

# Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

[2006-738]



New South Wales

## Status Information

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New South Wales

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# Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006



New South Wales

## 1 Name of Regulation

This Regulation is the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

## 2 Commencement

This Regulation commences on 5 February 2007.

## 3 Ocean Trap and Line Share Management Plan

The *Ocean Trap and Line 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 Trap and Line Share Management Plan*.

#### 2 Definitions

(1) In this Plan:

**drift line** means a line which is attached to a float, buoy or similar device, not being a float, buoy or device which is:

- (a) held in the hand or attached to fishing gear held in the hand, or
- (b) secured in any other manner which prevents it from drifting or floating freely.

**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 trap and line fishery (as described in Schedule 1 to the Act).

**natural coast line** has the same meaning as it has in the [Fisheries Management \(General\) Regulation 2002](#).

**ocean trap and line fishing business** means a fishing business the components of which include shares in the fishery.

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

**set line** means any line not held in the hand, or not attached to fishing gear held in the hand, which is used or intended to be used for the purpose of taking fish, but does not include a drift line.

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

**the Act** means the [Fisheries Management Act 1994](#).

**use**, in relation to any fishing gear, includes set or lift the fishing gear (whether or not the fishing gear is baited).

**wire trace line** means a line that is made from or includes one or more metal strands.

- (2) Notes used in this Plan do not form part of the Plan.
- (3) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.

## 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:

**key secondary species** means a species of fish listed as a key secondary species of fish in Table 2 to Schedule 1.

**primary species** means a species of fish listed as a primary species of fish in Table 1 to Schedule 1.

**secondary species** means a species of fish that are retained in the fishery but which is not a primary species or a key secondary 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 trap and line 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 primary species or key secondary 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 primary species or key secondary species is changed to “overfished” or “recruitment overfished” by the Department
	Total annual landings of all secondary species taken in the fishery as a percentage of the total annual landings in the fishery remains at 15% or less	The Director-General is satisfied that the contribution of secondary species to total annual landings exceeds 15% in any 2 consecutive years

	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	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
	No interactions between the fishery and protected fish that are likely to threaten the survival of protected fish	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
2	Contribute, in conjunction with other fishing regulatory controls (as defined in section 7A of the Act), to promoting viable commercial fishing	There are net returns to the fishery  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

## Part 3 Description of fishery

### Note 1—

The ocean trap and line fishery consists of the following (as described in Schedule 1 to the Act):

- (a) the use of a fish trap to take fish from ocean waters,
- (b) the use of a line with hooks attached to take fish from ocean waters,
- (c) the use of a spanner crab net to take spanner crabs from ocean waters that are north of a line drawn due east from Korogoro Point (Hat Head).

### Note 2—



**Ocean waters** is defined in Schedule 1 to the Act as waters east of the natural coast line. However, for the purposes of the fishery, ocean waters do not include the waters within 3 nautical miles of:

- (a) the high water mark on Lord Howe Island, or
- (b) Balls Pyramid.

A reference to ocean waters extends to ocean waters managed in accordance with the law of the State under an arrangement with the Commonwealth, but only while that arrangement has effect.

#### **4 Classes of share**

The following classes of share are available in the fishery:

- (a) Ocean trap and line—line fishing western zone shares,
- (b) Ocean trap and line—line fishing eastern zone shares,
- (c) Ocean trap and line—demersal fish trap shares,
- (d) Ocean trap and line—school and gummy shark shares,
- (e) Ocean trap and line—spanner crab northern zone shares,
- (f) Ocean trap and line—spanner crab southern zone shares.

**Note—**

The classes of share correspond to the types of endorsement available.

#### **5 Types of endorsement**

(1) There are 6 types of endorsement available in the fishery, as follows:

- (a) Line fishing western zone endorsement,
- (b) Line fishing eastern zone endorsement,
- (c) Demersal fish trap endorsement,
- (d) School and gummy shark endorsement,
- (e) Spanner crab northern zone endorsement,
- (f) Spanner crab southern zone endorsement.

(2) **Line fishing western zone endorsement** A line fishing western zone endorsement authorises the holder to use a handline, rod (or pole) and line, set line or drift line to take fish from ocean waters that are west of the 183 metre (100 fathoms) depth contour.

**Note—**

See clauses 8 and 9 for endorsement conditions.

- (3) Only shareholders who hold ocean trap and line—line fishing western zone shares are eligible to be given, or to nominate a person to be given, a line fishing western zone endorsement.
- (4) **Line fishing eastern zone endorsement** A line fishing eastern zone endorsement authorises the holder to use a handline, rod (or pole) and line, set line or drift line to take fish from ocean waters that are east of the 183 metre (100 fathoms) depth contour.

**Note—**

See clause 8 for endorsement conditions.

- (5) Only shareholders who hold ocean trap and line—line fishing eastern zone shares are eligible to be given, or to nominate a person to be given, a line fishing eastern zone endorsement.
- (6) **Demersal fish trap endorsement** A demersal fish trap endorsement authorises the holder to take fish from ocean waters by means of a fish trap set or used on the sea bed.
- (7) Only shareholders who hold ocean trap and line—demersal fish trap shares are eligible to be given, or to nominate a person to be given, a demersal fish trap endorsement.
- (8) **School and gummy shark endorsement** A school and gummy shark endorsement authorises the holder to take school and gummy sharks using a set line from ocean waters south of a line drawn due east from the northern point of the entrance to Moruya River.
- (9) Only shareholders who hold ocean trap and line—school and gummy shark shares are eligible to be given, or to nominate a person to be given, a school and gummy shark endorsement.
- (10) **Spanner crab northern zone endorsement** A spanner crab northern zone endorsement authorises the holder to use a spanner crab net to take spanner crabs from ocean waters that are north of a line drawn due east from the southern breakwall at Yamba.
- (11) Only shareholders who hold ocean trap and line—spanner crab northern zone shares are eligible to be given, or to nominate a person to be given, a spanner crab northern zone endorsement.
- (12) **Spanner crab southern zone endorsement** A spanner crab southern zone endorsement authorises the holder to use a spanner crab net to take spanner crabs from ocean waters that are south of a line drawn due east from the southern breakwall at Yamba and north of Korogoro Point (Hat Head).
- (13) Only shareholders who hold ocean trap and line—spanner crab southern zone shares

are eligible to be given, or to nominate a person to be given, a spanner crab southern zone endorsement.

## Part 4 Minimum and maximum shareholdings

### 6 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) During the transitional period, 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, after the commencement of this Plan and before the end of the transitional period, the shareholder transfers, assigns, forfeits or surrenders any shares of that class or if any shares of that class are cancelled (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) At the end of the transitional period, the minimum shareholding requirements under subclause (1) apply to all shareholders in the fishery.
- (6) For the purposes of this clause, the **transitional period** is:
- (a) the period of 2 years and 6 months commencing on the commencement of this Plan, or
  - (b) in the case of:
    - (i) ocean trap and line—spanner crab northern zone shares, or
    - (ii) ocean trap and line—spanner crab southern zone shares,the period commencing on the commencement of this Plan and ending on 5

January 2010 or such later day as may be prescribed by the Director-General by order published in the Gazette.

- (7) 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.
- (8) The shares relied on to meet the minimum shareholding requirement must all be a component of the same ocean trap and line fishing business.

### **Table**

<b>Class of shares</b>	<b>Minimum shareholding</b>
Ocean trap and line—line fishing western zone shares	40
Ocean trap and line—line fishing eastern zone shares	40
Ocean trap and line—demersal fish trap shares	40
Ocean trap and line—school and gummy shark shares	40
Ocean trap and line—spanner crab northern zone shares	40
Ocean trap and line—spanner crab southern zone shares	40

## **7 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 4A 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).

### **7A Fish trap**

- (1) It is lawful for the holder of a demersal fish trap endorsement to use a trap for taking fish (other than rock lobsters) in the waters of the fishery specified in the Table to this

clause if the trap complies with the description set out in relation to those waters in that Table and the following conditions are complied with:

- (a) the fish trap is not used unless its position is indicated by a buoy that:
    - (i) is moored so as to be positioned above the trap, and
    - (ii) has a diameter above the water of not less than 150 mm, and
    - (iii) has a weight of not less than 500 gm suspended not less than 5 metres under the float so that no rope is floating on the surface of the water, and
    - (iv) displays, in clearly visible figures and letters that are not less than 50 mm in height and that are of a colour which contrasts with that of the buoy, the registration number of the commercial fishing licence of the fisher who set the trap, followed by the letter "F",
  - (b) the trap is not used in such a manner as to impede the free passage of fish on either or any side of the trap or in such a manner that any 2 traps are closer than 5 metres apart,
  - (c) the trap is not used unless it is secured or weighted so that the trap rests on the seabed,
  - (d) the endorsement holder does not use, at any one time, more than the maximum number of fish traps that the endorsement holder is entitled to use at any one time.
- (2) For the purposes of subclause (1) (d), the maximum number of fish traps that an endorsement holder is entitled to use at any one time is 30 fish traps for each demersal fish trap fishing business in respect of which the endorsement holder is entitled to take fish. For example, if the endorsement holder is entitled to take fish on behalf of 2 demersal fish trap fishing businesses, the maximum number of fish traps that the endorsement holder is entitled to use at any one time is 60 fish traps.
- (3) In this clause, a **demersal fish trap fishing business** means a fishing business the components of which include a demersal fish trap endorsement.
- (4) For the purposes of this Plan or any other instrument under the Act, a trap referred to in this clause may be referred to as a fish trap.

#### **Table Fish trap**

- (a) *Waters*—Ocean waters.
- 1 (b) *Description of trap*—Not exceeding 2 metres in length, 2 metres in width and 2 metres in depth; consisting of mesh having a measurement from one plain wire to the opposite plain wire of not less than 50 mm, except in the back panel; back panel (that is, the side of the trap that is the bottom of the trap when it is lifted) consisting of rectangular or square shaped mesh with a width of not less than 50 mm and a height of not less than 75 mm.

## **7B Spanner crab net**

- (1) It is lawful for the holder of a spanner crab northern zone endorsement or a spanner crab southern zone endorsement to use a net for taking spanner crabs 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) in the case of a single commercial fisher, not more than 20 spanner crab nets are used at any one time,
  - (b) in the case of a crew comprising a commercial fisher and 1 or more commercial fishers or crew members, not more than 30 spanner crab nets are used at any one time.
- (2) 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 spanner crab net or a commercial spanner crab net.

### **Table Spanner crab net**

- (a) *Waters*—Ocean waters north of Korogoro Point (Hat Head).
- 1 (b) *Description of net*—Net attached to a rigid frame with a surface area not exceeding 1.6 square metres; net not capable of extending more than 0.1 metre beneath the frame when the frame is suspended in a horizontal position.

## **7C Types of hooks to be used on set lines**

- (1) The holder of a line fishing endorsement must not for the purpose of taking fish in the fishery:
  - (a) use any set line with hooks attached unless the hooks are circle hooks, or
  - (b) use any set line in waters that are less than 92 metres (50 fathom) deep with hooks attached unless the hooks are non-offset hooks.
- (1A) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

(2) In this clause:

**circle hook** means a hook that is generally circular in shape and commonly referred to as a circle hook and that curves inwards so that a straight line drawn from the point of the hook, following the line of the point of the hook, crosses the shank of the hook (but not the eye of the hook).

**line fishing endorsement** means a line fishing western zone endorsement, a line fishing eastern zone endorsement or a school and gummy shark endorsement.

**non-offset hook** means a hook that when laid on a flat surface (except for the eye of the hook where the line is attached) lies entirely on the same dimensional plane (that is, flat).

#### **7D Use of set lines (restrictions applying to waters within 3 nm)**

- (1) This clause applies to the holder of a line fishing endorsement when taking fish by means of a set line in ocean waters that are not more than 3 nautical miles from the natural coast line.
- (2) The holder of a line fishing endorsement must not for the purpose of taking fish in the fishery:
  - (a) use more than 10 set lines, or
  - (b) use any set line with more than 6 hooks attached, or
  - (c) use any bottom set line with wire trace line.
- (3) Subclause (2) (b) does not apply to the holder of a school and gummy shark endorsement taking school and gummy shark in ocean waters south of a line drawn due east from the northern point of the entrance to the Moruya River, if all hooks attached to the set line or lines being used are no smaller than 9/0.

**Note—**

However, see clause 7E.

- (4) It is a condition of an endorsement that the endorsement holder does not contravene this clause.
- (5) In this clause:

**bottom set line** means any set line that is configured so that any part of the mainline, traces or hooks are within 5 metres of the sea bed.

**line fishing endorsement** means a line fishing western zone endorsement, a line fishing eastern zone endorsement or a school and gummy shark endorsement.

**Note—**

Under section 4 (1) of the Act, to “take” fish includes to attempt to do so.

**7E Use of set lines (other restrictions applying to waters outside 3 nm and the taking of school and gummy shark)**

- (1) This clause applies to the following fishing activities:
  - (a) the taking of fish by means of a set line in ocean waters more than 3 nautical miles from the natural coast line, and
  - (b) the taking of school and gummy shark by means of a set line in ocean waters south of a line drawn due east from the northern point of the entrance to the Moruya River, if all hooks attached to the set line or lines being used are no smaller than 9/0.
- (2) The holder of a line fishing endorsement must not, for the purpose of taking fish in the fishery, use a set line or lines if the total of all hooks on all set lines being used by the endorsement holder at any one time, for the purposes of a fishing activity to which this clause applies, exceeds either of the following limits:
  - (a) a limit of 1,200 hooks per endorsement (the **endorsement limit**),
  - (b) a limit of 1,200 hooks per fishing business (the **fishing business limit**).
- (3) The endorsement limit applies in respect of each line fishing endorsement, so that the maximum number of hooks that may be used on set lines at any one time, pursuant to that endorsement, in waters to which the endorsement applies is 1,200.
- (4) The fishing business limit applies to all line fishing endorsements that are components of the same fishing business, so that the maximum number of hooks that may be used on set lines at any one time pursuant to endorsements that are components of that fishing business is 1,200 hooks.

**Note—**

For example, if a fisher holds both a line fishing western zone endorsement and a line fishing eastern zone endorsement, and they are components of the same fishing business, the fisher must not exceed the following limits:

- (a) 1,200 hooks, in respect of the western zone endorsement,
- (b) 1,200 hooks, in respect of the eastern zone endorsement,
- (c) 1,200 hooks, in respect of the fishing business of which the endorsements are a component.

Accordingly, the fisher could use up to 1,200 hooks on set lines in the western zone without exceeding the endorsement limit for that endorsement, and use up to 1,200 hooks on set lines in the eastern zone without exceeding the endorsement limit for that endorsement. However, the fisher must ensure that the total number of hooks used across both zones does not exceed 1,200, as this is the fishing business limit for those endorsements.

- (5) A separate endorsement limit applies in respect of each line fishing endorsement.



Accordingly, an endorsement holder who is taking fish in particular waters pursuant to 2 or more line fishing endorsements of exactly the same type may use up to 1,200 hooks in those waters for each endorsement held, without exceeding an endorsement limit.

**Note—**

For example, a fisher taking fish pursuant to 2 line fishing western zone endorsements may use up to 2,400 hooks without exceeding the relevant endorsement limits.

- (6) A separate fishing business limit applies in respect of each separate fishing business. Accordingly, an endorsement holder who is taking fish in the fishery pursuant to 2 or more line fishing endorsements that are components of separate fishing businesses (whether or not of the same type) may use up to 1,200 hooks for each fishing business, without exceeding a fishing business limit.

**Note—**

For example, a fisher taking fish pursuant to 2 line fishing western zone endorsements that are components of separate fishing businesses may use up to 2,400 hooks in the western zone without exceeding either an endorsement limit or a fishing business limit.

However, if one endorsement is a line fishing western zone endorsement and the other endorsement is a line fishing eastern zone endorsement, the separate endorsement limits would still apply. That is, the fisher could use a maximum of 1,200 hooks in each zone.

- (7) It is a condition of an endorsement that the endorsement holder does not contravene this clause.
- (8) In this clause, **line fishing endorsement** means a line fishing western zone endorsement, a line fishing eastern zone endorsement or a school and gummy shark endorsement.

**Note—**

Under section 4 (1) of the Act, to “take” fish includes to attempt to do so.

## **7F Use of drift lines**

- (1) The holder of a line fishing endorsement must not, for the purpose of taking fish in the fishery, use a drift line to which is attached:
- (a) more than 1 hook unless each hook is part of a gang of hooks, or
  - (b) more than 1 gang of hooks, or
  - (c) a gang of hooks that comprises more than 5 hooks, or
  - (d) another drift line.
- (2) The holder of a line fishing endorsement must not, for the purpose of taking fish in the fishery, use more than 30 drift lines at any one time.

(3) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

(4) In this clause:

**gang of hooks** means a group of hooks, each of which is attached to, and in direct contact with, at least 1 other of those hooks.

**line fishing endorsement** means a line fishing western zone endorsement or a line fishing eastern zone endorsement.

**Note—**

Section 25 of the Act also makes it an offence for a person to be in possession of any fishing gear in, on or adjacent to any waters if the use by that person of that fishing gear for taking fish from those waters is, at that time, prohibited by or under the Act.

## **7G Use of fish spikes and other implements**

(1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use any of the following to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch:

(a) a knife, fish spike or similar implement,

(b) a club or similar implement.

(2) Subclause (1) does not apply to the use of a knife, fish spike or similar implement to kill or process any fish taken in any catch that are to be retained.

(3) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

## **Part 4B Areas of operation**

### **7H 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 2 are waters in which the class of commercial fishing that consists of the method of fishing specified in Column 2 of that Schedule next to the waters concerned is prohibited.

## **Part 5 General requirements in relation to taking fish**

### **8 Taking of school and gummy shark**

(1) For the purposes of section 68 (6A) of the Act, it is a condition of a line fishing western zone endorsement and a line fishing eastern zone endorsement that the endorsement holder does not take school or gummy shark from ocean waters that are south of a line drawn due east from the northern point of the entrance to Moruya River.

- (2) This clause does not apply to an endorsement holder acting as authorised by a school and gummy shark endorsement.

## **9 Taking of deepwater species of fish**

For the purposes of section 68 (6A) of the Act, it is a condition of a line fishing western zone endorsement that the endorsement holder does not take any of the following species of fish in the fishery:

- (a) blue eye trevalla (*Hyperoglyphe antarctica*),
- (b) ling (*Genypterus* spp.),
- (c) gemfish (*Rexea solandri*),
- (d) hapuka (*Polyprion oxygeneios*),
- (e) bass groper (*Polyprion americanus*).

### **9A Taking of female spanner crab (seasonal restriction)**

For the purposes of section 20 (2) of the Act, it is declared that the class of commercial fishing that consists of the taking of female spanner crab (*Ranina ranina*) from the waters of the fishery is prohibited during the period from 21 October in any year to 20 January in the following year (both dates inclusive).

### **9B Taking of male spanner crab (seasonal restriction)**

For the purposes of section 20 (2) of the Act, it is declared that the class of commercial fishing that consists of the taking of male spanner crab (*Ranina ranina*) from the waters of the fishery is prohibited during the period from 21 November to 20 December in each year (both dates inclusive).

## **10 Boat capacity 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 boat to take fish in the fishery if it has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause.

### **Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Maximum boat length</b>	<b>Exemption code</b>
16 metres	OTL

- (2) The maximum boat length specified in Column 1 of the Table to this clause does not apply in respect of a boat if:
- (a) it is exempted from the maximum boat length requirement in accordance with an

exemption criteria determined by the Director-General, and

(b) that exemption is noted on the fishing boat licence for the boat by the Minister using a code of a kind specified in Column 2 of the Table to this clause.

(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.

#### **11 Automated baiting machines prohibited**

(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 an on-board automatic baiting machine in connection with taking fish in the fishery.

(2) In this clause, an **automated baiting machine** means a machine with a mechanical system that automatically affixes bait on hooks or snoods (or both) to a line, so that there is no need to affix bait by hand at the time of setting fishing gear.

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

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 boat to take fish in the fishery with the assistance of more than 3 persons who do not hold the same type of endorsement to take fish as the endorsement holder.

### **Part 5A Restrictions applying in or near critical habitat of grey nurse shark**

#### **12A Application of Part**

(1) This Part applies:

(a) in respect of the critical habitat of the grey nurse shark that is located at Julian Rock—on and from 1 May up to and including 31 October in each year, and

(b) in respect of the critical habitat of the grey nurse shark that is located at Montague Island—on and from 1 November in each year up to and including 30 April in the following year, and

(c) in respect of all other critical habitat of the grey nurse shark—at all times.

(2) In this Part:

**critical habitat of the grey nurse shark** means the areas declared by a notification under section 220T of the Act to be critical habitat of the grey nurse shark and

identified as such in the maps in Schedule 1A to the *Fisheries Management (General) Regulation 2002*.

**vicinity of critical habitat of the grey nurse shark** means the areas identified as **buffer zones** in the maps in Schedule 1A to the *Fisheries Management (General) Regulation 2002* showing the areas of critical habitat of the grey nurse shark.

**Note 1—**

The buffer zones are, generally, the areas within 800 metres of the critical habitat. However, the buffer zones do not all extend 800 metres in all directions—see, for example, the map relating to Little Broughton Island.

**Note 2—**

See also Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* for general restrictions on activities in or in the vicinity of the critical habitat of the grey nurse shark.

## **12B Restrictions applying in critical habitat of grey nurse shark**

- (1) For the purposes of section 20 (2) of the Act, the class of commercial fishing that consists of the taking of fish in the critical habitat of the grey nurse shark by means of a prohibited method is prohibited.
- (2) For the purposes of this clause, each of the following methods of taking fish is a **prohibited method**:
  - (a) the use of more than 4 hand held lines,
  - (b) the use of any hand held line with more than 3 hooks or 3 gangs of hooks attached or with more than 3 treble hooks attached to a lure,
  - (c) the use of any hand held line with a gang of hooks that comprises more than 5 hooks attached,
  - (d) if on a vessel that is anchored, moored or otherwise held stationary, the use of a line:
    - (i) to which bait is attached (whether dead or alive), or
    - (ii) to which a fly (other than an artificial fly) or a lure (other than an artificial lure) is attached, or
    - (iii) with wire trace line,
  - (e) if on land, the use of a line with wire trace line,
  - (f) in any circumstances, the use of a line that has weights totalling more than 500 grams attached to it,
  - (g) the use of a drift line or a set line,

(h) the use of a net, other than a landing net used in accordance with requirements imposed under the Act.

(3) Subclause (2) (b) does not prevent a person from using not more than 1 hand held line with not more than 6 hooks attached if:

(a) a lure is fixed to each hook, and

(b) the line, when being used for the purpose of taking fish, is not left unattended and is used only by the method of jigging.

(4) A commercial fisher cannot be prosecuted for both an offence against section 20 of the Act and an offence against a provision of Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* in respect of the same act or omission.

(5) In this clause:

**gang of hooks** means a group of hooks, each of which is attached to, and in direct contact with, at least 1 other of those hooks.

**hand held line** means a rod and line or handline.

## **12C Restrictions applying in vicinity of critical habitat of grey nurse shark**

(1) For the purposes of section 20 (2) of the Act, the class of commercial fishing that consists of the taking of fish in the vicinity of the critical habitat of the grey nurse shark by means of a prohibited method is prohibited.

(2) For the purposes of this clause, each of the following methods of taking fish is a **prohibited method**:

(a) the use of more than 4 hand held lines,

(b) the use of any hand held line with more than 3 hooks or 3 gangs of hooks attached or with more than 3 treble hooks attached to a lure,

(c) the use of any hand held line with a gang of hooks that comprises more than 5 hooks attached,

(d) the use of a set line or a drift line,

(e) if on a vessel that is anchored, moored or otherwise held stationary, the use of a line with wire trace line.

(3) Subclause (2) (b) does not prevent a person from using not more than 1 hand held line with not more than 6 hooks attached if:

(a) a lure is fixed to each hook, and

(b) the line, when being used for the purpose of taking fish, is not left unattended and

is used only by the method of jigging.

- (4) A commercial fisher cannot be prosecuted for both an offence against section 20 of the Act and an offence against a provision of Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* in respect of the same act or omission.
- (5) In this clause:

**gang of hooks** means a group of hooks, each of which is attached to, and in direct contact with, at least 1 other of those hooks.

**hand held line** means a rod and line or handline.

## **12D Bag limits for certain species**

- (1) For the purposes of section 17 (1) of the Act, the daily limit of a species of fish described in Column 1 of Schedule 3 is, when the fish are taken from waters specified opposite that species of fish in Column 4 of that Schedule and the person taking the fish falls within the class of endorsement holders specified next to the species in Column 3 of that Schedule, the quantity specified next to that species in Column 2 of that Schedule.
- (2) For the purposes of section 18 (1) of the Act, the possession limit of fish of a species described in Column 1 of Schedule 3 is, when the fish are taken from waters specified opposite that species of fish in Column 4 of that Schedule and the person in possession of that species of fish falls within the class of endorsement holders specified next to the species described in Column 3 of that Schedule, the quantity specified next to that species in Column 2 of that Schedule.
- (3) For the purposes of section 21 (1) (d) of the Act, it is a defence to a prosecution for an offence under section 18 (2) of the Act that is constituted by being in possession of fish in contravention of a possession limit imposed by this Plan if the person charged satisfies the court that the fish were lawfully taken from outside the fishery.

## **Part 6 General**

### **13 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.

### **14 Authorised amendments to Plan**

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

## **Schedule 1 Primary and key secondary species**

(Clause 3)

### **Table 1 Primary species**

Common name	Scientific name
Australian Bonito	<i>Sarda australis</i>
Banded Rockcod	<i>Epinephelus ergastularius</i>
Blue-eye trevalla	<i>Hyperoglyphe antarctica</i>
Gummy shark	<i>Mustelus antarcticus</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Rubberlip morwong	<i>Nemadactylus douglasii</i>
Silver trevally	<i>Pseudocaranx dentex</i>
Snapper	<i>Pagrus auratus</i>
Spanner crab	<i>Ranina ranina</i>
Yellowfin bream	<i>Acanthopagrus australis</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

**Table 2 Key secondary species**

Common name	Scientific name
Bass groper	<i>Polyprion americanus</i>
Dolphin fish	<i>Coryphaena hippurus</i>
Gemfish	<i>Rexea solandri</i>
Hapuku	<i>Polyprion oxygeneios</i>
Jackass morwong	<i>Nemadactylus macropterus</i>
Mulloway	<i>Argyrosomus japonicus</i>
Pearl perch	<i>Glaucosoma scapulare</i>
Pigfish	<i>Bodianus unimaculatus</i>
Shark spp.	various
Spanish mackerel	<i>Scomberomorus commerson</i>
Spotted mackerel	<i>Scomberomorus munroi</i>
Sweep	<i>Scorpius lineolata</i>
Teraglin	<i>Atractoscion aequidens</i>
Wobbegong sharks	<i>Orectolobus ornatus</i> <i>Orectolobus maculatus</i>



## Schedule 2 Restrictions on areas of operation

(Clause 7H)

### Column 1

### Column 2

#### Area affected

#### Methods of fishing prohibited

#### Iluka—Woody Bay

The whole of the waters of Woody Bay enclosed by a line drawn from the broad arrow mark engraved in the rock at the north-easterly end of the Woody Head camping ground (29°21.890'S, 153°22.440'E), then in a northerly direction for approximately 300 metres to the broad arrow mark engraved in the rock labelled FD near Seagull Hole (29°21.780'S, 153°22.430'E), then in a south-westerly direction to the Maritime Authority of NSW navigation buoy (29°21.850'S, 153°22.274'E), then in a south-westerly direction to the post marked "NSWF" on the foreshore (29°21.940'S, 153°22.260'E), then along the mean high water mark to the point of commencement.

Any method involving the use of a fish trap.

#### Coffs Harbour Entrance

All waters within the following boundaries:

Commencing at the northern extremity of the eastern breakwater (30°18.535'S, 153°09.164'E) then northerly to position 30°18.200'S, 153°09.100'E, then easterly to position 30°18.200'S, 153°09.500'E, then southerly to position 30°18.800'S, 153°09.500'E, then westerly to position 30°18.800'S, 153°09.100'E, then northerly to the point of commencement, but exclusive of all land area so enclosed.

Any method involving the use of a fish trap.

#### Coffs Harbour—Harbour

The whole of the waters of Coffs Harbour, west of a line drawn from the northern extremity of the eastern breakwater (30°18.535'S, 153°09.164'E), north to Muttonbird Island, but exclusive of waters enclosed by the following bearings:

30°18.400'S, 153°08.800'E

30°18.500'S, 153°08.800'E

30°18.500'S, 153°09.100'E

30°18.400'S, 153°09.100'E

Any method involving the use of a fish trap.

### Crowdy Head Boat Harbour

The whole of the waters of the boat harbour at Crowdy Head and the adjoining South Pacific Ocean up to a line drawn from the most northern extremity of the southern breakwater to the most western extremity of the northern breakwater, that part of the South Pacific Ocean extending 100 metres in a westerly direction from the abovementioned line, and also that part of the South Pacific Ocean extending 100 metres on the seaward side of the breakwaters of the Crowdy Head boat harbour from the beginning of the breakwaters to their extremities.

Any method involving the use of a fish trap.

### Bellambi Point

The whole of the waters adjacent to Bellambi Point from a line drawn from the northernmost point of the breakwater nearest to Bellambi Point boat ramp in a direction of 55 degrees north-easterly for a distance of 150 metres, then in a direction of 360 degrees due north for a distance of 85 metres to a line bearing 270 degrees due west for a distance of 280 metres, then in a direction of 180 degrees due south to the foreshore at the mean high water mark, then along the foreshore in a generally easterly direction to the breakwater, then along the breakwater at the mean high water mark to the point of commencement.

Any method involving the use of a fish trap.

## Schedule 3 Bag limits

(Clause 12D)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Banded rockcod ( <i>Epinephelus ergastularius</i> ), Greeneye dogfish ( <i>Squalus blainvillei</i> ), Redfish ( <i>Centroberyx cynea</i> ), Large eyed jobfish ( <i>Etelis coruscans</i> ), Blue warehou ( <i>Serioella brama</i> ).	15 kilograms comprised of any single species or a combination of species, whether whole or gutted and gilled.	Holders of a line fishing western zone endorsement who do not also hold a line fishing eastern zone endorsement.	Waters north of latitude 29°15'S.