

# Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

[2006-736]



New South Wales

## Status Information

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New South Wales

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# Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006



New South Wales

## 1 Name of Regulation

This Regulation is the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*.

## 2 Commencement

This Regulation commences on 5 February 2007.

## 3 Ocean Hauling Share Management Plan

The *Ocean Hauling Share Management Plan* set out in the Appendix to this Regulation has effect.

## Appendix

(Clause 3)

### Part 1 Preliminary

#### 1 Name of plan

This is the *Ocean Hauling Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

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

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

**fishery** means the ocean hauling fishery (as described in Schedule 1 to the Act).

**hauling net** means a hauling net (general purpose), garfish net (hauling) or pilchard, anchovy and bait net (hauling).

**ocean hauling fishing business** means a fishing business the components of which include shares in the fishery.

**ocean hauling operations** includes the following:

- (a) operating or stowing a hauling net or operating any motor vehicle or boat in relation to the operation of those nets while in, on or adjacent to the waters of the fishery,
- (b) removing any fish taken in the fishery from a hauling net,
- (c) placing any fish taken in the fishery by means of a hauling net into boxes, containers or any other receptacles while in, on or adjacent to the waters of the fishery.

**ocean waters** has the meaning given by Schedule 1 to the Act.

**prohibited size class of fish** means any species of fish referred to in Column 1 of Table 1 or Table 2 in Division 2 of Part 2 of the *Fisheries Management (General) Regulation 2002*.

**Supporting Plan** means the *Fisheries Management Supporting Plan* as set out in the Appendix to the *Fisheries Management (Supporting Plan) Regulation 2006*.

**target species of fish** for a net means a species specified in the second column of the Table to clause 9 next to the net concerned.

**the Act** means the *Fisheries Management Act 1994*.

**waters of the fishery** means the following waters (within the meaning of Schedule 1 to the Act):

- (a) ocean waters within 3 nautical miles of the natural coast line,
  - (b) the waters of Jervis Bay,
  - (c) the waters of Coffs Harbour.
- (2) In this Plan, a reference to a region of the fishery is a reference to a region described in clause 4.
  - (3) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.
  - (4) Notes used in this Plan do not form part of the Plan.

## Part 2 Objectives of plan

### 3 Objectives, performance indicators and triggers for review

- (1) The objectives of this Plan are set out in Column 1 of the Table to this clause.
- (2) For the purposes of section 57 (2) (a) of the Act, the performance indicator in relation to each objective of this Plan is set out in Column 2 of the Table to this clause next to the objective concerned.
- (3) For the purposes of section 57 (2) (b) of the Act, a review of this Plan is required in the circumstances provided for in Column 3 of the Table to this clause next to the objective and performance indicator concerned.

- (4) In the Table:

**by-product species** means a species of fish that is retained in the fishery, and that is not a target species or conditional target species.

**conditional target species** means a species of fish listed in the Table to clause 9 under the heading “conditional target species”.

**target species** means a species of fish listed in the Table to clause 9 under the heading “target species”.

#### Table

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Objective</b>	<b>Performance indicator</b>	<b>Trigger for review</b>
1	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to managing the impacts of the fishery on the environment and to ensuring ecologically sustainable development	Reduction in the estimated quantity of the ocean hauling catch (by method) which is discarded	The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys
		No new target species or conditional target species with an exploitation status is classified as “overfished” or “recruitment overfished” by the Department	On the basis of resource assessment frameworks approved by the Director-General, the exploitation status of a target species or conditional target species is changed to “overfished” or “recruitment overfished” by the Department

	<p>Total annual landings of all conditional target species and by-product species as a percentage of the total annual landings for each fishing method remains at 5% or less</p>	<p>The Director-General is satisfied that the contribution of conditional target species and by-product species to total annual landings for any method exceeds 5% in any 2 consecutive years</p>
	<p>No interactions between the fishery and any threatened species, population or ecological community that are likely to threaten the survival of a species, population or ecological community</p>	<p>Any interaction between the fishery and any threatened species, population or ecological community reported by endorsement holders in the fishery or observed during an observer survey that is likely to threaten the survival of a threatened species, population or ecological community, as determined by the Director-General on advice from relevant experts</p>
	<p>No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish</p>	<p>On a biennial review undertaken by the Department of interactions between the fishery and protected fish reported by endorsement holders in the fishery or observed during an observer survey, the Director-General, on advice from relevant experts, determines that the level of these reported interactions is likely to threaten the survival of the protected fish</p>
<p>2 Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing</p>	<p>There are net returns to the fishery.</p>	<p>The Director-General is satisfied that the gross value of production of the fishery has not exceeded the sum of indicative industry operational costs and government management costs relevant to the fishery for 3 consecutive years</p>

### Part 3 Description of fishery

**Note—**

The fishery is described in Schedule 1 to the Act as consisting of the use of a hauling net or purse seine net to take fish from any

of the following waters:

- (a) ocean waters within 3 nautical miles of the natural coast line,
- (b) the waters of Jarvis Bay,
- (c) the waters of Coffs Harbour.

The ocean hauling fishery extends to the use of any net by the method of hauling to take fish from any of the waters referred to above.

#### 4 Regions of fishery

(1) For the purposes of this Plan, the waters of the fishery are divided into 7 regions.

(2) The 7 regions of the fishery are as follows:

- (a) **Upper north coast (Region 1).** The waters of the fishery lying generally north of the parallel 29°15' south latitude.
- (b) **Clarence (Region 2).** The waters of the fishery lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude.
- (c) **North coast (Region 3).** The waters of the fishery lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude.
- (d) **Central (Region 4).** The waters of the fishery lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude.
- (e) **Metropolitan (Region 5).** The waters of the fishery lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude.
- (f) **Upper south coast (Region 6).** The waters of the fishery lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude.
- (g) **Lower south coast (Region 7).** The waters of the fishery lying generally south of the parallel 35°25' south latitude.

#### 5 Classes of share

There are 29 classes of share available in the fishery, being the following classes:

- (a) Ocean hauling—general ocean hauling shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (b) Ocean hauling—hauling net (general purpose) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (c) Ocean hauling—garfish net (hauling) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (d) Ocean hauling—pilchard, anchovy and bait net (hauling) shares—Regions 1, 2, 3, 4, 5, 6 and 7,
- (e) Ocean hauling—purse seine net shares.



**Note—**

The classes of share available correspond to the type of endorsement available in the fishery and the region in which that endorsement authorises the holder to take fish.

**6 Types of endorsement**

- (1) There are 29 types of endorsement available in the fishery, as follows:
  - (a) General ocean hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (b) Hauling net (general purpose) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (c) Garfish net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (d) Pilchard, anchovy and bait net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7,
  - (e) Purse seine net endorsement.
- (2) **General ocean hauling endorsement—Regions 1, 2, 3, 4, 5, 6 and 7** A general ocean hauling endorsement authorises the holder to assist another person who holds an endorsement of a kind referred to in subclause (4), (6) or (8) to take fish, but only if the region specified in that other endorsement is the same as the region specified in the general ocean hauling endorsement.
- (3) Only shareholders who hold ocean hauling—general ocean hauling shares for a region are eligible to be given, or to nominate a person to be given, a general ocean hauling endorsement for that region.
- (4) **Hauling net (general purpose) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7** A hauling net (general purpose) endorsement authorises the holder to use a hauling net (general purpose) to take fish in the region of the fishery specified in the endorsement.
- (5) Only shareholders who hold ocean hauling—hauling net (general purpose) shares for a region are eligible to be given, or to nominate a person to be given, a hauling net (general purpose) endorsement for that region.
- (6) **Garfish net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7** A garfish net (hauling) endorsement authorises the holder to use a garfish net (hauling) to take fish in the region of the fishery specified in the endorsement.
- (7) Only shareholders who hold ocean hauling—garfish net (hauling) shares for a region are eligible to be given, or to nominate a person to be given, a garfish net (hauling) endorsement for that region.
- (8) **Pilchard, anchovy and bait net (hauling) endorsement—Regions 1, 2, 3, 4, 5, 6 and 7** A pilchard, anchovy and bait net (hauling) endorsement authorises the holder to use a pilchard, anchovy and bait net (hauling) to take fish in the region of the fishery

specified in the endorsement.

- (9) Only shareholders who hold ocean hauling—pilchard, anchovy and bait net (hauling) shares for a region are eligible to be given, or to nominate a person to be given, a pilchard, anchovy and bait net (hauling) endorsement for that region.
- (10) **Purse seine net endorsement** A purse seine net endorsement authorises the holder to use a purse seine net to take fish in any region of the fishery.
- (11) Only shareholders who hold ocean hauling—purse seine net shares are eligible to be given, or to nominate a person to be given, a purse seine net endorsement.

## Part 4 Minimum and maximum shareholdings

### 7 Minimum shareholding

- (1) For the purpose of section 67 (1) of the Act, the minimum shareholding in relation to a class of shares specified in the Table to this clause is, subject to subclause (2), the number of shares of that class specified in the Table next to the class concerned.

**Note—**

A person who does not hold the minimum shareholding required for a class of shares will not be eligible to be given, or to nominate another person to be given, an endorsement that authorises the taking of fish in respect of shares of that class. See sections 68 (3) (b) and 69 (2) of the Act.

- (2) The minimum shareholding in relation to a class of shares is, if the shareholder is an original entitlement holder in relation to that class of shares, 1 share of that class.
- (3) Subclause (2) ceases to apply in respect of a class of shares held by a shareholder if the shareholder transfers, assigns, forfeits or surrenders any shares of that class or if any shares of that class are cancelled after the commencement of this Plan (in which case subclause (1) applies to the shareholder).
- (4) For the purposes of this clause, an **original entitlement holder**, in relation to a class of shares, is a person who:
  - (a) held shares of that class immediately before the commencement of this Plan, and
  - (b) was, immediately before the commencement of this Plan, eligible for an endorsement in the fishery (or to nominate a person to be given an endorsement in the fishery) on the basis of that shareholding.
- (5) A person who is issued with shares of a class as a consequence of a decision of the Share Appeal Panel on an appeal in relation to the issue of shares in the fishery and who would have been entitled to an endorsement in the fishery, or to nominate a person to be given an endorsement, if those shares had been issued before the commencement of this Plan, is taken to be an original entitlement holder in relation to that class of shares.

- (6) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean hauling fishing business.

**Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean hauling—general ocean hauling shares (Region 1, 2, 3, 4, 5, 6 or 7)	40
Ocean hauling—hauling net (general purpose) shares (Region 1, 2, 3, 4, 5, 6 or 7)	40
Ocean hauling—garfish net (hauling) shares (Region 1 or 2)	10
Ocean hauling—garfish net (hauling) shares (Region 3, 4, 5, 6 or 7)	40
Ocean hauling—pilchard, anchovy and bait net (hauling) shares (Region 1, 2, 3, 4, 5, 6 or 7)	30
Ocean hauling—purse seine net shares	40

**8 Maximum shareholding**

For the purpose of section 72 (1) of the Act, the maximum shareholding is 40% of the total number of shares in the fishery at the commencement of this Plan.

**Part 5 Species that may be taken**

**9 At least 80% of each hauling shot must be comprised of target or conditional target species**

- (1) An endorsement holder must not use a net specified in the Table to this clause to take fish unless at least 80% (by whole weight) of the catch taken from each haul is comprised of target species or conditional target species for that type of net.
- (2) In this clause:
  - (a) the target species for a net specified in the Table to this clause is any fish of a species listed next to the type of net concerned under the heading “target species”, and
  - (b) the conditional target species (if any) for a net specified in the Table to this clause is any fish of a species listed next to the type of net concerned under the heading “conditional target species”.
- (3) For the purposes of section 24 of the Act, it is unlawful to use a net specified in the Table to this clause to take fish in the fishery in contravention of this clause.

**Table**

Type of net	Target species	Conditional target species	
Hauling net (general purpose)—ocean hauling fishery	Australian salmon ( <i>Arripis trutta</i> )	Blue mackerel ( <i>Scomber australasicus</i> ) Australian bonito ( <i>Sarda australis</i> ) Leaping bonito ( <i>Cybiosarda elegans</i> ) Oriental bonito ( <i>Sarda orientalis</i> )	
	Dart ( <i>Trachinotus</i> spp.)	Mulloway ( <i>Argyrosomus japonicus</i> )	
	Luderick ( <i>Girella tricuspidata</i> )	Diamond fish ( <i>Monodactylus argenteus</i> )	
	Sand whiting ( <i>Sillago ciliata</i> )	Frigate mackerel ( <i>Auxis thazard</i> ) Mackerel tuna ( <i>Euthynnus affinis</i> )	
	Sea mullet (or any other species of mullet included in the Family MUGILIDAE)	Longtail tuna ( <i>Thunnus tonggol</i> )	
	Yellowfin bream ( <i>Acanthopagrus australis</i> )	Silver trevally ( <i>Pseudocaranx dentex</i> ) Spanish mackerel ( <i>Scomberomorus commerson</i> )	
			Sweep ( <i>Scorpiis lineolata</i> )
			Tarwhine ( <i>Rhabdosargus sarba</i> )
	Garfish net (hauling)—ocean hauling fishery	Sea garfish ( <i>Hyporhamphus australis</i> )	Nil
		Anchovy ( <i>Engraulis australis</i> ) Blue mackerel ( <i>Scomber australasicus</i> )	Nil
Pilchard, anchovy and bait net (hauling)—ocean hauling fishery	Pilchard ( <i>Sardinops neopilchardus</i> )	Nil	
	Yellowtail scad ( <i>Trachurus novaezelandiae</i> )	Nil	
	Whitebait spp. (Family CLUPEIDAE/GALAXIIDAE)	Nil	

	Anchovy ( <i>Engraulis australis</i> )	
	Australian salmon ( <i>Arripis trutta</i> )	
	Whitebait spp. (Family CLUPEIDAE/GALAXIIDAE)	
	Blue mackerel ( <i>Scomber australasicus</i> )	
	Australian bonito ( <i>Sarda australis</i> )	
	Oriental bonito ( <i>Sarda orientalis</i> )	
Purse seine net	Jack mackerel ( <i>Trachurus declivis</i> )	Nil
	Pilchard ( <i>Sardinops neopilchardus</i> )	
	Silver trevally ( <i>Pseudocaranx dentex</i> )	
	Sweep ( <i>Scorpius lineolata</i> )	
	Yellowtail scad ( <i>Trachurus novaezelandiae</i> )	
	Skipjack tuna (also known as striped tuna) ( <i>Katsuwonus pelamis</i> )	

## Part 6 Areas and times of operation

### 10 Waters permanently closed to ocean hauling

- (1) Pursuant to section 20 (2) of the Act, it is declared that the waters within 200 metres of the mean low water mark of the waters listed in Schedule 1 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the fishery is prohibited, subject to subclause (2).
- (2) The declaration under subclause (1) does not prohibit the use of any of the following nets, where those nets are cast from and hauled back to a boat, in waters that are adjacent to a headland that is at the end of a beach specified in Schedule 1:
  - (a) garfish net (hauling),
  - (b) pilchard, anchovy and bait net (hauling).

### 11 Beaches closed to ocean hauling on a seasonal basis

Pursuant to section 20 (2) of the Act, it is declared that the beaches specified in Column 1 of Schedule 2 are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the fishery is prohibited, during the period specified next to the beach concerned in Column 2 of the Schedule.

**Note—**

See the Supporting Plan for section 20 (2) closures that apply to more than one share management fishery.

### **11A Other restrictions on areas of operation**

For the purposes of section 20 (2) of the Act, it is declared that the waters specified in Column 1 of Schedule 3 are waters in which the class of commercial fishing that consists of the method of fishing specified in Column 2 of that Schedule is prohibited during the period specified in Column 3 of that Schedule next to the waters concerned.

### **12 Hauling net (general purpose) and pilchard, anchovy and bait net (hauling) restrictions**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not carry out ocean hauling operations (other than operations in relation to use of a garfish net (hauling)) on weekends or on public holidays during the months of November, December, January and February.

(2) In this clause:

**public holiday** means a day that is observed as a public holiday throughout New South Wales.

**weekend** means the period between midnight on a Friday and midnight on the immediately following Sunday.

### **13 Garfish net (hauling) restrictions**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not use a garfish net (hauling) to take fish in the fishery on a weekend or a public holiday.

(2) In this clause:

**public holiday** means a day that is observed as a public holiday throughout New South Wales.

**weekend** means the period between midnight on a Friday and midnight on the immediately following Sunday.

## **Part 6A Fishing gear**

### **Note—**

Section 24 of the Act makes it an offence for a person to use a net or trap for taking any fish unless its use by the person for taking those fish is declared by the regulations to be a lawful use of the net or trap. This Part sets out the types of fishing gear that may be lawfully used in the fishery (and the conditions of use).

### **13A Hauling net (general purpose)**

(1) It is lawful for the holder of a hauling net (general purpose) endorsement to use a hauling net for taking fish in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those

waters in that Table and the following conditions are complied with:

- (a) the net is used only by the method of hauling,
  - (b) the net has a bunt,
  - (c) the bunt of the net:
    - (i) is in the centre of the net and the net has 2 wings of equal length, or
    - (ii) is located between the end of the net first cast or shot and the centre of the net,
  - (d) the length of each hauling line attached to the net does not exceed the total length of the net to which it is attached,
  - (e) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,
  - (f) any fish contained in any part of the net are immediately removed on completion of the haul, or on removal of that part of the net from the water, whichever occurs first,
  - (g) the net is not used for taking garfish,
  - (h) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a hauling net (general purpose) endorsement or general ocean hauling endorsement for the region concerned),
  - (i) the net is deployed from, and hauled to, a beach.
- (2) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a hauling net (general purpose) endorsement in the operation of a hauling net in accordance with this clause.
- (3) This clause is subject to clause 9.

**Note—**

Clause 9 lists the target and conditional target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.

- (4) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a hauling net (general purpose) or a hauling net (general purpose)—ocean hauling fishery.

**Table Hauling net (general purpose)**

(a) *Waters*—Ocean waters within 3 nautical miles of the natural coast line, including the waters of Coffs Harbour.

(b) *Description of net*—

1

(i) from 1 March to 31 July in each year—Total length not exceeding 400 metres; length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm nor more than 65 mm; mesh of wings not less than 65 mm nor more than 86 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net,

(ii) during any other period—Length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm; mesh of wings not less than 80 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.

(a) *Waters*—Jervis Bay.

(b) *Description of net*—

2

(i) from 1 March to 31 July in each year—Total length not exceeding 400 metres; length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm nor more than 65 mm; mesh of wings not less than 65 mm nor more than 86 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net,

(ii) during any other period—Total length not exceeding 400 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 57 mm; mesh of wings not less than 80 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.

### **13B Garfish net (hauling)**

(1) It is lawful for the holder of a garfish net (hauling) endorsement to use a hauling net for taking a target species of fish for that net in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:

(a) the net is used only by the method of hauling,

(b) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,

(c) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved,



- (d) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a garfish net (hauling) endorsement or general ocean hauling endorsement for the region concerned).
- (2) It is also lawful for the holder of a garfish net (hauling) endorsement to use a hauling net for taking any other fish (other than a prohibited size class of fish) that are taken by the net when it is lawfully being used for taking a target species for that net.
- (3) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a garfish net (hauling) endorsement in the operation of a hauling net in accordance with this clause.
- (4) This clause is subject to clause 9.

**Note—**

Under clause 9, the target species for this type of net is sea garfish. At least 80% of the catch taken in each haul must be comprised of that species.

- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a garfish net (hauling) or as a garfish net (hauling)—ocean hauling fishery.

**Table Garfish net (hauling)**

- |   |   |
|---|---|
|   | (a) <i>Waters</i> —Ocean waters within 3 nautical miles of the natural coast line, including the waters of Coffs Harbour.   |
| 1 | (b) <i>Description of net</i> —Total length not exceeding 300 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh of not less than 28 mm nor more than 85 mm. |
|   | (a) <i>Waters</i> —Jervis Bay.  |
| 2 | (b) <i>Description of net</i> —Total length not exceeding 300 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh of not less than 28 mm nor more than 36 mm. |

**13C Pilchard, anchovy and bait net (hauling)**

- (1) It is lawful for the holder of a pilchard, anchovy and bait net (hauling) endorsement to use a hauling net for taking a target species of fish for that net in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
  - (a) the net is used only by the method of hauling,
  - (b) the hauling of the net once commenced (that is, when any part of the net other

than the hauling line has been shot or cast) is continued without any interruption or delay until completed,

- (c) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved,
- (d) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a pilchard, anchovy and bait net (hauling) endorsement or general ocean hauling endorsement for the region concerned).

- (2) It is also lawful for the holder of a pilchard, anchovy and bait net (hauling) endorsement to use a hauling net for taking any other fish (other than prawns, sea garfish or a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking a target species for that net.
- (3) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a pilchard, anchovy and bait net (hauling) endorsement in the operation of a hauling net in accordance with this clause.
- (4) This clause is subject to clause 9.

**Note—**

Clause 9 lists the target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.

- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a pilchard, anchovy and bait net (hauling) or a pilchard, anchovy and bait net (hauling)—ocean hauling fishery.

**Table Pilchard, anchovy and bait net (hauling)**

- (a) *Waters*—Ocean waters within 3 nautical miles of the natural coast line, including the waters of Coffs Harbour.
- 1 (b) *Description of net*—Total length (excluding hauling lines) not exceeding 300 metres; total length of hauling lines not exceeding 500 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh throughout of not less than 11 mm.

**13D Purse seine net**

- (1) It is lawful for the holder of a purse seine net endorsement to use a purse seine net for taking a target species of fish for the net (as referred to in clause 9) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
  - (a) the net is cast or shot from, and retrieved to, a boat,

- (b) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed, and is conducted from a single boat.
- (2) It is also lawful for the holder of a purse seine net endorsement to use a purse seine net for taking any other fish (other than prawns, sea garfish, tuna or a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking a target species of fish for that net.
- (3) For the purposes of this clause, silver trevally is not considered to be a prohibited size class of fish (and accordingly, may lawfully be taken using a purse seine net).
- (4) This clause is subject to clause 9.

**Note—**

Clause 9 lists the target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.

- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a purse seine net.

**Table Purse seine net**

- |   |   |
|---|---|
|   | (a) <i>Waters</i> —Ocean waters within 3 nautical miles of the natural coast line, including the waters of Coffs Harbour.   |
| 1 | (b) <i>Description of net</i> —Total length not exceeding 1,000 metres; rings and purse rope or other devices that facilitate pursing attached to lead line; mesh throughout not more than 150 mm.  |
|   | (a) <i>Waters</i> —Jervis Bay and the whole of the waters of Twofold Bay together with its bays and inlets west of a line drawn from Worang Point (North Head) southerly to Red Point (South Head). |
| 2 | (b) <i>Description of net</i> —Total length not exceeding 275 metres; rings and purse rope or other devices that facilitate pursing attached to lead line; mesh throughout not more than 150 mm.    |

## **Part 7 General requirements in relation to taking fish**

### **14 Taking of fish with the assistance of others**

- (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 fish or otherwise engage in any ocean hauling operations in the fishery with the assistance of any other person, unless the other person holds a general ocean hauling endorsement and the region specified in that other person's endorsement is the same as the region specified in the first person's endorsement.

- (2) This clause does not apply to the taking of fish in the fishery from ocean waters (but not from the shore) by use of a purse seine net.

#### **15 Evidence of endorsement must be produced where fishing priority sought**

- (1) If an endorsement holder seeks to take priority over another fisher in ocean hauling operations in the fishery, including by taking a turn before that other fisher, the other fisher may request the endorsement holder seeking to take priority, before taking that turn, to produce evidence of his or her endorsement in the fishery to that other fisher.
- (2) The endorsement holder seeking to take priority may, before responding to such a request, require the fisher making the request to produce evidence of his or her endorsement in the fishery to the endorsement holder seeking priority.
- (3) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that an endorsement holder must not fail to comply with any reasonable request to produce evidence of an endorsement made in accordance with this clause.

**Note—**

Clauses 83 and 84 of the *Fisheries Management (General) Regulation 2002* set out the general rules for rights of priority between fishers setting or hauling nets in the fishery.

#### **16 Display of identification information on motor vehicles**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not engage in any ocean hauling operations unless there is clearly displayed on any motor vehicle used in connection with the operations the following information:
  - (a) the words “Ocean hauling fishery”,
  - (b) the number of the fishing business of which the endorsement is a component (being the number allocated to the fishing business by the Director-General under the Act).
- (2) If a motor vehicle is being used by more than one endorsement holder, it is sufficient that the information referred to in subclause (1) is displayed as required in relation to only one of those endorsement holders.

#### **17 Use of nets in or near flagged swimming areas**

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder does not shoot or retrieve a net, for the purpose of taking fish in the fishery, while in a flagged swimming area.
- (2) In this clause:

***flagged swimming area*** means any part of a beach used as a swimming area, the

boundaries of which are indicated by flags.

## 18 Boat capacity restrictions

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement of a type specified in Column 1 of the Table to this clause that the endorsement holder does not use a boat to take fish in the fishery if the boat has a length exceeding the maximum boat length specified in Column 2 of the Table next to the endorsement concerned.

### Table

Column 1	Column 2	Column 3
Types of endorsement	Maximum boat length	Exemption code
Hauling net (general purpose) endorsement	6 metres	N/A
Garfish net (hauling) endorsement, pilchard, anchovy and bait net (hauling) endorsement, and purse seine net endorsement	20 metres	OH

- (2) The maximum boat length specified in Column 2 of the Table to this clause does not apply in respect of a boat if:
- it is exempted from the maximum boat length requirement in accordance with an exemption criteria determined by the Director-General, and
  - that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind (if any) specified in Column 3 of the Table to this clause next to the endorsement concerned.
- (3) In the case of a boat exempted as provided for by subclause (2), the maximum boat length is taken to be the maximum boat length specified in the fishing boat licence for the boat.
- (4) For the purposes of this clause, the length of a boat is the length noted on the fishing boat licence for that boat.

## Part 8 General

### 19 Adoption of Supporting Plan

For the purposes of section 57A (5) of the Act, the provisions of the Supporting Plan, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

## 20 Authorised amendments to Plan

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

### Schedule 1 Waters closed to ocean hauling

(Clause 10)

#### Table Waters in which ocean hauling is prohibited

##### Region 1—Upper North Coast

Location	Description of waters
Bogangar Beach	The whole of the waters adjacent to the beach from Norries Head generally northwest along the length of the beach for a distance of 400 metres (identified by a group of unnamed rocks).
Crabbes Creek Beach (also known as Golden Beach)	The whole of the waters adjacent to the beach from the intersection of the beach and an extension of Gloria Street, generally south along the beach for a distance of approximately 2.67km to that part of the beach adjacent to the northern end of North Head Road.
Brunswick River	The whole of the waters adjacent to the shoreline on both sides of the mouth of the Brunswick River for a distance of 1,000m, as indicated by the signposts on the breakwall.
Seven Mile Beach to Boulder Beach	The whole of the waters adjacent to the shoreline between the intersection of Seven Mile Beach and an extension of Rutherford St (indicated by the Lennox Head boat channel) and Whites Head, excluding the boat channel.
Shelly Beach	The whole of the waters adjacent to the shoreline between Black Head and Ballina Head.
Airforce Beach	The whole of the waters adjacent to the shoreline from the northern Evans River breakwall generally north for a distance of 400 metres (indicated by the 4WD access track onto the beach).

##### Region 2—Clarence

Location	Description of waters
Woody Bay	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Woody Head and the post marked "NSWF" on the foreshore (near the western end of the Woody Head camping ground) approximately 300 metres along the shoreline.

Turners Beach to Pippi Beach	The whole of the waters adjacent to the shoreline between the southern breakwall of the Clarence River and the vehicle access track on Pippi Beach (approximately 700 metres south of Yamba Point), including Turners Beach, Yamba Beach and Pippi Beach. The waters adjacent to Convent Beach are excluded from this prohibition.
Angourie Bay to Rocky Point (Lake Arragan entrance)	The whole of the waters adjacent to the shoreline between Angourie Point and Rocky Point (directly north of Red Cliff Beach) including Angourie Bay, Little Shelley Beach, Shelley Beach and Plumbago Beach.

### **Region 3—North Coast**

<b>Location</b>	<b>Description of waters</b>
Park Beach	The whole of the waters adjacent to the shoreline between Macauleys Headland and a line drawn east from the shoreline passing through the northern-most point of Little Muttonbird Island (east of the entrance of Coffs Creek).
Hungry Head	The whole of the waters adjacent to the shoreline from the southern training wall of the Bellingen River for a distance of 1km travelling generally south along the shoreline.
Nambucca North Head	The whole of the waters adjacent to the shoreline between the northern end of Beilbys Beach and the southern end of Shelly Beach (Cliffy Point).
Forster Beach	The whole of the waters adjacent to the shoreline from the southern side of the mouth of the Nambucca River for a distance of 1km travelling generally southwesterly along the shoreline.
Middle Beach and Grassy Beach	The whole of the waters adjacent to the shoreline between Scotts Head and Grassy Head.
Smoky Cape	The whole of the waters adjacent to the shoreline between the northwesternmost extremity of Lagers Point, following the shoreline to a point on South Smoky Beach 3km generally southwest from Smoky Cape (that is, adjacent to Black Rocks), including Little Bay, Gap Beach and North Smoky Beach.
Hat Head	The whole of the waters adjacent to the shoreline from the northernmost extremity of Korogoro Point, following the shoreline to a point on Killick Beach 3km generally southwest of the Jew Bite, including Gap Beach, O'Connors Beach and Third Beach.

Crescent Head	The whole of the waters adjacent to the shoreline from Little Nobby at the southern end of Killick Beach for a distance along that beach of 1km.
North Shore Beach	The whole of the waters adjacent to the shoreline between the easternmost extremity of Point Plomer to a point on North Shore Beach 3.5km generally north of the wall travelling along the beach at Pelican Point.
Port Macquarie to Middle Rock Point	The whole of the waters adjacent to the shoreline between the southern wall of the entrance to the Hastings River and Middle Rock Point (south of Lighthouse Beach), including Town Beach, Oxleys Beach, Rocky Beach, Flynns Beach, Nobbys Beach, Shelly Beach, Miners Beach and Lighthouse Beach.
Grants Beach	The whole of the waters adjacent to the shoreline between the northern wall of Camden Haven Inlet and a point on Grants Beach 1km along the beach.

#### **Region 4—Central**

<b>Location</b>	<b>Description of waters</b>
Crowdy Head to Wallabi Point	The whole of the waters adjacent to the shoreline between the southwesternmost point of Crowdy Head and Wallabi Point, including the entrance to the Manning River and Old Bar Beach.
Shelly Beach	The whole of the waters adjacent to the shoreline of Shelly Beach (north of Red Head and Black Head Bay).
Wallis Lake entrance to Seven Mile Beach	The whole of the waters adjacent to the shoreline between the Wallis Lake entrance and the northern end of Seven Mile Beach, including Forster Beach, Pebbly Beach, One Mile Beach, Burgess Beach, Lobster Pot Beach and McBrides Beach.
Boomerang Beach to Blueys Beach	The whole of the waters adjacent to the shoreline between Pimply Rock and Blueys Beach.
Treachery Beach	The whole of the waters adjacent to the shoreline between Treachery Head and Yagon Gibber Headland.
Bennetts Beach	The whole of the waters adjacent to the shoreline for 500 metres on either side of Bennetts Beach Surf Club.
Fingal Beach	The whole of the waters adjacent to the shoreline between Fingal Beach Surf Club and a point 1km generally northeast along the beach.
Stockton Beach	The whole of the waters adjacent to the shoreline between the sewerage treatment works and a point 500 metres north of the Signa shipwreck (a distance of approximately 6.5km).



Nobbys Head to Nine Mile Beach	The whole of the waters adjacent to the shoreline between the southern breakwall at Nobbys Head and the Waste Water Treatment Works at Belmont on Nine Mile Beach, including Nobbys Beach, Newcastle Beach, Bar Beach, Dixon Park Beach, Merewether Beach, Dudley Beach, Redhead Beach and approximately 5km of Nine Mile Beach.
Deep Cave Bay	The whole of the waters adjacent to the shoreline between the northern end of Moonee Beach and Flat Rocks Point.
Frazer Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Snapper Point and the easternmost point of Wybung Head. The area includes Bongon Beach, Frazer Beach, Gravelly Beach and Deadmans Beach.
Pebbley Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Norah Head and the northernmost point of Soldiers Point.

## **Region 6—Upper South Coast**

<b>Location</b>	<b>Description of waters</b>
Coalcliff Beach	The whole of the waters adjacent to the beach (known as Coalcliff Beach) north of Coalcliff Harbour.
Scarborough Beach to Wombarra Beach	The whole of the waters adjacent to the shoreline between the rocks at the northern end of Scarborough Beach to the pool at the southern end of Wombarra Beach, including Noony's Gulf.
Austinmer Beach	The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Bell's Point and the pool at the southern end of Austinmer Beach.
Boyds Beach	The whole of the waters adjacent to the shoreline between the southernmost extremity of Minnamurra Point and the northwesternmost extremity end of Cathedral Rocks.
Culburra Beach	The whole of the waters adjacent to the shoreline between the southern end of Greenwell Point and the southeastern end of Culburra Beach, including Tilbury Cove.
Cudmirrah Beach to Monument Beach	The whole of the waters adjacent to the shoreline between the northern end of Cudmirrah Beach and the northern end of Monument Beach.

## **Region 7—Lower South Coast**

<b>Location</b>	<b>Description of waters</b>
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Pebbly Beach	<p>The whole of the waters adjacent to Pebbly Beach in Murramarang National Park.</p>
Wimbie Beach to Rosedale Beach	<p>The whole of the waters adjacent to the shoreline between the southern extremity of Wimbie Beach and the northern extremity of Rosedale Beach, including Circuit Beach, Lilli Pilli Beach, Mosquito Bay, Garden Bay, Malua Bay, Pretty Point Bay and McKenzies Beach.</p>
Bengello Beach	<p>The whole of the waters adjacent to the shoreline between the Moruya River breakwall and a point 500 metres generally northeast along Bengello Beach.</p>
Tarandore Point to Tuross Head	<p>The whole of the waters adjacent to the shoreline between Tarandore Point and Tuross Head, including One Tree Beach.</p>
Brou Beach (also known as Wilson Hall Beach)	<p>The whole of the waters adjacent to the shoreline for 300 metres on each side of the first set of rocks south of the Lake Brou opening.</p>
Mummaga Head to Glasshouse Rocks	<p>The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Mummaga Head (Dalmeny) and Glasshouse Rocks (south of Narooma Beach), including Joshs Beach, Yabbara Beach, Duesburys Beach, Kianga Beach (except between 1 May and 30 June in each year, both dates inclusive), Carters Beach, Bar Beach and Narooma Beach.</p>
Corunna Point to Boat Harbour Point	<p>The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Corunna Point and the southeasternmost extremity of Boat Harbour Point, including Mystery Bay.</p>
Blue Point to Breakaway Beach	<p>The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Blue Point and the southern end of Breakaway Beach, including Jack Common Beach and Beares Beach.</p>
Armonds Bay Beach to Murrah Head	<p>The whole of the waters adjacent to the shoreline between the northern extremity of Armonds Bay and the southeastern extremity of Murrah Head.</p>
Goalen Head to Bunga Head	<p>The whole of the waters adjacent to the shoreline between the eastern extremity of Goalen Head and the eastern extremity of Bunga Head, including Bunga Beach.</p>
Bengunnu Point to Picnic Beach	<p>The whole of the waters adjacent to the shoreline between the eastern extremity of Bengunnu Point and the northern end of Picnic Beach.</p>

Merimbula Beach

The whole of the waters adjacent to the shoreline between the northern extremity of Merimbula Beach and a point 500 metres south along that beach.

## Schedule 2 Beaches closed to ocean hauling on a seasonal basis

(Clause 11)

<b>Column 1</b>	<b>Column 2</b>
<b>Closed beaches</b>	<b>Period of closure</b>
All ocean beaches bounded by Point Danger at Tweed Heads south to Goanna Headland (Evans Headland)	From 8am Good Friday to midnight on Easter Sunday
Bluff Beach (Iluka)	From 1 December to 31 January in the succeeding year
Brooms Head Beach—that section from Cakora Point or Brooms Head, north westerly to a line extending due east from the road bridge over the entrance to Cakora Lagoon	From 15 December to 15 January in the succeeding year
Station Creek Beach (North of Red Rock)	From 1 October to the last day in February in the succeeding year
Main Beach (Nambucca heads)	From 1 October to the last day in February in the succeeding year
Grassy Beach bounded by Grassy Head and Middle Head	From 1 October to the last day in February in the succeeding year
Smoky Cape—Laggers Point south to a point due west of Black Rocks (approximately 3,000 metres south from Smoky Cape)	From 1 October to the last day in February in the succeeding year
Town Beach (Port Macquarie)	From 1 October to the last day in February in the succeeding year
Flynns Beach	From 1 October to the last day in February in the succeeding year
Shelly Beach	From 1 October to the last day in February in the succeeding year
Miners Beach	From 1 October to the last day in February in the succeeding year
Lighthouse Beach—that part from the southern extremity of Tacking Point south to Watonga Rock	From 1 October to the last day in February in the succeeding year
Grants Beach (North Haven Beach)—that part from the northern breakwall to Camden Haven inlet for a distance of 1,000 metres	From 1 December to 31 January in the succeeding year

Hat Head Beach—that portion of Hat Head Beach for a distance of 1,000 metres from Korogoro Creek mouth, north to a pedestrian access no. 6	Between sunrise and sunset in the period from 15 December to 31 January in the succeeding year
Whale Beach	From 1 November to the last day in February in the succeeding year
Avalon Beach	From 1 November to the last day in February in the succeeding year
Bilgola Beach	From 1 November to the last day in February in the succeeding year
Bungan Beach	From 1 November to the last day in February in the succeeding year
Basin Beach	From 1 November to the last day in February in the succeeding year
Mona Vale Beach	From 1 November to the last day in February in the succeeding year
Warriewood Beach	From 1 November to the last day in February in the succeeding year
Turimetta Beach	From 1 November to the last day in February in the succeeding year
Narrabeen Beach	From 1 November to the last day in February in the succeeding year
Collaroy Beach	From 1 November to the last day in February in the succeeding year
Dee Why Beach	From 1 November to the last day in February in the succeeding year
Manly Beach	From 1 November to the last day in February in the succeeding year
All ocean beaches bounded by South Head and Cape Banks	From 1 November to the last day in February in the succeeding year

### Schedule 3 Other restrictions on areas of operation

(Clause 11A)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area affected</b>	<b>Method of fishing prohibited</b>	<b>Period</b>

### **Trial Bay South West Rocks**

The whole of the waters within a 100 metre radius of any Maritime Authority of NSW emergency buoy situated at or near the following point at Trial Bay: 30°52.645'S, 153°03.175'E and 30°52.664'S, 153°03.106'E.

Any method involving the use of the following:

- (a) a purse seine net,
- (b) a pilchard, anchovy and bait net (hauling).

All year.

### **Narrabeen—Black Road Bait Ground**

The whole of the waters known as the Black Road Bait Ground, enclosed by a line drawn east from the eastern extremity of North Narrabeen Head for a distance of approximately 1650 metres to the 30 fathom depth contour, then southerly along the 30 fathom depth contour to a point approximately 2650 metres due east of South Narrabeen Surf Life Saving Club, then by a line drawn west to that Club.

Any method involving the use of a purse seine net.

All year.

### **Clovelly Beach**

The whole of the waters of Clovelly Beach (also known as Little Coogee Bay) westwards of a line drawn from the easternmost point of the headland at Clovelly Surf Club, north to the easternmost point of Shark Point.

Any method.

All year.

### **Port Hacking**

The whole of the waters of that part of Port Hacking north of a line drawn from the southern extremity of Hungry Point north-easterly to a point on the northern foreshore of Port Hacking due south of the Bass and Flinders Memorial.

Any method.

The period from 6am Saturday to 6am Monday, or to 6pm Monday if Monday is a public holiday, in each week.  
On any weekday (other than a Monday) that is a public holiday: the period from 6am to 6pm.

### **Shell Harbour**

The whole of the waters of that part of Shell Harbour north-west of a line drawn from the southern extremity of the northern breakwater to the eastern extremity of the southern breakwater.

Any method.

All year.