

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

[2006-737]



New South Wales

## Status Information

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New South Wales

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# 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.

**certificate of survey** for a boat means—

(a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or

(b) if a certificate of survey has not been issued for the boat—a document that—

(i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and

(ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

**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.

**exempt boat** means a boat exempt from the maximum boat length under clause 9A or 9C.

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

**identifying number** of a boat means the identifier issued by the Secretary for the boat under the [Fisheries Management \(General\) Regulation 2019](#), clause 125(3)(a), before its repeal.

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

**maximum boat length**—see clause 9.

**National Standard for Commercial Vessels** means the National Standard for Commercial Vessels within the meaning of the [Marine Safety \(Domestic Commercial Vessel\) National Law](#) of the Commonwealth.

**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 the [Fisheries Management \(General\) Regulation 2019](#), clause 6.

**quota share**—see clause 5A.

**relevant fishing boat licence**—see clause 9A(1).

**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*.

**unique vessel identifier** for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Plan.

- (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**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Objective</b>	<b>Performance indicator</b>	<b>Trigger for review</b>

<p>1</p> <p>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 Secretary 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 Secretary, 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 Secretary 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 Secretary on advice from relevant experts</p>



	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 Secretary, 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 Secretary 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—**

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

The following classes of shares are available in the fishery—

- (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,
- (e) Ocean trawl—tiger flathead quota shares,
- (f) Ocean trawl—bluespotted flathead quota shares,
- (g) Ocean trawl—trawl whiting quota shares,
- (h) Ocean trawl—silver trevally quota shares,
- (i) Ocean trawl—gemfish quota shares,
- (j) Ocean trawl—prawn effort quota shares.

**Note—**

The classes of shares referred to in paragraphs (a)–(d) correspond to the types of endorsements available in the fishery.

The shares referred to in paragraphs (e)–(j) were issued as further classes of shares under section 71A of the Act. See Part 3A of this Plan for provisions relating to those shares.

## 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 3A Quota management**

### **5A New classes of shares**

- (1) The following classes of shares are available in the fishery—
  - (a) Ocean trawl—tiger flathead quota shares,
  - (b) Ocean trawl—bluespotted flathead quota shares,
  - (c) Ocean trawl—trawl whiting quota shares,
  - (d) Ocean trawl—silver trevally quota shares,
  - (e) Ocean trawl—gemfish quota shares,
  - (f) Ocean trawl—prawn effort quota shares.
- (2) These shares are created as further classes of shares under section 71A of the Act and are referred to in this Plan as **quota shares**.

### **5B Allocation of quota shares**

- (1) A person is eligible to be issued with the quota shares specified in Column 1 of the Table to this clause if the person is an eligible shareholder in relation to those shares.
- (2) A person is an **eligible shareholder** in relation to a class of quota shares specified in Column 1 if, at 12 noon on 28 September 2018, the person holds shares of a class specified opposite in Column 2.

(3) The Minister is to determine the number of quota shares to be issued to each eligible shareholder under this clause.

(4) The determination is to be made on the basis of the allocation formula set out in Schedule 4.

**Table Eligibility for quota shares**

<b>Column 1</b>	<b>Column 2</b>
<b>Quota shares</b>	<b>Existing shares</b>
Ocean trawl—tiger flathead quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—bluespotted flathead quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—trawl whiting quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares Ocean trawl—fish northern zone shares
Ocean trawl—silver trevally quota shares	Ocean trawl—fish northern zone shares
Ocean trawl—gemfish quota shares	Ocean trawl—fish northern zone shares
Ocean trawl—prawn effort quota shares	Ocean trawl—inshore prawn shares Ocean trawl—offshore prawn shares

**5C Issue of quota shares**

(1) The Minister is to issue quota shares to eligible shareholders in accordance with a determination under clause 5B for each class of quota shares.

(2) The Minister must, as soon as practicable after issuing quota shares—

(a) notify each shareholder of the number of quota shares issued to the shareholder, and

(b) give each shareholder a statement in writing of any rights of appeal by the shareholder to the Share Appeal Panel.

**5D Appeals to Share Appeal Panel**

(1) A person who has been issued with quota shares of a particular class may appeal to the Share Appeal Panel against the Minister’s determination of the number of quota shares of that class issued to the person.

(2) However, a person may not appeal to the Share Appeal Panel against the Minister’s

determination of the number of quota shares of a particular class issued to the person if the person has transferred any of those quota shares.

**Note—**

A person to whom quota shares are transferred may not appeal under this clause.

- (3) When a person lodges an appeal, the quota shares issued to the person are shares that are **subject to appeal**.
- (4) The transfer of, or any other registrable dealing in, quota shares that are subject to appeal is not permitted.
- (5) On completion of an appeal, the Minister may cancel or issue shares in order to give effect to a decision of the Share Appeal Panel.
- (6) No compensation is payable by or on behalf of the State for the cancellation by the Minister of shares that are subject to appeal in order to give effect to a decision of the Share Appeal Panel.
- (7) For the purposes of section 90 (1) (e) of the Act, shares that are subject to appeal are to be registered as such on the Share Register.
- (8) Shares cease to be subject to appeal if—
  - (a) the appeal to the Share Appeal Panel is withdrawn, or
  - (b) the appeal to the Share Appeal Panel is finalised and the Minister has done anything necessary to give effect to the decision of the Share Appeal Panel.

**Note—**

The Supporting Plan contains provisions relating to lodging an appeal to the Share Appeal Panel in relation to the issue of quota shares.

**5E TAC determinations required to be made**

- (1) A determination of the total allowable catch (a **TAC determination**) of each of the following species is required to be made—
  - (a) tiger flathead (*Platycephalus richardsoni*),
  - (b) bluespotted flathead (*Platycephalus caeruleopunctatus*),
  - (c) eastern school whiting (*Sillago flindersi*) and stout whiting (*Sillago robusta*),
  - (d) silver trevally (*Pseudocaranx georgianus*).

**Note—**

Under section 40C (3) of the Act, the Minister may direct either the TAF Committee or the Secretary to make the fishing determinations (subject to some limitations).

- (2) A TAC determination is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.

#### **5F TAF Committee required to make TAE determinations for ocean trawl prawning**

- (1) The TAF Committee is required to make a determination of the total allowable fishing effort for the taking of fish using an otter trawl net (prawns) under an offshore prawn endorsement or inshore prawn endorsement (referred to in this Plan as a **TAE determination for ocean trawl prawning**).
- (2) A TAE determination for ocean trawl prawning is to specify the total number of effort units (expressed in terms of the standardised hull unit days) for the taking of fish using an otter trawl net (prawns) under an offshore prawn endorsement or inshore prawn endorsement during the period in respect of which the determination is made.
- (3) A TAE determination for ocean trawl prawning is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year or such other period as the Minister may determine after consultation with any relevant advisory council or advisory group.
- (4) A TAE determination for ocean trawl prawning is to be made in accordance with Division 2 of Part 2A of the Act.
- (5) This clause is subject to Part 7 of this Plan.

**Note—**

Part 7 provides for the Secretary, and not the TAF Committee, to make the TAE determinations for ocean trawl prawning during the transition period, which commences on 21 September 2018 and ends on 30 June 2024.

#### **5G Taking fish without quota**

- (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 silver trevally (*Pseudocaranx georgianus*) unless the endorsement holder has quota for silver trevally.

**Note—**

It is also an offence under section 40S of the Act for a shareholder to take fish, or use a fishing method, or to cause or permit an agent to do so, in contravention of the shareholder's quota.

- (2) For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement, an inshore prawn endorsement and a fish northern zone endorsement that the endorsement holder does not take any of the following species unless the endorsement holder has quota for that species—
  - (a) tiger flathead (*Platycephalus richardsoni*),

- (b) bluespotted flathead (*Platycephalus caeruleopunctatus*),
- (c) eastern school whiting (*Sillago flindersi*),
- (d) stout whiting (*Sillago robusta*).

(3) For the purposes of section 65 of the Act, contravention of this clause is an offence.

## 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 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)–(6) (Repealed)

(7) 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	50
Ocean trawl—offshore prawn shares	50
Ocean trawl—deepwater prawn shares	25
Ocean trawl—fish northern zone shares	50

### 7 Maximum shareholding

For the purpose of section 72 (1) of the Act, the maximum shareholding in relation to all classes of shares, other than quota shares, 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 Secretary for use in the waters in which the net is used, and that device is fitted in accordance with any specifications approved by the Secretary 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.
- (2A) For the purposes of subclause (2), **bars** includes a reference to meshes in the case of a codend that is a diamond shaped mesh codend.
- (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 Secretary 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)**

- 1
- (a) *Waters*—Ocean waters that fall within the description of the fishery.
  - (b) *Description of net*—
    - (i) 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, and
    - (ii) no more than one line of ground chain, and
    - (iii) ground chain with links not more than 12 mm in diameter, and
    - (iv) total length of net (length of head line between the first and last hanging) or, where multiple nets are used, the total combined length of the head line of each net between the first and last hanging—
      - (A) 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
      - (B) not exceeding 55 metres (in any other case), and
    - (v) 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, and
    - (vi) 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, and
    - (vii) 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, gemfish, 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 Secretary and that device is fitted in accordance with any specifications approved by the Secretary 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,
  - (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 lateral openings of the meshes or the mesh size of the meshes to less than required by this clause.
- (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 Secretary and published in the Gazette.
- (3A) It is also lawful to use an otter trawl net (fish) to take gemfish that are taken by the net when it is being lawfully used for taking other fish.
- (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, gemfish, 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.
- (1A) It is also lawful to use a danish seine trawl net (fish) to take gemfish that are taken by the net when it is being lawfully used for taking other fish.
- (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 length restrictions**

- (1) For the Act, section 68(6A), it is a condition of an endorsement that the endorsement

holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 20m (the **maximum boat length**).

- (2) A boat is exempt from the maximum boat length if the boat—
  - (a) is an exempt boat, and
  - (b) displays—
    - (i) the unique vessel identifier for the boat, or
    - (ii) the identifying number of the boat, in accordance with subclause (3).
- (3) The identifying number of the boat must be displayed—
  - (a) on both sides of the outside of the bow or wheelhouse, and
  - (b) following the letters “LFB”, and
  - (c) using letters and figures that are—
    - (i) clearly visible, and
    - (ii) in a colour that contrasts with the boat, and
    - (iii) at least 300mm high and 150mm wide.
- (4) In this clause—

**measured length** of a boat means the measured length specified in the most recent certificate of survey for the boat.

#### **9A Boats exempt from maximum boat length**

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “OT” exemption code (a **relevant fishing boat licence**) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
  - (a) the name of the boat,
  - (b) the identifying number of the boat,
  - (c) the unique vessel identifier for the boat,
  - (d) the most recent certificate of survey for the boat.
- (3) In this clause—

**relevant period** means 90 days from the commencement of this clause or a longer period determined by the Secretary.

**9B Transfer of entitlement to exempt boat**

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
  - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
  - (b) the transferor is no longer entitled to an exempt boat.

**9C New and replacement exempt boats**

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
  - (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
  - (b) the following are provided to the Secretary—
    - (i) the name of the boat,
    - (ii) the unique vessel identifier for the boat,
    - (iii) the most recent certificate of survey for the boat,
    - (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 9B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

## 10 Prawning boat information to be provided to Secretary

- (1) The owner of a prawning fishing business must not use a boat, or permit a boat to be used, for the taking of fish under an offshore prawn endorsement or an inshore prawn endorsement unless the owner has provided the Secretary with the required information in respect of the boat.

Maximum penalty—100 penalty units.

- (2) For the purposes of section 68 (6A) of the Act, it is a condition of an offshore prawn endorsement and an inshore prawn endorsement that the endorsement holder does not use a boat to take fish under that endorsement unless the required information in respect of the boat has been provided to the Secretary.
- (3) The required information is to be provided to the Secretary in a form approved by the Secretary.
- (4) For the purposes of section 65 of the Act, contravention of this clause is an offence.
- (5) In this clause—

**certificate of survey** for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
  - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
  - (ii) specifies the measured length, moulded depth and moulded breadth of the boat determined in accordance with the National Standard for Commercial Vessels.

**prawning fishing business** means a fishing business a component of which is an offshore prawn endorsement or inshore prawn endorsement.

**required information**, in respect of a boat, means—

- (a) the name of the boat,
- (b) the identifying number for the boat,
- (c) (Repealed)
- (d) the most recent certificate of survey for the boat.



### **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 17B (1) (a) 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 5A Real time reporting

### 10D Reports to be made by offshore and inshore prawn endorsement holders before taking fish

- (1) For the purposes of section 124A (1) of the Act, a holder of an offshore prawn endorsement or inshore prawn endorsement is required to provide the following information to the Secretary in relation to each 24-hour period in which the endorsement holder takes fish under the endorsement (a **pre-fishing report**)—
  - (a) the date of the report,
  - (b) the registration number of the commercial fishing licence of the endorsement holder,
  - (c) the type of endorsement,
  - (d) the number of the fishing business of which the endorsement is a component,
  - (e) the identifying number for the boat being used to take fish.
- (2) For the purposes of section 124A (3) (a) of the Act, a pre-fishing report must be made before the endorsement holder commences taking fish in the 24-hour period to which the report relates.
- (3) For the purposes of subclause (2), an endorsement holder commences taking fish when the holder is aboard a boat in the fishery and first places any part of an otter trawl net (prawns) or a try net (prawns) in the water.
- (4) For the purposes of section 68 (6A), it is a condition of an offshore prawn endorsement and inshore prawn endorsement that the holder must not—
  - (a) take any eastern school prawn (*Metapenaeus macleayi*) or eastern king prawn (*Melicertus plebejus*) during a period in respect of which the holder has not made a pre-fishing report, or
  - (b) be in possession of those species of prawns if the prawns were taken in the fishery during a period in respect of which the holder has not made a pre-fishing report.
- (5) For the purposes of section 65 of the Act, contravention of subclause (4) is an offence.

### 10E Reports of flathead and whiting catch

- (1) This clause applies to a holder of any of the following endorsements—
  - (a) inshore prawn,
  - (b) offshore prawn,
  - (c) fish northern zone.

- (2) For the purposes of section 124A (1) of the Act, an endorsement holder to whom this clause applies is required to provide the following information to the Secretary in relation to each catch of a relevant species taken by the endorsement holder (a **catch estimate report**)—
- (a) the date of the report,
  - (b) the registration number of the commercial fishing licence of the endorsement holder,
  - (c) the number of the fishing business of which the endorsement is a component,
  - (d) the species of fish,
  - (e) an estimate of the weight of the catch,
  - (f) where the endorsement holder proposes to land the catch.
- (3) For the Act, section 124A(3)(a), a catch estimate report in relation to the catch must be made—
- (a) if the catch is to be taken out of New South Wales by sea—at least 10 hours before the catch is taken out of New South Wales on a boat, or
  - (b) otherwise—after the commercial fisher takes the catch and before the catch is removed from the boat.
- (4) For the purposes of section 124A (1) of the Act, an endorsement holder to whom this clause applies is required to provide the following information to the Secretary in relation to a catch of a relevant species (a **final catch report**)—
- (a) the registration number of the commercial fishing licence of the endorsement holder,
  - (b) the number of the fishing business of which the endorsement is a component,
  - (c) the species of fish,
  - (d) the weight of the catch.
- (5) For the Act, section 124A(3)(a), a final catch report in relation to the catch must be made—
- (a) if the catch is taken out of New South Wales by sea—within 72 hours of making the catch estimate report in relation to the catch, or
  - (b) if the catch is whiting and is taken out of NSW by land in a shipping container—within 72 hours of making the catch estimate report in relation to the catch, or

(c) otherwise—

- (i) within 6 hours of making a catch estimate report in relation to the catch, and
- (ii) before any of the catch is taken out of New South Wales.

(6) (Repealed)

(7) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder remain in possession of the catch until the final catch report has been made.

(8) For the purposes of section 65 of the Act, contravention of subclause (7) is an offence.

(9) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.

(10) In this clause—

**relevant species** means tiger flathead, bluespotted flathead, eastern school whiting and stout whiting.

#### **10F Reports of silver trevally catch**

(1) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to each catch of silver trevally taken by the endorsement holder (a **catch estimate report**)—

- (a) the date of the report,
- (b) the registration number of the commercial fishing licence of the endorsement holder,
- (c) the number of the fishing business of which the endorsement is a component,
- (d) an estimate of the weight of the catch of silver trevally,
- (e) where the endorsement holder proposes to land the catch.

(2) For the Act, section 124A(3)(a), a catch estimate report in relation to the catch must be made—

- (a) if the catch is to be taken out of New South Wales by sea—at least 10 hours before the catch is taken out of New South Wales on a boat, or
- (b) otherwise—after the commercial fisher takes the catch and before the catch is removed from the boat.

(3) For the purposes of section 124A (1) of the Act, an endorsement holder is required to provide the following information to the Secretary in relation to a catch of silver

trevally (a **final catch report**)—

- (a) the registration number of the commercial fishing licence of the endorsement holder,
  - (b) the number of the fishing business of which the endorsement is a component,
  - (c) the weight of the catch of silver trevally.
- (4) For the Act, section 124A(3)(a) and (b), a final catch report in relation to the catch must be made—
- (a) if the catch is taken out of New South Wales by sea—within 72 hours of making the catch estimate report in relation to the catch, or
  - (b) otherwise—
    - (i) within 6 hours of making a catch estimate report in relation to the catch, and
    - (ii) before any of the catch is taken out of New South Wales.
- (5) (Repealed)
- (6) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the endorsement holder remain in possession of the catch until the final catch report has been made.
- (7) For the purposes of section 65 of the Act, contravention of subclause (6) is an offence.
- (8) For the purposes of this clause, the weight of a catch is to be determined by accurate scales and rounded to 1 decimal place.

#### **10G Reporting when real time reporting system not available**

For the purposes of section 124A (4) of the Act, if an endorsement holder cannot make a report as required under this Part because the real time reporting system malfunctions or is not available, the endorsement holder must—

- (a) complete the form approved by the Secretary for the purposes of this clause in accordance with any instructions in the form, and
- (b) send the completed form to the Secretary within the time specified in the form.

### **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.

## **Part 7 Transitional TAE determinations**

### **13 Transition period**

In this Part, **transition period** means the period starting on 21 September 2018 and ending on 30 June 2024.

### **14 Secretary required to make TAE determinations for ocean trawl prawning during transition period**

- (1) The Secretary, and not the TAF Committee, is required to make any TAE determinations for ocean trawl prawning that the TAF Committee would otherwise be required to make under clause 5F for any fishing period ending on or before 30 June 2024.
- (2) The first TAE determination is to be made in respect of the period commencing on 1 May 2019 and ending on 30 April 2020. After that, a TAE determination is to be made in respect of each period of 12 months commencing on 1 May and ending on 30 April in the following year.
- (3) A TAE determination under this clause is to be made in accordance with Division 3 of Part 2A of the Act, subject to clause 15.

### **15 Transition to TAF Committee fishing determinations**

- (1) The Minister may, during the transition period, give directions to the Secretary as to the matters to which the Secretary is to have regard in making any TAE determination for the fishery that the Secretary is required to make during the transition period.
- (2) A direction may exempt the Secretary from the requirement to have regard to a scientific assessment in making a TAE determination, in which case section 40M (1) of the Act does not apply to the TAE determination.
- (3) The direction is to be given by order in writing.
- (4) The Minister may give a direction under this clause only if the Minister is of the opinion that the direction is necessary to facilitate the structural adjustment of the fishery to TAF Committee fishing determinations.
- (5) Without limiting subclause (1), a direction may require the Secretary to have regard to the following—
  - (a) historical catch or fishing effort in the fishery,
  - (b) the objective of gradually transitioning the fishery to TAF Committee fishing

determinations.

- (6) The Secretary is to make any TAE determination that the Secretary is required to make for the fishery during the transition period in accordance with any direction given by the Minister under this clause.
- (7) In this clause, **TAF Committee fishing determination** means a fishing determination made by the TAF Committee under Division 2 of Part 2A of the Act.

## Schedule 1 Primary and key secondary species

(Clause 3)

**Table 1 Primary species**

<b>Common name</b>	<b>Scientific name</b>
Eastern king prawn	<i>Melicertus plebejus</i>
Eastern 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>Platycephalus richardsoni</i>
Bluespotted flathead	<i>Platycephalus caeruleopunctatus</i>
Silver trevally	<i>Pseudocaranx georgianus</i>
Eastern shovelnose ray	<i>Aptychotrema rostrata</i>

**Table 2 Key secondary species**

<b>Common name</b>	<b>Scientific name</b>
Blue swimmer crab	<i>Portunus armatus</i>
Squid spp.	various (Class: CEPHALOPODA)
Gurnard/Latchet	<i>Pterygotrigla andertoni</i> <i>Pterygotrigla polyommata</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)
Grey morwong	<i>Nemadactylus douglasii</i>
Pink tilefish	<i>Branchiostegus wardi</i>
Giant 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><b>Tweed Heads</b></p> <p>The whole of the waters within the area bounded by a line commencing at the mean high water mark and 28°09.878408' S, then north east to the point 28°08.445075' S and 153°36.360055' 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 (references to directions are indicative only).</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>
<p><b>Brunswick Heads</b></p> <p>The whole of the waters within the area bounded by a line commencing at 28°30.246' S and 153°33.670' E, then due east for 0.7 nautical miles to 28°30.246' S and 153°34.467' E, then south-east to 28°32.251' S and 153°34.839' E, then due west to 28°32.251' S and 153°34.044' E, then north-west to the point of commencement (references to directions are indicative only).</p>	<p>Otter trawl net (prawns).</p>	<p>All year.</p>
<p><b>Ballina</b></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°48.571' S and 153°37.100' E, then due east to the point 28°48.571' 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°53.350' S and 153°37.372' E, then south west to the point 29°00.000' S and 153°31.845' E, then due west to the point 29°00.000' S and 153°29.850' E, then north east to the point 28°53.451' S and 153°35.585' 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°29.050' S and 153°22.130' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 2.7 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.

### **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.

### **Green Island (South West Rocks)**

The waters extending 200 metres in all directions from the mean high water mark of Green Island excluding the waters within 50 metres of the mainland shore.

Otter trawl net (prawns).

All year.

### **Fish Rock (South West Rocks)**

The whole of the waters within 200 metres of the mean high water mark of Fish Rock.

Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).

All 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.

**Ex-HMAS Adelaide Reserve**

The whole of the waters enclosed by the following coordinates—

- 33°27.887' S and 151°27.301' E,
- 33°27.767' S and 151°27.374' E,
- 33°27.973' S and 151°27.502' E,
- 33°27.852' S and 151°27.574' E.

Otter trawl net (prawns), 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 crab ( <i>Ranina ranina</i> ).	0 kilograms from 21 October in any year to 20 January in the next year (both dates inclusive). 10 kilograms from 21 January to 20 October in each year (both dates inclusive).	All endorsement holders.	All ocean waters.
Wobbecong ( <i>Orectolobus</i> spp.).	6 comprised of any single species or a combination of species.	All endorsement holders.	All ocean waters.
Blue swimmer crab ( <i>Portunus armatus</i> ).	25 kilograms.	Inshore prawn endorsement holders, offshore prawn endorsement holders and fish northern zone endorsement holders.	All ocean waters.
Blue swimmer crab ( <i>Portunus armatus</i> ).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Mud crab ( <i>Scylla serrata</i> ).	0.	All endorsement holders.	All ocean waters.
Longfin eel ( <i>Anguilla reinhardtii</i> ).	0.	All endorsement holders.	All ocean waters.
Southern shortfin eel ( <i>Anguilla australis</i> ).	0.	All endorsement holders.	All ocean waters.
Eastern sea garfish ( <i>Hyporhamphus australis</i> ).	0.	All endorsement holders.	All ocean waters.
Tiger flathead ( <i>Platycephalus richardsoni</i> ).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Bluespotted flathead ( <i>Platycephalus caeruleopunctatus</i> ).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Eastern school whiting ( <i>Sillago flindersi</i> ).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Stout whiting ( <i>Sillago robusta</i> ).	0.	Deepwater prawn endorsement holders.	All ocean waters.
Australian sardine ( <i>Sardinops sagax</i> ).	0.	All endorsement holders in the fishery.	All ocean waters.
Bass grouper ( <i>Polyprion americanus</i> ).	0.	All endorsement holders in the fishery.	All ocean waters.
Hapuku ( <i>Polyprion oxygeneios</i> ).	0.	All endorsement holders in the fishery.	All ocean waters.

Bigeye ocean perch ( <i>Helicolenus barathri</i> ).	0.	Inshore prawn endorsement holders and offshore prawn endorsement holders.	All ocean waters.
Bigeye ocean perch ( <i>Helicolenus barathri</i> ).	500 kilograms.	Deepwater prawn endorsement holders and fish northern zone endorsement holders.	All ocean waters.
Blue-eye trevalla ( <i>Hyperoglyphe antarctica</i> ).	0.	All endorsement holders in the fishery.	All ocean waters.
Pink ling ( <i>Genypterus blacodes</i> ).	0.	All endorsement holders in the fishery.	All ocean waters.
Gemfish ( <i>Rexea solandri</i> ).	50 kilograms.	All endorsement holders in the fishery.	All ocean waters.

## Schedule 4 Allocation of quota shares

### Part 1 General

#### 1 Definitions

In this Schedule—

**catch** means the total amount of a particular species of fish taken by an eligible shareholder as determined by the Secretary under clause 2.

**eligible shareholder** means an eligible shareholder within the meaning of clause 5B of Part 3A who holds—

- (a) in the case of tiger flathead, bluespotted flathead and trawl whiting quota shares—inshore prawn shares, offshore prawn shares or fish northern zone shares, and
- (b) in the case of silver trevally and gemfish quota shares—fish northern zone shares, and
- (c) in the case of prawn effort quota shares—inshore prawn shares or offshore prawn shares.

**reporting period** means the period commencing on 1 July 2009 and ending on 30 June 2017 (both dates inclusive).

#### 2 Secretary to determine catch

- (1) For the purposes of each allocation formula in this Schedule, the Secretary is to determine the catch of a particular species in accordance with this clause.
- (2) The catch of a species taken by an eligible shareholder is the catch attributable to a

fishing business owned by the shareholder at 12 noon on 28 September 2018 and is to be determined on the basis of the records of fishing activities relating to the taking of that species that have been provided to the Secretary under sections 121 and 122 of the Act for the reporting period.

- (3) The Secretary is to—
- (a) disregard any catch taken during the reporting period that is attributable to a fishing business no longer owned by the shareholder at 12 noon on 28 September 2018, and
  - (b) take account of any catch taken during the reporting period that is attributable to the shareholder because the shareholder acquired shares of the same class under special arrangements for fishing business buyouts during the Department’s program known as the Adjustment Subsidy Program.
- (4) For the purposes of determining the catch of a species taken by an eligible shareholder and by all eligible shareholders (referred to as  $C_i$  and  $C_a$  in the formula in clauses 5 and 7), the Secretary is to disregard the shareholder’s lowest catch of the species for a 12-month period (commencing on 1 July) taken within the reporting period.

## **Part 2 Tiger flathead, bluespotted flathead and trawl whiting quota shares**

### **3 Application of Part**

This clause applies to the allocation of tiger flathead, bluespotted flathead, and trawl whiting quota shares among holders of the following classes of shares—

- (a) inshore prawn,
- (b) offshore prawn,
- (c) fish northern zone.

### **4 Step 1—Allocation of quota shares among share classes**

The total number of quota shares for a particular species to be allocated to each share class is the number determined in accordance with the following formula—

$$Q_i = \left[ \left( 0.2 \times \frac{S_i}{S_r} \right) + \left( 0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where—

$Q_r$  is the total number of quota shares for a particular species to be allocated to the share



class.

$C_r$  is the total catch of the particular species by all eligible shareholders who hold shares of the share class for the reporting period.

$C_{ar}$  is the total catch of the particular species by all eligible shareholders for the reporting period.

$Q_t$  is the total number of quota shares for a particular species issued under Part 3A (before any rounding under step 2).

## 5 Step 2—Allocation of quota shares among eligible shareholders

The number of quota shares for a particular species to be allocated to each eligible shareholder holding a particular class of shares is the number determined in accordance with the following formula—

$$Q_i = \left[ \left( 0.2 \times \frac{S_r}{S_t} \right) + \left( 0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_t$$

where—

$Q_i$  is the number of quota shares for a particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

$S_r$  is the number of shares of the particular share class held by the eligible shareholder.

$S_t$  is the total number of shares of the particular share class held by all eligible shareholders.

$C_i$  is the total catch of the particular species by the eligible shareholder who holds shares of the particular share class for the reporting period.

$C_a$  is the total catch of the particular species by all eligible shareholders holding shares of the particular share class for the reporting period.

$Q_r$  is the total number of quota shares for the particular class of shares as determined under clause 4 (before any rounding under this step).

## Part 3 Silver trevally and gemfish quota shares

### 6 Application of Part

This Part applies to the allocation of quota shares for silver trevally and gemfish among holders of fish northern zone shares.

## 7 Allocation of quota shares among eligible shareholders

The number of quota shares of a particular species to be allocated to each eligible shareholder is the number determined in accordance with the following formula—

$$Q_i = \left[ \left( 0.2 \times \frac{S_f}{S_t} \right) + \left( 0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where—

**$Q_i$**  is the number of quota shares for the particular species to be allocated to the eligible shareholder rounded up to the nearest whole share.

**$S_f$**  is the number of fish northern zone shares held by the eligible shareholder.

**$S_t$**  is the total number of fish northern zone shares held by all eligible shareholders.

**$C_i$**  is the total catch of the particular species by the eligible shareholder for the reporting period.

**$C_a$**  is the total catch of the particular species by all eligible shareholders for the reporting period.

**$Q_r$**  is the total number of quota shares for the particular species issued under Part 3A (before any rounding under this clause).

## Part 4 Prawn effort quota shares

### 8 Application of Part

This Part applies to the allocation of prawn effort quota shares among holders of inshore prawn shares and offshore prawn shares.

### 9 Allocation of quota shares among eligible shareholders

(1) The number of prawn effort quota shares to be allocated to each eligible shareholder is the number determined in accordance with the following formula—

$$Q_i = \left[ \left( 0.2 \times \frac{S_f}{S_t} \right) + \left( 0.8 \times \frac{C_i}{C_a} \right) \right] \times Q_r$$

where—

**$Q_i$**  is the number of prawn effort quota shares to be allocated to the eligible shareholder rounded up to the nearest whole share.

**$S_i$**  is the number of inshore prawn shares held by the eligible shareholder.

$S_o$  is the number of offshore prawn shares held by the eligible shareholder.

$H_s$  is the standardised hull units attributable to the eligible shareholder as determined in accordance with subclause (2).

- (2) The standardised hull units attributable to an eligible shareholder is the number determined in accordance with the following formula—

$$Q_i = \left[ \left( 0.2 \times \frac{S_r}{S_t} \right) + \left( 0.8 \times \frac{C_i}{C_s} \right) \right] \times Q_r$$

where—

$H_s$  is the standardised hull units attributable to the eligible shareholder rounded up to the nearest whole number.

$H$  is the hull units of the eligible shareholder's licensed fishing boat as determined in accordance with subclause (3).

- (3) The hull units of a licensed fishing boat are—
- (a) the maximum hull units that apply in respect of the boat as specified on the current fishing boat licence, or
  - (b) if the current fishing boat licence does not specify the maximum hull units—the hull units (calculated in accordance with clause 145 of the *Fisheries Management (General) Regulation 2010*) of the boat used under the current fishing boat licence (subject to subclause (4)).
- (4) The hull units of a licensed fishing boat that, at 12 noon on 28 September 2018, was not authorised to take fish because of the operation of clause 10 of this Plan (as in force at that time) are the maximum hull units specified on the fishing boat licence immediately before the boat ceased to be authorised to take fish because of that clause.
- (5)  $H$  is taken to be 1 if the current fishing boat licence does not specify the details of a particular boat or if the eligible shareholder does not hold a current fishing boat licence.
- (6) If an eligible shareholder holds more than 1 current fishing boat licence, the Secretary is to determine which licence is to be used for the purposes of this clause.
- (7) In this clause, **current fishing boat licence** means a fishing boat licence held by an eligible shareholder that is in force at 12 noon on 28 September 2018.