement of the Supporting Plan which apply to a fishery.

23 Waters closed permanently to commercial fishing

The entitlement of an endorsement holder to take fish in a fishery is subject to any prohibition made under section 20 (2) of the Act that prohibits, in the waters specified in the Column 1 of Schedule 3, all commercial fishing, or a class of commercial fishing, as indicated next to the waters concerned in Column 2 of the Schedule.

24 Application of Plan—general

The provisions of this Plan apply in relation to all share management fisheries, subject to section 57A (5) of the Act.

25 Authorised amendments to Plan

For the purposes of section 64 of the Act, any amendment to this Plan is authorised.

Part 7 Savings and transitional

26 Nominated fishers—savings consequent on commencement of share management plans

- (1) A person duly nominated to take fish on behalf of another in a share management fishery and whose nomination was in force immediately before the commencement of this Plan is taken, on that commencement, to have been registered as an eligible fisher in respect of the fishing business concerned under Part 8A of the *Fisheries Management (General) Regulation 2002*.
- (2) Any such person is taken to have been nominated to take fish on behalf of the relevant shareholder in accordance with Part 3 of this Plan.
- (3) Subclause (2) does not apply in respect of a fishing business owned by a partnership if, immediately before the commencement of this Plan, there is more than one nominated fisher in respect of the fishing business.
- (4) This clause does not affect the power of the Director-General to revoke a nomination under Part 3 or to cancel the registration of an eligible fisher under Part 8A of the *Fisheries Management (General) Regulation 2002*.

Schedule 1 Preservation of existing fishing closures

(Clause 21)

Table

Column 1	Column 2	Column 3
Gazette reference	Subject matter	Commercial fisheries affected
GG No 45 of 14.2.2003 at pages 1648-1651	South-East Trawl Fishery—Trip Limits	Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at pages 9540-9541	Commercial Fishing Catch Limits for Deep Water Species	Ocean Trawl Ocean Trap and Line
GG No 56 of 18.5.2005 at pages 1729-1730	Gemfish (<i>Rexea Solandri</i>)	Ocean Trawl Ocean Trap and Line
GG No 87 of 21.5.2004 at pages 3041-3042	First Point of Sale Prawn Counts and Closure to Commercial Prawning Nets—All waters other than the Clarence River, Hunter River, Hawkesbury River and Port Jackson	Estuary General Ocean Trawl
GG No 112 of 1.9.2006 at page 7862	Australian Salmon	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl

GG No 112 of 1.9.2006 at page 7861	Tailor	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl
GG No 55 of 16.5.2005 at page 1727	Southern Bluefin Tuna	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 30 of 3.3.2006 at page 1082	Bluefish (<i>Girella cyanea</i>)	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9542	Invertebrates—Intertidal Protected Areas County of Cumberland	Estuary General
GG No 121 of 1.8.2003 at page 7568	Estuary General Fishery—Eastern Sea Garfish	Estuary General
GG No 183 of 19.11.2004 at page 8526	Garfish NSW Tidal Waters	Estuary General
GG No 128 of 17.10.2005 at page 8837	Spanner crab fishery—Seasonal closure	Ocean Trap and Line
GG No 112 of 2.7.2004 at page 5620	Cook Island	Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 160 of 1.10.2002 at page 8500	Lady Denman Heritage Complex Fish Enclosure—Huskisson	Estuary General
GG No 8 of 17.1.2006 at pages 407-412	Caulerpa	Estuary General
GG No 116 of 15.9.2006 at page 8056	NSW Ocean Trawl Fleet (Bobbin Gear)	Ocean Trawl
GG No 147 of 17.9.2004 at pages 7576-7577	Nadgee River, Nadgee Lake, Merrica River and Little Creek	Estuary General
GG No 21 of 6.2.2004 at page 429	Pipis—All Ocean Beaches of New South Wales	Estuary General
GG No 134 of 13.8.2004 at page 6566	Port Kembla	Estuary General Ocean Trawl
GG No 131 of 6.8.2004 at page 6422	Coffs Harbour Entrance, Coffs Harbour and Coffs Harbour Creek	Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9541	Crowdy Head Boat Harbour	Ocean Trap and Line

GG No 196 of 12.12.2003 at page 11213	Trial Bay South West Rocks	Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 201 of 1.11.2002 at page 9369	Fishing closure—Woody Bay	Ocean Trap and Line
GG No 194 of 8.12.2003 at pages 11161–11164	Hunter River and Tributaries	Estuary General Estuary Prawn Trawl
GG No 77 of 30.4.2004 at page 2255	Hunter River Prawning Closure—Recreational Prawn Nets—Hunter River and Tributaries	Estuary General Estuary Prawn Trawl
GG No 131 of 6.8.2004 at page 6423	Bellambi Point (Bellambi Harbour)	Ocean Trap and Line
GG No 131 of 6.8.2004 at page 6425	Shell Harbour	Ocean Hauling
GG No 111 of 1.9.2006 at page 7839	Section 8 Notification—Fishing Closures—Shark Fins	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 16 of 23.1.2004 at page 274	Estuary General Fishery—discard chutes	Estuary General
GG No 161 of 3.10.2003 at page 9924	Use of Live Birds and Mammals as bait	Estuary General Ocean Trap and Line
GG No 135 of 10.11.2006 at page 9543	OG1—Offshore Commercial Fishing	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 135 of 10.11.2006 at pages 9543–9545	Tweed River Parish of Terranora; County of Rous	Estuary General
GG No 149 of 24.9.2004 at page 7703	Cudgera Creek, Cudgen Creek and Cudgen Lake	Estuary General
GG No 149 of 24.9.2004 at page 7704	Mooball Creek	Estuary General
GG No 87 of 21.5.2004 at page 3041	Brunswick River and Tributaries	Estuary General
GG No 69 of 2.4.2004 at pages 1856–1857	Richmond River—Tatham Bridge to Norco Weir	Estuary General

GG No 112 of 2.7.2004 at pages 5621-5623	Richmond River, Wilsons River and their Tributaries, Prospect and Chickiba Lakes (Ballina's artificial lakes)	Estuary General
GG No 163 of 4.10.2002 at page 8573	Evans River	Estuary General Ocean Hauling
GG No 149 of 24.9.2004 at pages 7703-7704	Jerusalum Creek	Estuary General
GG No 30 of 4.3.2005 at pages 662-667	Clarence River, its Lakes, Lagoons, Inlets, Channels, Creeks and Tributaries—County of Clarence	Estuary General Estuary Prawn Trawl Ocean Hauling
GG No 112 of 2.7.2004 at pages 5617-5618	First Point of Sale Prawn Counts—Incidental Catch Ratios and Closure to Commercial Prawning Nets	Estuary General Estuary Prawn Trawl
GG No 147 of 17.9.2004 at page 7578	Lake Arragan	Estuary General
GG No 135 of 10.11.2006 at pages 9537-9538	Arrawarra Creek	Estuary General
GG No 149 of 24.9.2004 at page 7702	Boambee, Bonville and Pine Creeks	Estuary General
GG No 98 of 18.6.2004 at pages 3741-3742	Nambucca River and Warrell Creek	Estuary General
GG No 131 of 6.8.2004 at page 6420	Nambucca River and Warrell Creek	Estuary General
GG No 93 of 21.7.2006 at page 5799	Yarrahapinni Wetland Reserve	Estuary General
GG No 134 of 13.8.2004 at page 6565	Korogoro Creek, Hat Head	Estuary General
GG No 135 of 30.8.2002 at page 7694	Fishing closure—Belmore River	Estuary General
GG No 131 of 6.8.2004 at page 6424	Killick or Crescent Head Creek	Estuary General Ocean Hauling
GG No 38 of 1.4.2005 at pages 1004-1005	Macleay River and its Tributaries, including the Belmore River, South West Rocks Creek and Trial Bay Front Beach—Counties of Clark, Dudley, Macquarie, Sandon and Vernon	Estuary General Ocean Hauling
GG No 147 of 17.9.2004 at page 7578	Hastings River and Lake Innes	Estuary General

GG No 198 of 10.12.2004 at page 9108	Cathie Creek and Cathie Lake—County of Macquarie	Estuary General
GG No 135 of 10.11.2006 at pages 9538-9540	Camden Haven, Queens Lake and Watson Taylors Lake—County of Macquarie	Estuary General
GG No 196 of 12.12.2003 at pages 11212-11213	Manning River and Tributaries	Estuary General
GG No 38 of 1.4.2005 at page 1003	Khappinghat Creek—County of Gloucester	Estuary General
GG No 135 of 10.11.2006 at pages 9536-9537	Wallis Lake and tributaries and ocean waters (Forster), County of Gloucester	Estuary General Ocean Hauling
GG No 135 of 10.11.2006 at page 9548	Smiths Lake, County of Gloucester	Estuary General
GG No 118 of 9.7.2004 at pages 5869-5870	Myall Lake, Myall River, Boolambayte Lake and Boolambyte Creek	Estuary General
GG No 147 of 17.9.2004 at pages 7579-7580	Port Stephens and Tributaries	Estuary General
GG No 135 of 10.11.2006 at pages 9545-9546	Port Stephens and Tributaries—Set Mesh Nets	Estuary General
GG No 65 of 3.6.2005 at page 1949	Prawn Counts Incidental Catch Ratios and Closure to Commercial Prawning Nets—Hunter River	Estuary General Estuary Prawn Trawl
GG No 113 of 5.9.2006 at pages 7863-7864	Line Fishing Stockton Beach (Stockton) to Big Gibber (Hawks Nest)	Ocean Trap and Line
GG No 95 of 11.6.2004 at pages 3507-3509	Tuggerah Lakes (including Munmorah and Budgewoi Lakes)	Estuary General
GG No 119 of 26.9.2006 at page 8437	Bouddi Fishing Closure	Estuary General Ocean Hauling Ocean Trawl Ocean Trap and Line
GG No 59 of 19.3.2004 at pages 1491-1496	Hawkesbury River, Brisbane Water and Pittwater and their Tributaries	Estuary General Estuary Prawn Trawl
GG No 61 of 27.5.2005 at page 1871	Prawn Counts Incidental Catch Ratios and Closure to Commercial Prawning Nets—Hawkesbury River	Estuary General Estuary Prawn Trawl
GG No 147 of 17.9.2004 at page 7579	Longneck Lagoon	Estuary General

GG No 67 of 6.6.2005 at page 1973	Black Road Bait Ground (ocean waters adjacent to North Narrabeen Beach)	Ocean Hauling
GG No 135 of 10.11.2006 at page 9540	Clovelly Beach—Commercial Nets	Ocean Hauling Ocean Trawl
GG No 147 of 17.9.2004 at pages 7583-7584	Port Hacking	Estuary General Ocean Hauling
GG No 114 of 18.7.2003 at page 7396	Pipis, Cockles and Whelks—Simpson’s Bay Beach to Costens Point	Estuary General
GG No 133 of 23.8.2002 at page 6453	Wattamolla Lagoon	Estuary General Ocean Trap and Line
GG No 147 of 17.9.2004 at pages 7582-7583	Lake Illawarra (including Macquarie Rivulet)	Estuary General
GG No 131 of 6.8.2004 at page 6424	Minamurra River	Estuary General
GG No 131 of 6.8.2004 at page 6425	Werri Creek	Estuary General
GG No 131 of 6.8.2004 at page 6421	Crooked River	Estuary General
GG No 135 of 10.11.2006 at pages 9546-9547	Shoalhaven and Crookhaven Rivers	Estuary General
GG No 118 of 9.7.2004 at pages 5867-5868	Jervis Bay (including Currumbene Creek)	Estuary General
GG No 147 of 17.9.2004 at pages 7580-7582	Butler’s Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake and Tabourie Lake	Estuary General
GG No 19 of 30.1.2004 at page 334	Durras Lake	Estuary General
GG No 19 of 30.1.2004 at page 333	Clyde River	Estuary General
GG No 19 of 30.1.2004 at page 335	Tomaga River and Candlagan Creek	Estuary General
GG No 19 of 30.1.2004 at pages 336-337	Moruya (or Deua) River and Tributaries, and Willija (or ‘Y’) Swamp at Moruya Heads	Estuary General
GG No 19 of 30.1.2004 at page 332	Congo Creek	Estuary General
GG No 149 of 24.9.2004 at page 7703	Coila Lake	Estuary General

GG No 168 of 26.10.2004 at page 8203	Whittakers Creek, County of Dampier	Estuary General
GG No 149 of 24.9.2004 at page 7702	Wagonga River	Estuary General
GG No 135 of 10.11.2006 at pages 9548-9549	Wagonga Inlet, Narooma	Estuary General
GG No 149 of 24.9.2004 at pages 7701-7702	Nangudga Lake	Estuary General
GG No 157 of 8.10.2004 at pages 7926-7928	Wallaga Lake	Estuary General
GG No 149 of 24.9.2004 at page 7701	Cuttagee Lake and Little Lake	Estuary General
GG No 134 of 29.8.2003 at page 9076	Wapengo Lake	Estuary General
GG No 147 of 17.9.2004 at pages 7577-7578	Wallagoot Lake	Estuary General
GG No 147 of 17.9.2004 at page 7577	Sandy Beach Creek and Bournda Lagoon	Estuary General
GG No 198 of 10.12.2004 at pages 9106-9107	Merimbula Lake, Yowaka River, Pambula Lake/River, Twofold Bay, Merimbula Bay and Towamba River—County of Auckland	Estuary General Ocean Hauling Ocean Trawl
GG No 114 of 8.9.2006 at page 7935	Commercial Fishing Catch Limits for Shark Species	Ocean Trap and Line Ocean Trawl

Schedule 2 New fishing closures

(Clause 22)

Table

Column 1	Column 2
Prohibitions of fishing closure	Commercial fisheries affected

Schedule 3 Waters closed permanently to fishing

(Clause 23)

Column 1	Column 2
Waters	Class of commercial fishing prohibited

Back Lake (also known as Back Lagoon):

the whole of the waters of Back Lake, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.

All commercial fishing.

Bega River:

the whole of the waters of Bega River, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.

All commercial fishing.

Bellinger River (including Kalang River):

the whole of the waters of Bellinger River, from its confluence with the Pacific Ocean upstream to its source, including Kalang River and all their tributaries, creeks, bays, inlets and lagoons.

All commercial fishing.

Bermagui River:

the whole of the waters of Bermagui River, from a line drawn between the eastern extremity of the northern breakwall south to Bermagui Point upstream to its source, including all its tributaries, creeks, bays and inlets.

All commercial fishing, except the carriage of stowed fishing gear by boat directly from Bermagui Harbour to ocean waters.

Botany Bay:

the whole of the waters of Botany Bay, together with all its tributaries, creeks, bays and inlets.

All commercial fishing, other than the taking of lobsters and abalone in accordance with the relevant share management plan.

Burrill Lake:

the whole of the waters of Burrill Lake and Burrill Lake Entrance Channel, together with all their tributaries, creeks, bays and inlets.

All commercial fishing.

Camden Haven River:

the whole of the waters of Camden Haven River from a line drawn between the eastern extremities of its northern and southern breakwalls upstream to North Haven Bridge and Dunbogan Bridge, which waters include the waters under those bridges, Gogleys Lagoon and all tributaries, creeks, bays and inlets.

All commercial fishing.

Clarence River:

- (a) the waters enclosed within a line drawn across the river entrance from the eastern extremity of the northern breakwall to the eastern extremity of the southern breakwall, and then upstream to a line drawn from the Waterways Authority Front Lead Beacon No 122 at mean high water mark on the northern side of Hickey Island, then northwesterly to the Waterways Authority Navigation Aid No 097 located on the downstream side of the most easterly opening in Middle Wall, then northeasterly across to the western extremity of Moriartys Wall,
- All commercial fishing, except the class of commercial fishing that consists of the use of a hauling net (general purpose) in accordance with clause 26 of the Regulation on and from 1 April in any year up to and including 31 August in that year in the waters adjacent to Wave Trap Beach located at the western end of the northern breakwall at the entrance of the Clarence River.
- (b) the whole of the waters of Oyster Channel from a line drawn from the Department marker post RFH1, located on the southern shore adjacent to the intersection of Micalo and Yamba Roads, northeasterly to the Department marker post RFH2 located on the shore north of Whyna Island, then following the mean high water mark upstream to a Department marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420 metres upstream of the Oyster Channel Road Bridge, then westerly following the powerlines to a Department marker post RFH4 on the shore of Micalo Island,
- All commercial fishing.
- (c) the whole of the waters of Romiaka Channel south from a line drawn from the Department marker post RFH5, located on the shore of the northern extremity of Romiaka Island, northerly across to the Department marker post RFH6 on the shore at Palmers Island, west of Ungundam Island, and then upstream to a line drawn from the Department marker post RFH7 located on the shore of Romiaka Island at the southern end of the rock retaining wall on "Burn's farm", then westerly across Romiaka Channel to the Department marker post RFH8 on the shore of Palmers Island,
- All commercial fishing.

(d) the whole of the waters of the North Arm of the Clarence River within the following boundaries, commencing at the Department marker post RFH9 located on the shore beneath the multiple overhead powerlines crossing the waters of the North Arm near Marandowie Drive, Iluka, then westerly directly beneath those powerlines for 100 metres, then upstream and parallel to the shore to a line parallel to the powerlines drawn from the Department marker post RFH10 located on the shore near the northern end of the rock retaining wall at the entrance to Saltwater Inlet.

All commercial fishing.

Deep Creek:

the whole of the waters of Deep Creek, from its confluence with the Pacific Ocean upstream to its source, including all its tributaries, creeks, bays and inlets.

All commercial fishing.

Hastings River:

the whole of the waters of Hastings River from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to its source, including all its tributaries, creeks, bays and inlets.

All commercial fishing.

Lake Brunderee:

the whole of the waters of Lake Brunderee, together with all its tributaries, creeks, bays and inlets.

All commercial fishing.

Lake Conjola:

the whole of the waters of Lake Conjola (and Berringer Lake), together with all their tributaries, creeks, bays and inlets.

All commercial fishing.

Lake Macquarie:

the whole of the waters of Lake Macquarie, together with all its tributaries, creeks, bays and inlets.

All commercial fishing.

Little Lake (also known as Little Tilba Lake and Hoyers Lake):

the whole of the waters of Little Lake immediately south of Tilba Lake, including all its tributaries, creeks, bays and inlets.

All commercial fishing.

Manning River:

the whole of the waters of Manning River, from its confluences with the South Pacific Ocean upstream to and including:

- (a) Ghinni Ghinni Creek, from a line drawn from a point on the south western shoreline at the mouth of Ghinni Ghinni Creek at 31° 52' 984"S, 152° 33' 565"E directly across the Manning River in a generally easterly direction to the eastern shoreline on Oxley Island at 31° 53' 066"S, 152° 34' 011"E, and All commercial fishing.
- (b) Berady Creek, from a line drawn from the upriver bank of Berady Creek due east to the eastern side of the Manning River, in the south channel,

which waters include Scotts Creek and all tributaries, creeks, bays and inlets.

Meroo Lake:

the whole of the waters of Meroo Lake, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Mummaga Lake (also known as Dalmeny Lake):

the whole of the waters of Mummaga Lake, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Narrawallee Inlet:

the whole of the waters of Narrawallee Inlet, together with all its tributaries, creeks and bays. All commercial fishing.

Nelson Lagoon (also known as Nelson Lake):

the whole of the waters of Nelson Lagoon, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source. All commercial fishing.

Nullica River:

the whole of the waters of Nullica River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source. All commercial fishing.

Pambula River and Yowaka River:

the whole of the waters of Pambula River and Yowaka River, including all their tributaries, creeks, bays and inlets, upstream of a line drawn from the southern end of Tea Tree Point and then due west to the boat ramp. All commercial fishing.

Richmond River:

- (a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to a line drawn across the River between the Burns Point Ferry ramps, including all the tributaries, creeks, bays, inlets and canal estates within those boundaries, All commercial fishing.
- (b) from a line drawn across the River between the Burns Point Ferry ramps upstream to a line drawn east across the River from the south-eastern corner of Portion 21 at the eastern end of Emigrant Point Lane, including Emigrant Creek and all other tributaries, creeks, bays, inlets and canal estates within those boundaries. All commercial fishing, except the class of commercial fishing that consists of the use of a crab trap in accordance with clause 61 of the Regulation, or of an eel trap in accordance with clause 65 of the Regulation.

St Georges Basin:

the whole of the waters of St Georges Basin, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Tabourie Lake:

the whole of the waters of Tabourie Lake, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Tomaga River:

the whole of the waters of Tomaga River, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Towamba River (also known as Kiah River):

the whole of the waters of Towamba River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source. All commercial fishing.

Tuross Lake (including Tuross River and Borang Lake):

the whole of the waters of Tuross Lake, together with all its tributaries, creeks, bays, inlets and lagoons, including Tuross River and Borang Lake. All commercial fishing.

Tweed River:

the following waters of the Tweed River:

- (a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to Boyds Bay Bridge (including the waters under the bridge) and a line drawn from the southern point of Rocky Point due east to Fingal Road, including Jack Evans Boat Harbour, the Southern Boat Harbour and all the tributaries, creeks, bays, inlets and canal estates within those boundaries,
- (b) the canal estate off Bingham Bay known as Seagulls Canal, as well as its continuation on the other side of The Lakes Drive,
- (c) the canal estate off Cobaki Broadwater known as Tweed West Canals, All commercial fishing.
- (d) the tributary behind Caddy's Island known as Blue Water Canals,
- (e) the canal estate behind Crystal Waters Drive known as Crystal Waters Canal,
- (f) the canal estate west of Boyd's Island known as Endless Summer Canal Estate,
- (g) the canal estate generally north of Chinderah Island known as Oxley Cove,
- (h) Wommin Lagoon,
- (i) Wommin Lake.

Wonboyn River and Wonboyn Lake:

the whole of the waters of Wonboyn River, including Wonboyn Lake, and all the tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source. All commercial fishing.

Wonboyn Beach:

the whole of the waters adjacent to the shoreline and 500 metres seaward of the mean high water mark of the entire length of Wonboyn Beach between Green Cape Peninsula in the north and Greenglade in the south, including Bay Cliff Headland. All methods of net fishing.