

Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

[2006-737]



New South Wales

Status Information

Currency of version

Historical version for 1 April 2010 to 31 December 2010 (accessed 25 November 2024 at 3:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Fisheries Management Legislation Amendment (Management Plans) Regulation 2010 (751) (LW 17.12.2010) (not commenced — to commence on 1.1.2011)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 17 December 2010

Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006



New South Wales

Contents

1 Name of Regulation	4
2 Commencement	4
3 Ocean Trawl Share Management Plan.....	4
Appendix	4
Part 1 Preliminary	4
1 Name of Plan	4
2 Definitions	4
Part 2 Objectives of Plan	5
3 Objectives, performance indicators and triggers for review	5
Part 3 Description of fishery	7
Note.....	7
4 Classes of share.....	8
5 Types of endorsement	8
Part 4 Minimum and maximum shareholdings	9
6 Minimum shareholding	9
7 Maximum shareholding	10
Part 4A Fishing gear	10
Note.....	10
7A Otter trawl net (prawns)	10

7B Otter trawl net (fish).....	13
7C Danish seine trawl net (fish).....	15
Part 5 General requirements in relation to taking fish	15
8 Waters closed to ocean trawling.....	15
9 Boat capacity restrictions	15
10 Boat restrictions—offshore prawn endorsement.....	16
10A Sorting of prawns caught in certain nets.....	16
10B Use of fish spikes and other implements.....	17
10C Bag limits for certain species	17
Part 6 General	17
11 Adoption of Supporting Plan	17
12 Authorised amendments to Plan	17
Schedule 1 Primary and key secondary species	18
Schedule 2 Waters closed to ocean trawling	19
Schedule 3 Bag limits	24

Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006



New South Wales

1 Name of Regulation

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

2 Commencement

This Regulation commences on 5 February 2007.

3 Ocean Trawl Share Management Plan

The *Ocean Trawl 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 Trawl Share Management Plan*

2 Definitions

(1) In this Plan:

body of a net means the netting that forms that part of the net forward of the codend, including the wings, belly and any extension piece that may be inserted immediately forward of the codend.

codend of a net means the piece of netting that forms the posterior most part of the net where the catch accumulates.

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 trawl fishery (as described in Schedule 1 to the Act).

inshore waters has the meaning given by Schedule 1 to the Act.

ocean trawl 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.

offshore 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*.

the Act means the *Fisheries Management Act 1994*.

- (2) In this Plan, longitude and latitude coordinates are in WGS84 datum, unless otherwise provided.
- (3) 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:

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

Column 1	Column 2	Column 3
Objective	Performance indicator	Trigger for review
<p>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</p>	<p>Reduction in the estimated quantity of the ocean trawl catch (by method) which is discarded</p>	<p>The Director-General is satisfied that the estimated quantity of discards for any observed method increases between consecutive observer surveys</p>
	<p>No new primary species or key secondary species with an exploitation status is changed to “overfished” or “recruitment overfished” by the Department</p>	<p>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</p>
	<p>Total annual landings of all secondary species taken by the sector using an otter trawl net (prawns) or by the sector using an otter trawl net (fish) and a danish seine trawl net (fish), as a percentage of the total annual landings taken by those sectors remains at 5% or less</p>	<p>The Director-General is satisfied that the contribution of secondary species to total annual landings in the sector using an otter trawl net (prawns) or in the sector using an otter trawl net (fish) and a danish seine trawl net (fish), 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 ocean trawl fishery, as described in Schedule 1 to the Act, consists of the following:

- (a) the use of an otter trawl net (prawns) to take fish from any of the following waters:

- (i) inshore waters,
 - (ii) offshore waters,
 - (iii) the waters of Coffs Harbour,
- (b) the use of an otter trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland (other than any waters in which use of an otter trawl net (fish) is prohibited under the regulations),
- (c) the use of a danish seine trawl net (fish) to take fish from ocean waters that are north of a line drawn due east from Barrenjoey Headland.

4 Classes of share

There are 4 classes of share available in the fishery, being the following classes:

- (a) Ocean trawl—inshore prawn shares,
- (b) Ocean trawl—offshore prawn shares,
- (c) Ocean trawl—deepwater prawn shares,
- (d) Ocean trawl—fish northern zone shares.

Note—

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

5 Types of endorsement

(1) There are 4 types of endorsement available in the fishery, as follows:

- (a) Inshore prawn endorsement,
- (b) Offshore prawn endorsement,
- (c) Deepwater prawn endorsement,
- (d) Fish northern zone endorsement.

(2) **Inshore prawn endorsement** An inshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from inshore waters, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns).

(3) Only shareholders who hold ocean trawl—inshore prawn shares are eligible to be given, or to nominate a person to be given, an inshore prawn endorsement.

(4) **Offshore prawn endorsement** An offshore prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are west of the 280 metre (150 fathom) depth contour, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns).

(5) Only shareholders who hold ocean trawl—offshore prawn shares are eligible to be

given, or to nominate a person to be given, an offshore prawn endorsement.

- (6) **Deepwater prawn endorsement** A deepwater prawn endorsement authorises the holder to take fish using an otter trawl net (prawns) from offshore waters that are east of the 280 metre (150 fathom) depth contour, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns).
- (7) Only shareholders who hold ocean trawl—deepwater prawn shares are eligible to be given, or to nominate a person to be given, a deepwater prawn endorsement.
- (8) **Fish northern zone endorsement** A fish northern zone endorsement authorises the holder to take fish using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters that are north of a line drawn due east from Barrenjoey Headland (latitude 33°35' south).
- (9) Only shareholders who hold ocean trawl—fish northern zone shares are eligible to be given, or to nominate a person to be given, a fish northern zone endorsement.

Note—

Schedule 2 prohibits the use of otter trawl net (fish) and danish seine trawl net (fish) in the waters north of a line drawn due east from the lighthouse at Smoky Cape (see clause 8).

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 the period of 2 years and 6 months commencing on the commencement of this Plan.
- (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 trawl fishing business.

Table

Class of shares	Minimum shareholding
Ocean trawl—inshore prawn shares	32
Ocean trawl—offshore prawn shares	32
Ocean trawl—deepwater prawn shares	20
Ocean trawl—fish northern zone shares	32

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 Otter trawl net (prawns)

- (1) It is lawful for the holder of an inshore prawn endorsement, an offshore prawn endorsement or a deepwater prawn endorsement to use an otter trawl net for taking

prawns 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 trawling,
 - (b) no string, rope, wire, cord, netting or other material is fixed to any meshes that are within 25 meshes of the draw or closing string of the codend of the net, except as permitted by subclauses (2) and (3),
 - (c) the net (or each net if more than one net is used) is fitted with a bycatch reduction device of a kind approved by the Director-General for use in the waters in which the net is used, and that device is fitted in accordance with any specifications approved by the Director-General and published in the Gazette (whether or not any other bycatch reduction devices are fitted to the net).
- (2) A draw or closing string and a secondary string may be attached to the net in accordance with one of the following methods:
- (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 40 mm nor more than 50 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,
 - (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 40 mm nor more than 50 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) A chafing piece may be attached to the codend of the net if:
- (a) the width of the chafing piece does not exceed half the effective operating diameter of the codend, and
 - (b) the chafing piece is hung along the codend and is not attached in any manner to the codend other than at the top, and
 - (c) the mesh of the chafing piece is not less than 80 mm.
- (4) The codend of the net (or part of the net capable of being used as a codend) must be:

- (a) an all waters codend, or
 - (b) a deepwater prawn trawl codend (which is permitted only if the net is being used by the holder of a deepwater prawn endorsement taking fish pursuant to that endorsement), or
 - (c) a school prawn codend (which is permitted only if the net is being used in waters designated as “school prawn grounds” by notice of the Director-General published in the Gazette).
- (5) For the purposes of this clause, an **all waters codend** is a codend that complies with the following description:
- (a) the mesh of the codend of the net (or part of the net capable of being used as a codend) is not less than 35 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material not more than 3 mm in diameter and hung on the bar so that the meshes are square shaped,
 - (b) the length of the codend is not less than 1 metre nor more than 3 metres with a circumference of not more than 2.5 metres.
- (6) For the purposes of this clause, a **deepwater prawn trawl codend** is a codend (or part of the net capable of being used as a codend) that has a mesh that is not less than 40 mm nor more than 50 mm and that does not exceed the number of meshes in circumference of that part of the net immediately forward of the codend (or part of the net capable of being used as a codend).
- (7) For the purposes of this clause, a **school prawn codend** is a codend that complies with the following description:
- (a) the mesh of the codend of the net (or the part of the net capable of being used as a codend) is not less than 29 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material not more than 3 mm in diameter and hung on the bar so that the meshes are square shaped,
 - (b) the length of the codend is not less than 1 metre nor more than 3 metres with a circumference of not more than 2.5 metres.
- (8) It is also lawful to use a try net in the waters specified in the Table to this clause to facilitate the taking of prawns by the means of an otter trawl net (prawns) if the try net complies with the following description:

The net is a single net with a maximum total length of 4 metres; mesh of body of the net (or that part of the net not capable of being used as a codend) is not less than 40 mm nor more than 75 mm; mesh of the codend of the net (or that part of the net capable of being used as a codend) is not less than 35 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material

not more than 3 mm in diameter, and hung on the bar so that the meshes are square shaped; two otter boards each of which has an area no greater than 0.5 square metre.

- (9) It is also lawful to use an otter trawl net to take other fish that are taken by the net when it is being lawfully used for taking prawns, except the following fish:
- (a) rock lobster, abalone or yellowtail kingfish,
 - (b) a prohibited size class of fish (other than crustaceans), when the net is being used in waters south of a line drawn due east of the lighthouse at Smoky Cape.
- (10) For the purposes of this Plan or any other instrument under the Act, a net described:
- (a) in subclause (1) or in the Table to this clause may be referred to as an otter trawl net (prawns) or an otter trawl net (prawns)—ocean trawl fishery, and
 - (b) in subclause (8) may be referred to as a try net (prawns).

Table Otter trawl net (prawns)

- (a) *Waters*—Ocean waters that fall within the description of the fishery.
- (b) *Description of net*—Droppers with a minimum length of 100 mm and fitted to separate the foot rope of the net from the ground line or ground chain; no more than one line of ground chain; ground chain with links not more than 12 mm in diameter; total length of net (length of head line between end net hangings) not exceeding the maximum OPT head rope length specified on the boat licence for the boat from which the net is used or, if no length is so specified, not exceeding 60 metres (in the case of a net being used by the holder of a deepwater prawn endorsement taking fish pursuant to a deepwater prawn endorsement) or 33 metres (in any other case); mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 40 mm or more than 75 mm; codend of the net (or that part of the net capable of being used as a codend) complying with the requirements of this clause in relation to the waters concerned; sweeps secured to head line and otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

7B Otter trawl net (fish)

- (1) It is lawful for the holder of a fish northern zone endorsement to use an otter trawl net for taking fish (other than prawns, abalone and rock lobsters) 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 bottom trawling,
 - (b) no rope, string, wire, cord, netting or other material is fixed to the codend of the

- net, or to any meshes within 25 meshes of the codend, except as permitted by subclause (2),
- (c) mesh of net is constructed of single twine mesh with a diameter of not more than 6 mm, except as permitted by subclause (3),
 - (d) any rubber discs or rollers (also known as bobbin gear) that are fitted to the net do not exceed 100 mm in diameter,
 - (e) rubber discs or rollers (also known as bobbin gear) are not fitted to the net while the net is being used in waters north of a line drawn due east from the Sugarloaf Point Lighthouse at Seal Rocks,
 - (f) mesh of the codend of the net (or the part of the net capable of being used as a codend) does not exceed 100 meshes in circumference (except as permitted by subclause (3)) and, in any case, does not exceed the number of meshes in circumference of that part of the net immediately forward of the codend (or part of the net capable of being used as a codend),
 - (g) the net is fitted with a bycatch reduction device of a kind approved by the Director-General and that device is fitted in accordance with any specifications approved by the Director-General and published in the Gazette.
- (2) An otter trawl net may have attached to it any of the following:
- (a) a frill of netting material (skirt), if it is attached to the net not more than 5 meshes from the last row of meshes of the codend,
 - (b) a draw or closing string that may be inserted either directly into the end of the codend or by means of a secondary string draw,
 - (c) a single length of rope, for the purpose of splitting the catch and lifting the codend, but only if the rope is not fitted in any manner so as to reduce the effective mesh size of the meshes to less than required by this clause (and, in particular, the rope must not be connected so as to form a loop around the net (or codend) that has a circumference less than that part of the net when stretched transversely).
- (3) The mesh of the codend of the net (or the part of the net capable of being used as a codend) may be between 100 meshes but not more than 200 meshes in circumference, and may be constructed of double twine mesh with a maximum twine diameter of 5 mm, while the net is being used in waters designated as 'trawl whiting grounds' as approved by the Director-General and published in the Gazette.
- (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 an otter trawl net (fish) or an otter trawl net (fish)—ocean trawl fishery.

Table Otter trawl net (fish)

- (a) *Waters*—Ocean waters that are north of a line drawn due east from Barrenjoey Head.
- 1 (b) *Description of net*—Mesh not less than 90 mm throughout; sweeps (including bridles) not to exceed 274 metres (150 fathom) between the point of attachment to the otter board and the first hanging of the net; no more than 1 line of ground chain with links of not more than 16 mm in diameter; total length of net (length of head line between end net hangings) not exceeding 60 metres.

7C Danish seine trawl net (fish)

- (1) It is lawful for the holder of a fish northern zone endorsement to use a danish seine trawl net for taking fish (other than prawns, abalone and rock lobster) 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 net is used only by the method of danish seining.
- (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 danish seine trawl net (fish) or a danish seine trawl net (fish)—ocean trawl fishery.

Table Danish seine trawl net (fish)

- 1 (a) *Waters*—Ocean waters that are north of a line drawn due east from Barrenjoey Head.
- (b) *Description of net*—Mesh not less than 83 mm throughout.

Part 5 General requirements in relation to taking fish

8 Waters closed to ocean trawling

Pursuant to 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 taking of fish by commercial fishers by use of the net specified next to those waters in Column 2 of the Schedule is prohibited, during the period specified in relation to those waters in Column 3 of the Schedule.

Note—

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

9 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 the boat:

(a) has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause, or

(b) (Repealed)

Table

Column 1	Column 2
Maximum boat length	Exemption code
20 metres	OT

- (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.

10 Boat restrictions—offshore prawn endorsement

For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement that the endorsement holder does not use a boat to take fish pursuant to that endorsement unless the fishing boat licence for the boat indicates the maximum units allocated by the Director-General to the boat in respect of the boat’s hull, engine power and head rope length.

10A Sorting of prawns caught in certain nets

For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the following steps are taken immediately after using an otter trawl net (prawns) to take fish in the fishery:

- (a) any prawns caught in the net are graded immediately after the net is retrieved,
- (b) the unwanted portion of the catch is returned to the water, alive, as soon as practicable (and in any case before the cooking of the retained portion of the catch).

10B 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.

10C 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

11 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.

12 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
Eastern king prawn	<i>Melicertus plebejus</i>
School prawn	<i>Metapenaeus macleayi</i>
Royal red prawn	<i>Haliporoides sibogae</i>
Balmain bug	<i>Ibacus</i> spp.
Octopus spp.	various (Family: OCTOPODIDAE)
Cuttlefish	<i>Sepia</i> spp.
Southern calamari	<i>Sepioteuthis australis</i>
Eastern school whiting	<i>Sillago flindersi</i>
Stout whiting	<i>Sillago robusta</i>
Tiger flathead	<i>Neoplatycephalus richardsoni</i>
Sand/Bluespotted flathead	<i>Platycephalus caeruleopunctatus</i>
Silver trevally	<i>Pseudocaranx dentex</i>
Fiddler shark	<i>Aptychotrema rostrata</i>

Table 2 Key secondary species

Common name	Scientific name
Blue swimmer crab	<i>Portunus pelagicus</i>
Squid spp.	various (Class: CEPHALOPODA)
Gurnard/Latchet	<i>Pterygotrigla andertoni</i> <i>Pterygotrigla polyomata</i> <i>Chelidonichthys kumu</i>
John dory	<i>Zeus faber</i>
Angel shark	<i>Squatina</i> spp.
Flounder spp.	various (Family: PLEURONECTIDAE/BOTHIDAE)
Red mullet	various (Family: MULLIDAE)
Redfish	<i>Centroberyx affinis</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Ocean perch	<i>Helicolenus barathri</i> <i>Helicolenus percoides</i>

Mirror dory	<i>Zenopsis nebulosus</i>
Sole spp.	various (Family: SOLEIDAE)
Rubberlip morwong	<i>Nemadactylus douglasii</i>
Pink tilefish	<i>Branchiostegus wardi</i>
Boarfish	<i>Paristiopterus labiosus</i>
Shark spp.	various

Schedule 2 Waters closed to ocean trawling

(Clause 8)

Column 1	Column 2	Column 3
Waters	Method	Time
<p>Tweed Heads</p> <p>The whole of the waters within the area bounded by a line commencing at mean high water mark and 28°10.000' S, then north east to the point 28°08.100' S and 153°36.360' E, then south to 28°15.000' S and 153°36.360' E, then west to the mean high water mark, then generally north along the mean high water mark to the point of commencement (reference to north east is indicative only).</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>
<p>Brunswick Heads</p> <p>The whole of the waters within the area commencing 0.5 nautical miles offshore from mean high water mark, 2 nautical miles north of the northern breakwall of the Brunswick River, then east for 0.7 nautical miles, then generally southerly, parallel to and 1.2 nautical miles from mean high water mark for 7 nautical miles, then west to a point 0.5 nautical miles east from mean high water mark, then generally north parallel to and 0.5 nautical miles from mean high water mark back to point of commencement.</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>
<p>Ballina</p>		

The whole of the waters within the area bounded by a line commencing at the point 28°52.154' S and 153°36.252' E, then north east to the point 28°50.940' S and 153°36.910' E, then north to the point 28°49.930' S and 153°37.120' E, then north to the point 28°48.420' S and 153°37.100' E, then east to the point 28°48.432' S and 153°37.836' E, then south to the point 28°52.154' S and 153°37.836' E, then south west to the point 28°53.580' S and 153°37.360' E, then south west to the point 28°57.530' S and 153°33.420' E, then south west to the point 29°00.000' S and 153°30.988' E, then west to the point 29°00.000' S and 153°29.196' E, then north east to the point 28°53.258' S and 153°35.308' E, then east to the point 28°53.450' S and 153°35.596' E, then north east to the point 28°52.394' S and 153°36.156' E, then back to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

All year.

Evans Head River entrance

The whole of the ocean waters within the area bounded by a line commencing from the eastern most point of Joggly Point at 29°07.130' S and 153°27.090' E, then due north to a point 29°06.000' S and 153°27.090' E, then due west to the mean high water mark at Airforce Beach at 29°06.000' S and 153°25.970' E, then generally south along the mean high water mark to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

All year.

Evans Head

The whole of the waters within the area bounded by a line commencing at the point 29°07.720' S and 153°28.600' E, then south east to the point 29°08.780' S and 153°31.040' E, then south west to the point 29°10.440' S and 153°30.300' E, then south east to the point 29°11.460' S and 153°31.400' E, then south west to the point 29°15.000' S and 153°28.920' E, then west to the point 29°15.000' S and 153°23.390' E, then north east to the point 29°08.370' S and 153°28.580' E, then back to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

All year.

Angourie Point

The ocean waters adjacent to Brooms Head, Clarence River and Woody Head, within the boundary, commencing at a point at Mean High Water Mark at Angourie Point, 29°29.180' S and 153°22.200' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 0.7 nautical miles north to a point adjacent to Yamba Point at 29°26.480' S and 153°23.120' E, then to a point 0.6 nautical miles east of the Iluka Breakwall at 29°25.600' S and 153°23.020' E, then north to a point 0.85 nautical miles from Woody Head at 29°22.400' S and 153°23.460' E, then east to a point 3 nautical miles from Woody Head at 29°22.400' S and 153°25.870' E, then south to a point 3 nautical miles east of Yamba Point at 29°26.480' E and 153°25.780' E, then south to a point 3 nautical miles east of Angourie Point at 29°29.200' S and 153°25.500' E, then south to a point 3 nautical miles east of Brooms Head at 29°36.800' S and 153°23.800' E, then west to Mean High Water Mark at Brooms Head at 29°36.800' S and 153°20.400' E, then bounded by Mean High Water Mark along the ocean shore north to the point of commencement at Angourie Point (references to directions are indicative only).

Otter trawl net (prawns).

All year.

Coffs Harbour

The whole of the waters of Coffs Harbour, enclosed by a line drawn from the north eastern extremity of the southern breakwall to the eastern extremity of Muttonbird Island.

Otter trawl net (prawns).

All year.

Coffs Harbour deep sea ocean outfall pipeline

Ocean waters adjacent to Boambee Beach, within the boundary commencing at a point 30°19.096' S and 153°08.013' E on Boambee Beach (approximately 1 km south of Boambee Headland), then south south east 0.19 nautical miles to the point 30°19.232' S and 153°08.159' E, then south east 0.6 nautical miles to a point 30°19.570' S and 153°08.743' E, then south west approximately 100 metres to the point 30°19.616' S and 153°08.708' E, then north west 0.61 nautical miles to a point 30°19.274' S and 153°08.118' E, then north north west approximately 0.19 nautical miles to a point 30°19.134' S and 153°07.969' E on Boambee Beach, then approximately 100 metres generally north east along the beach to the point of commencement.

Otter trawl net (prawns).

All year.

South West Rocks

The whole of the waters within the area bounded by a line commencing at the point 30°51.900' S and 153°02.700' E, then north east to the point 30°50.900' S and 153°04.000' E, then north west to the point 30°47.800' S and 153°03.600' E, then due west to the point 30°47.800' S and 153°00.500' E, then south east to the point 30°49.500' S and 153°01.000' E, then south east to the point 30°51.500' S and 153°02.000' E, then back to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

From official sunset 1 November to official sunrise 1 March each ensuing year.

South West Rocks (school prawn corridor)

The whole of the waters within the area bounded by a line commencing at the eastern extremity of the southern breakwater 30°52.430' S and 153°01.620' E, then north east to the point 30°51.900' S and 153°02.700' E, then north west to the point 30°51.500' S and 153°02.000' E, then north west to the point 30°49.500' S and 153°01.000' E, then north west to the point 30°47.800' S and 153°00.500' E, then west to the mean high water mark at or nearest to 30°47.800' S and 153°00.020' E, then generally south along the mean high water mark to the eastern extremity of the northern breakwater then back to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

Between sunset and sunrise each day between 1 November and 1 March each ensuing year.

Crowdy Head

The ocean waters within the boundary, commencing at 32°02.650' S and 152°42.150' E, then north to 32°01.570' S and 152°42.420' E, then north north east to 31°58.840' S and 152°43.440' E, then east to 31°59.200' S and 152°44.340' E, then south south west to 32°01.030' S and 152°43.740' E, then south to 32°03.220' S and 152°43.200' E, then north west to the point of commencement (references to directions are indicative only).

Otter trawl net (prawns).

All year.

Forster

The whole of the waters within the area bounded by a line commencing at the intersection of the coordinates 32°26.400' S and 152°32.400' E, thence east to the intersection of the coordinates 32°26.400' S and 152°35.000' E thence north to the intersection of the coordinates 32°20.000' S and 152°35.000' E thence west to the intersection of the coordinates 32°00.000' S and 152°33.300' E thence south west to the intersection of the coordinates 32°24.400' S and 152°32.100' E thence back to the point of commencement.

Otter trawl net (prawns).

All year.

Port Stephens

The whole of the waters within the area bounded by the line commencing at the south eastern extremity of Shark Island (Pt Stephens), thence east to the intersection of the coordinates 32°45.000' S and 152°14.200' E, thence north east to the intersection of the coordinates 32°33.000' S and 152°25.400' E, thence east north east to the intersection of the coordinates 32°28.300' S and 152°35.000' E, thence north west to the eastern most extremity of Sugarloaf Point (Seals Rocks), thence south along the mean high water mark to Yagon Gibber, thence due east from the eastern most extremity of Yagon Gibber to the 10 fathom depth contour, thence generally south along the 10 fathom depth contour (inside Broughton Island, Inner Island and Dry Rock etc) until due east of the most easterly extremity of Yacaaba Head, thence due west to the eastern most extremity of Yacaaba Head, thence generally south south west along the mean high water mark to the southern most extremity of Yacaaba Point, thence south to the Northern extremity of Tomaree Point, thence generally south south east along the mean high water mark to the point of commencement.

Otter trawl net (prawns) All year.

Newcastle

All waters enclosed by a line commencing from the intersection of the 10 fathom depth contour and latitude 32°55.000' S, then generally in a south-easterly direction to a point latitude 32°57.300' S, longitude 151°52.000' E, then generally in a south-westerly direction along the 30 fathom depth contour to a point latitude 33°12.000' S, longitude 151°42.000' E, then due west to the intersection of the 10 fathom contour and latitude 33°12.000' S, then generally in a north-easterly direction along the 10 fathom depth contour to the point of commencement.

Otter trawl net (prawns) All year.

Smoky Cape

The waters north of a line drawn due east from the lighthouse at Smoky Cape.

Otter trawl net (fish) and danish seine trawl net (fish) All year.

Port Kembla (Red Point to Windang Island)

The whole of the waters west of a line drawn from the most eastern extremity of Red Point south to the most eastern extremity of Windang Island.

Otter trawl net (prawns) All year.

Deep waters

Ocean waters that are east of the 1,100 metre depth contour.	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
--	---	-----------

Reefs

All waters immediately above any part of the seabed that is comprised of hard rock or reef (not including gravel).	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
--	---	-----------

Schedule 3 Bag limits

(Clause 10C)

Column 1	Column 2	Column 3	Column 4
Species of fish	Daily limit and possession limit	Fishers to whom bag limit applies	Waters
Spanner crabs (<i>Ranina ranina</i>).	10 kilograms (for fish taken or in possession on or after 21 October and on or before 20 January in each year).	All endorsement holders.	All waters.