

Fisheries Management (General) Regulation 2010

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Regulation 2010*.

This Regulation replaces the *Fisheries Management (General) Regulation 2002* which is repealed on 1 September 2010 under section 10 (2) of the *Subordinate Legislation Act 1989*.

2 Commencement

This Regulation commences on 1 September 2010.

3 Interpretation

(1) In this Regulation: "**abalone**" means fish of the species *Haliotis rubra*. "**abalone fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**charter fishing boat**" has the meaning given by section 127A of the Act. "**crab trap**" means a recreational crab trap or a commercial crab trap. "**critical habitat of the greynurse shark**" means the areas declared by a notification under section 220T of the Act to be the critical habitat of the greynurse shark and identified as such in the maps in Schedule 2. "**eligible fisher**" means a person for the time being registered as an eligible fisher under Part 10. "**endorsement**" means an endorsement on a commercial fishing licence that authorises a person to take fish for sale in a restricted fishery or to take fish in a share management fishery (and includes any endorsement given in the form of a document that is separate from the commercial fishing licence of a person, pursuant to an arrangement referred to in section 68 (8C), 70 (6) or 112 (5) of the Act). "**estuarine waters**" means waters ordinarily subject to tidal influence (other than ocean waters). "**estuary general fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**estuary prawn trawl fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**fish protected from commercial fishing**" means fish declared by this Regulation to be protected from commercial fishing for the purposes of section 20 (1) of the Act. "**fisheries official**" means a fisheries officer or an officer of the Department. "**fishing authority**" has the same meaning as in Division 4C of Part 2 of the Act. "**fishing business card**" has the meaning given by Part 11. "**fishing business transfer rules**" means the provisions of Part 6. "**hauling**" includes casting and shooting any net with or without hauling lines. "**high water mark**" means the mean line between approximate high water at spring tide and neap tide. "**inland restricted fishery**" means the restricted fishery declared under Division 3 of Part 9. "**inland waters**" means waters not subject to tidal influence. "**lobster fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**lobster trap**" means a recreational lobster trap or a commercial lobster trap. "**Lord Howe Island waters**" means the waters within 3 nautical miles of:

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

"**natural coast line**" is defined in Schedule 1. "**ocean hauling fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**ocean trap and line fishery**" means the share management fishery of that name, as described in Schedule

1 to the Act. "**ocean trawl fishery**" means the share management fishery of that name, as described in Schedule 1 to the Act. "**ocean waters**" is defined in Schedule 1. "**pipi**" means fish of the species *Donax deltoides*. "**prawn**" means species of fish in the family Penaeidae and *Macrobrachium* spp. "**protected fish**" means fish declared by this Regulation to be protected fish for the purposes of section 19 of the Act. "**public holiday**" means a day that is observed as a public holiday throughout New South Wales. "**recognised fishing ground**" means an area identified (in accordance with Division 1 of Part 5) as a recognised fishing ground on a map deposited at an office of the Department. "**restricted species of fish**" means any species of fish referred to in Column 1 of Part 1 or Part 3 of Table 1 in clause 11. "**rocklobster**" means eastern rocklobster (*Jasus verreauxi*), southern rocklobster (*Jasus edwardsii*) and tropical rocklobster (*Panulirus* spp. except *Panulirus cygnus*). "**sea urchin**" means species of fish in the class Echinoidea. "**sea urchin and turban shell restricted fishery**" means the restricted fishery declared under Division 1 of Part 9. "**shellfish**" means species of fish in the classes Gastropoda and Bivalvia. "**southern fish trawl endorsement**" means an endorsement that authorises the taking of fish for sale in the southern fish trawl restricted fishery. "**southern fish trawl restricted fishery**" means the restricted fishery declared under Division 2 of Part 9. "**the Act**" means the *Fisheries Management Act 1994*. "**tributary**" of a body of water includes a creek, stream, gully, bay, lake, lagoon and inlet of that body of water. "**turban shell**" means species of fish in the family Turbinidae. "**turban snail**" means fish of the species *Turbo torquatus* and *Turbo militaris*. "**use**", in relation to any fishing gear, includes set or lift the fishing gear (whether or not the fishing gear is baited). "**yabby**" means fish of the species *Cherax*.

(2) A reference in this Regulation to the common name of a species of fish does not limit the scientific description of that species of fish. If there is any inconsistency between the common name and the scientific description of the species, the scientific description of the species prevails. The common name of a species of fish is generally the standard name for the fish as defined in the Australian Standard entitled *AS SSA 5300--2009, Australian Fish Names Standard* published on 31 July 2009.

(3) A reference in this Regulation to being "**convicted**" of an offence includes a reference to being found guilty of the offence.

(4) A reference in this Regulation to the regulations is a reference to this Regulation and any other regulations made under the Act.

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

(6) Notes included in this Regulation do not form part of this Regulation.

4 The share management plan for a fishery prevails over this Regulation

This Regulation is subject to section 62 of the Act.

Section 62 of the Act provides that if a provision of a share management plan is inconsistent with any other regulation under the Act or any fishing closure, the share management plan prevails (unless the provision of the regulation or fishing closure is expressed to have effect despite the share management plan).

Part 2 – Protected fish, protected waters, prohibited size fish and bag limits

Part 7A of the Act deals with the conservation of threatened species of fish and includes prohibitions on the taking of certain species of fish.

Division 1 – Protected fish

5 Protected fish

- (1) For the purposes of section 19 (1) of the Act, the species of fish specified in Table 1 are protected fish.
- (2) For the purposes of section 19 (4) of the Act, the possession of the protected fish

specified in Table 2 is prohibited absolutely.

Table 1 Protected fish

Part 1 Marine or estuarine species

Common name	Species
Ballina Angelfish	<i>Chaetodontoplus ballinae</i>
Blue Drummer, Bluefish	<i>Girella cyanea</i>
Eastern Blue Devil, Bleekers Devil Fish	<i>Paraplesiops bleekeri</i>
Elegant Wrasse	<i>Anampses elegans</i>
Goldspotted Rockcod, Estuary Cod	<i>Epinephelus coioides</i>
Ghostpipefish	All species of the family <i>Solenostomidae</i>
Queensland Groper, Giant Queensland Groper	<i>Epinephelus lanceolatus</i>
Sandtiger Shark, Herbsts Nurse Shark	<i>Odontaspis ferox</i>
Pipefish, Pipehorse, Seadragon, Seahorse	All species of the family <i>Syngnathidae</i>
Seamoth	All species of the family <i>Pegasidae</i>

Part 2 Freshwater species

Common name	Species
Australian Grayling	<i>Prototroctes maraena</i>
Isopod	<i>Crenoicus harrisoni</i>

Table 2 Protected fish--possession prohibited absolutely

Part 1 Marine or estuarine species

Common name	Species
Ballina Angelfish	<i>Chaetodontoplus ballinae</i>
Blue Drummer, Bluefish	<i>Girella cyanea</i>
Eastern Blue Devil, Bleekers Devil Fish	<i>Paraplesiops bleekeri</i>
Elegant Wrasse	<i>Anampses elegans</i>
Ghostpipefish	All species of the family <i>Solenostomidae</i>
Queensland Groper, Giant Queensland Groper	<i>Epinephelus lanceolatus</i>
Sandtiger Shark, Herbsts Nurse Shark	<i>Odontaspis ferox</i>
Pipefish, Pipehorse, Seadragon, Seahorse	All species of the family <i>Syngnathidae</i>
Seamoth	All species of the family <i>Pegasidae</i>

Part 2 Freshwater species

Common name	Species
Australian Grayling	<i>Prototroctes maraena</i>
Isopod	<i>Crenoicus harrisoni</i>

6 Fish protected from commercial fishing

(1) For the purposes of section 20 (1) of the Act, the species of fish specified in Table 1 are protected absolutely from all commercial fishing.

(2) For the purposes of section 20 (4) of the Act, the sale of any species of fish specified in Table 2 is prohibited absolutely.

Table 1 Fish protected absolutely from all commercial fishing
Part 1 Marine or estuarine species

Common name	Species
Eastern Blue Groper, Blue Groper, Brown Groper, Red Groper	Achoerodus viridis
Black Marlin	Makaira indica
Blue Marlin	Makaira nigricans
Striped Marlin	Tetrapturus audax

Part 2 Freshwater species

Common name	Species
Atlantic Salmon	Salmo salar
Australian Bass	Macquaria novemaculeata
Freshwater Catfish, Eel-tailed Catfish	Tandanus tandanus
Estuary Perch	Macquaria colonorum
Freshwater Crayfish	All species of the genera Euastacus and Cherax except for the common yabby Cherax destructor
Golden Perch, Yellow Belly Perch	Macquaria ambigua
Murray Cod	Maccullochella peelii peelii
Brook Trout	Salvelinus fontinalis
Brown Trout	Salmo trutta
Rainbow Trout	Oncorhynchus mykiss

Table 2 Protected fish--sale prohibited absolutely
Part 1 Marine or estuarine species

Common name	Species
Black Marlin	Makaira indica
Blue Marlin	Makaira nigricans
Striped Marlin	Tetrapturus audax

Part 2 Freshwater species

Common name	Species
Atlantic Salmon	Salmo salar
Australian Bass	Macquaria novemaculeata
Freshwater Catfish, Eel-tailed Catfish	Tandanus tandanus
Estuary Perch	Macquaria colonorum
Freshwater Crayfish	All species of the genera Euastacus and Cherax except for the common yabby Cherax destructor
Brook Trout	Salvelinus fontinalis
Brown Trout	Salmo trutta
Rainbow Trout	Oncorhynchus mykiss

7 Defence--blue drummer taken from Lord Howe Island waters

(1) For the purposes of section 21 (1) (d) of the Act, it is a defence to a prosecution for an offence under section 19 of the Act constituted by taking or being in possession of blue drummer if the person charged satisfies the Court that:

- (a) the blue drummer were taken from Lord Howe Island waters, and
- (b) the person's possession of the fish would, but for the fish being protected fish, be lawful.

(2) In this clause, "**blue drummer**" means fish of the species *Girella cyanea* also known as bluefish.

8 Defence--aquarium fish

For the purposes of section 21 (1) (d) of the Act, it is a defence to a prosecution for an offence under section 19 (3) of the Act (relating to the possession of protected fish) if:

- (a) the fish are species of the family Pegasidae, Solenostomidae or Syngnathidae (commonly known as seamoths, ghostpipefish, pipefish, pipehorses, seadragons and seahorses), and
- (b) the fish are being kept in an aquarium for exhibition or are in the person's possession for the purposes of sale in the aquarium industry, and
- (c) the fish were lawfully cultivated in or lawfully taken from waters to which this Act does not apply.

Division 2 – Fish and waters protected from commercial and recreational fishing

9 Fish and waters protected from commercial fishing

(1) For the purposes of section 20 (2) of the Act, it is declared that:

- (a) the waters specified in Schedule 3 are waters in which the class of commercial fishing specified in that Schedule as being a prohibited class of commercial fishing in relation to those waters is prohibited, and
- (b) all ocean and estuarine waters are waters in which the class of commercial fishing that consists of any commercial fishing activity other than the following is prohibited:
 - (i) a fishing activity referred to in Schedule 1 to the Act,
 - (ii) the taking of sea urchin or turban shell,
 - (iii) the use of an otter trawl net (fish) or danish seine trawl net (fish) to take fish (other than prawns) from ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east from Barrenjoey Headland,
 - (iv) the taking of fish from Lord Howe Island waters, and
- (c) all inland waters are waters in which the class of commercial fishing that consists of any commercial fishing activity other than the following is prohibited:
 - (i) the taking of yabbies,
 - (ii) the taking of carp.

The *Fisheries Management (Supporting Plan) Regulation 2006* contains further prohibitions that apply to commercial fishing in share management fisheries.

10 Fish and waters protected from recreational fishing

(1) For the purposes of section 20A (2) of the Act, it is declared that, in the waters specified in Schedule 4, the class of recreational fishing that is prohibited is the taking of fish of the species, by the prohibited fishing method and during the period, specified in relation to those waters in that Schedule.

(2) This clause does not apply in respect of a commercial fisher taking fish for sale as authorised under the Act.

(3) A reference in Schedule 4 to a distance upstream or downstream in particular waters is to be read as a reference to the distance as measured along an imaginary line drawn through the centre of those waters.

Division 3 – Prohibited size fish

11 Prohibited size fish

- (1) For the purposes of section 15 (1) of the Act, a fish is a prohibited size fish if:
- (a) in the case of a fish of a species specified in Column 1 of Table 1--the measurement or weight of the fish is less than the minimum measurement or weight specified opposite that species of fish in Column 2 of that Table, or
 - (b) in the case of a fish of a species specified in Column 1 of Table 2--the measurement of the fish is more than the maximum measurement specified opposite that species of fish in Column 2 of that Table.
- (2) For a species that has both a minimum measurement and a minimum weight, the fish is not a prohibited size fish if either the measurement or the weight exceeds the minimum.
- (3) For the purposes of section 15 (2) of the Act, the method of determining the measurement of any class of fish is as follows:
- (a) except as provided by this subclause--the overall length of the fish is to be measured from the point of the snout to the tip of the tail,
 - (b) in the case of abalone--the diameter of the shell is to be measured along its longest axis,
 - (c) in the case of balmain bug--the width of the carapace is to be measured at its widest point from spike to spike (whether or not damaged),
 - (d) in the case of crab (other than spanner crab)--the length of the crab is to be measured along the body from the notch between the most protruding frontal teeth to the centre of the posterior margin of the carapace,
 - (e) in the case of spanner crab--the length of the spanner crab is to be measured along the body from the base of the orbital notch to the centre of the posterior margin of the carapace,
 - (f) in the case of murray crayfish or other spiny crayfish--the length of the carapace of the crayfish is to be measured along the straight line from the posterior margin of the orbit (eye) socket to the centre of the posterior margin of the carapace,
 - (g) in the case of rocklobster--the length of the carapace of the rocklobster is to be measured along the straight line from the point of union of the second antennae to the centre of the posterior margin of the carapace (ignoring any hairs attached to the carapace),
 - (h) in the case of turban snail--the diameter of the shell is to be measured along its longest axis.
- (4) If a fish is frozen, refrigerated or chilled, the size of the fish is to be determined as so frozen, refrigerated or chilled.

Table 1 Prohibited size fish (minimum measurements)

Part 1 Fish--Marine or estuarine

	Column 1	Column 2
Common name	Species	Minimum measurement in centimetres
Rock Blackfish	<i>Girella elevata</i>	30
Black Bream, Southern Bream	<i>Acanthopagrus butcheri</i>	25
Yellowfin Bream	<i>Acanthopagrus australis</i>	25
Dusky Flathead, Common Flathead	<i>Platycephalus fuscus</i>	36
Bluespotted Flathead, Sand Flathead	<i>Platycephalus caeruleopunctatus</i>	33
Tiger Flathead	<i>Platycephalus richardsoni</i>	33
Flounder	<i>Bothidae</i> spp. and <i>Pleuronectidae</i> spp.	25

Eastern Blue Groper, Blue Groper, Brown Groper, Red Groper	<i>Achoerodus viridis</i>	30
Luderick, Blackfish	<i>Girella tricuspidata</i>	27
Spanish Mackerel	<i>Scomberomorus commerson</i>	75
Spotted Mackerel	<i>Scomberomorus munroi</i>	60
Mahi Mahi, Dolphinfish	<i>Coryphaena hippurus</i>	60
Jackass Morwong	<i>Nemadactylus macropterus</i>	30
Red Morwong, Sea Carp	<i>Cheilodactylus fuscus</i>	30
Grey Morwong, Rubberlip Morwong	<i>Nemadactylus douglasii</i>	30
Sea Mullet, Bully Mullet	<i>Mugil cephalus</i>	30
Mulloway, Jewfish	<i>Argyrosomus japonicus</i>	45
Pearl Perch	<i>Glaucosoma scapulare</i>	30
School Shark	<i>Galeorhinus galeus</i>	91
Snapper	<i>Pagrus auratus</i>	30
Tailor	<i>Pomatomus saltatrix</i>	30
Tarwhine	<i>Rhabdosargus sarba</i>	20
Teraglin	<i>Atractoscion aequidens</i>	38
Silver Trevally	<i>Pseudocaranx dentex</i>	30
Sand Whiting, Silver Whiting	<i>Sillago ciliata</i>	27
Yellowtail Kingfish	<i>Seriola lalandi</i>	65

Part 2 Invertebrates--Marine or estuarine

	Column 1	Column 2
Common name	Species	Minimum measurement in centimetres
Blacklip Abalone, Abalone	<i>Haliotis rubra</i>	11.7
Balmain Bug	<i>Ibacus peronii</i> , <i>ibacus chacei</i>	10
Blue Swimmer Crab, Sand Crab	<i>Portunus pelagicus</i>	6
Mud Crab, Black Crab, Mangrove Crab	<i>Scylla serrata</i>	8.5
Spanner Crab	<i>Ranina ranina</i>	9.3
Eastern Rocklobster	<i>Jasus verreauxi</i>	10.4
Southern Rocklobster (male)	<i>Jasus edwardsii</i>	11
Southern Rocklobster (female)	<i>Jasus edwardsii</i>	10.5
Sydney Turban Snail	<i>Turbo torquatus</i>	7.5
Military Turban Snail	<i>Turbo militaris</i>	7.5

Part 3 Fish--Freshwater or estuarine

	Column 1	Column 2
Common name	Species	Minimum measurement in centimetres
Freshwater Catfish, Eel-tailed Catfish	<i>Tandanus tandanus</i>	30
Murray Cod	<i>Maccullochella peelii peelii</i>	60
Longfin Eel	<i>Anguilla reinhardtii</i>	58
Southern Shortfin Eel	<i>Anguilla australis</i>	30
Golden Perch, Yellow Belly Perch	<i>Macquaria ambigua</i>	30

Silver Perch	Bidyanus bidyanus	25
Atlantic Salmon	Salmo salar	25
Brook Trout	Salvelinus fontinalis	25
Brown Trout	Salmo trutta	25
Rainbow Trout	Oncorhynchus mykiss	25

Part 4 Invertebrates--Freshwater or estuarine

	Column 1	Column 2
Common name	Species	Minimum measurement in centimetres
Spiny Crayfish, Eastern Freshwater Crayfish, Murray Crayfish	Euastacus spp.	9

Part 5 Minimum weight

	Column 1	Column 2
Common name	Species	Minimum weight in grams
Longfin Eel	Anguilla reinhardtii	500

Table 2 Prohibited size fish (maximum measurements)

Part 1 Invertebrates--Marine or estuarine

	Column 1	Column 2
Common name	Species	Maximum measurement in centimetres
Eastern Rocklobster	Jasus verreauxi	18

12 Defence--taking of mullet for bait

- (1) For the purposes of section 21 (d) of the Act, it is a defence to a prosecution for an offence under section 16 (1) of the Act (relating to possession of prohibited size fish) if:
- the prohibited size fish concerned are mullet, and
 - the fish do not exceed 15 cm in measurement, and
 - the fish have been lawfully taken by a person other than a commercial fisher, and
 - the fish are live bait, and
 - the person charged with the offence is in possession of no more than 20 of the prohibited size fish.

(2) In this clause, "**mullet**" means fish of the species *Mugil cephalus*.

Division 4 – Bag limits

13 Bag limits--taking of fish

- (1) For the purposes of section 17 (1) of the Act, the daily limit of fish (of a species specified in Column 1 of Part 1 or 2 of the Table to this Division) is the quantity specified opposite that species of fish in Column 2 of Part 1 or 2 of that Table.
- (2) For the purposes of section 17 (1) of the Act, the daily limit of fish (of a species specified in Column 1 of Part 3 or 4 of the Table to this Division) taken from waters specified opposite that species of fish in Column 2 of Part 3 or 4 of that Table is the quantity specified opposite that species of fish in Column 3 of Part 3 or 4 of that Table.

14 Bag limits--possession of fish

- (1) For the purposes of section 18 (1) of the Act, the possession limit of fish (of a species specified in Column 1 of Part 1 or 2 of the Table to this Division) is, when the person in

possession of that species of fish is in or on or adjacent to any waters or is transporting or storing the fish, the quantity specified opposite that species of fish in Column 2 of Part 1 or 2 of that Table.

(2) For the purposes of section 18 (1) of the Act, the possession limit of fish (of a species specified in Column 1 of Part 3 or 4 of the Table to this Division) is:

(a) when a person is in or on or adjacent to the waters specified opposite that species of fish in Column 2 of Part 3 or 4 of the Table, the quantity specified opposite that species of fish in Column 4 of the Table, or

(b) when a person is transporting or storing fish otherwise than while in or on or adjacent to waters, the quantity specified opposite that species of fish in Column 4 of Part 3 or 4 of the Table or, if different quantities of that species of fish are specified in relation to different waters, the lower or lowest quantity specified.

(3) It is a defence to a prosecution for an offence against section 18 (2) of the Act that is constituted by transporting or storing fish, otherwise than while in or on or adjacent to waters, in a quantity that exceeds the possession limit of the fish, if the person charged proves that:

(a) the fish were taken from waters specified opposite the fish in Column 2 of Part 3 or 4 of the Table, and

(b) the quantity of fish in the person's possession did not exceed the possession limit for the fish that would have applied if the person had been in or on or adjacent to the waters from which they were taken.

15 General bag limit

(1) For any species of marine or estuarine fish (including marine or estuarine invertebrates and tunicates) not included in the Table to this Division:

(a) the daily limit of fish of that species is 20, and

(b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to any waters or is transporting or storing the fish) is 20.

(2) For any species of native freshwater fish (other than invertebrates) not included in the Table to this Division:

(a) the daily limit of fish of that species is 10, and

(b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to any waters or is transporting or storing the fish) is 10.

16 Application of bag limits to commercial fishers

(1) A daily limit specified in this Division does not apply in respect of fish taken by a commercial fisher for sale.

(2) A possession limit specified in this Division does not apply in respect of fish in the possession of a commercial fisher for sale.

(3) However, those daily limits and possession limits do apply in respect of fish taken by, or in the possession of, a commercial fisher otherwise than for sale.

(4) Despite subclauses (1)-(3), the daily bag limits and possession limits specified in this Division do apply in respect of fish taken by, or in the possession of, a commercial fisher (whether or not the fish are taken or in possession for sale) if the fish were taken in Lord Howe Island waters by use of a boat and at the time that the fish were taken:

(a) the boat was being used as a charter fishing boat, or

(b) there were four or more persons on the boat (including any commercial fisher).

(5) Subclause (4) is subject to the exemption for fish taken for use as bait in charter fishing operations set out in clause 17.

17 Application of bag limits to charter fishing boat operations

(1) A daily limit or possession limit specified in this Division does not apply in relation to any charter fishing exempt fish that is in the possession of the master of a boat that is a licensed charter fishing boat, or an exempt charter fishing boat, if the fish were taken

while on board the boat for use as bait in guided recreational charter fishing, and the fish are not taken or in possession for sale.

(2) In this clause: "**charter fishing exempt fish**" means any of the following species of fish:

- (a) *Engraulis australis* (Australian anchovy),
- (b) species of family Hemiramphidae (garfish) other than *Hyporhamphus australis* (eastern sea garfish),
- (c) species of family Atherinidae (hardyhead, silverfish),
- (d) *Herklotsichthys castelnaui* (southern herring),
- (e) *Scomber australasicus* (blue mackerel, slimy mackerel),
- (f) *Etrumeus teres* (maray, round herring),
- (g) *Sardinops neopilchardus* (Australian sardine, pilchard),
- (h) *Spratelloides robustus* (blue sprat, bluebait),
- (i) *Hyperlophus vittatus* (sandy sprat, whitebait),
- (j) *Trachurus* spp. (yellowtail, jack mackerel).

"**exempt charter fishing boat**" means a charter fishing boat used for guided recreational charter fishing principally in Lord Howe Island waters in respect of which a licence under Part 4A of the Act is not required. "**guided recreational charter fishing**" means guided recreational charter fishing within the meaning of Part 13. "**licensed charter fishing boat**" means a charter fishing boat licensed under Part 4A of the Act.

18 Possession limits do not apply to fish lawfully taken for sale

(1) It is lawful for a commercial fisher to be in possession of fish in excess of a possession limit specified in this Division if the commercial fisher lawfully took the fish for sale.

(2) It is lawful for a person to be in possession of fish in excess of a possession limit specified in this Division if the person purchased or otherwise acquired the fish from another person whose possession of the fish was lawful (whether as a result of subclause (1) or as a result of one or more applications of this subclause).

(3) It is a defence to a prosecution for an offence against section 18 of the Act constituted by being in possession of fish in excess of a possession limit specified in this Division if the person charged proves:

- (a) that he or she purchased or otherwise acquired the fish from another person, and
- (b) that the other person's possession of the fish was lawful or that there were no reasonable grounds to suspect that the other person's possession of the fish was unlawful.

Table Bag limits

Part 1 Fish--Marine or estuarine

	Column 1	Column 2
Common name	Species	Daily limit and possession limit
Australian Anchovy	<i>Engraulis australis</i>	50
Banded Rockcod	<i>Epinephelus ergastularius</i>	5 comprised of any single species or a combination of species, with a maximum of 2 Gemfish
Bass Groper, Bass Grouper	<i>Polyprion americanus</i>	
Gemfish	<i>Rexea solandri</i>	
Hapuku, Hapuka	<i>Polyprion oxygenios</i>	
Blue-eye Trevalla,	<i>Hyperoglyphe antarctica</i>	

Trevalla		
Billfish	Species of families Xiphiidae and Istiophoridae	1 of each species
Rock Blackfish	Girella elevata	10
Cobia	Rachycentron canadum	5
Australian Bonito	Sarda australis	10
Tarwhine	Rhabdosargus sarba	20 comprised wholly of any single species or a combination of species or 20 comprised wholly of Black Bream and Yellowfin Bream
Black Bream, Southern Bream	Acanthopagrus butcheri	
Yellowfin Bream	Acanthopagrus australis	
Dusky Flathead, Common Flathead	Platycephalus fuscus	10 (with not more than one longer than 70 cm)
Bluespotted Flathead, Sand Flathead	Platycephalus caeruleopunctatus	20 comprised wholly of a single flathead species or a combination of species except for Dusky Flathead, which are subject to a separate limit
Tiger Flathead	Platycephalus richardsoni	
Flathead	Platycephalus spp.	
Flounder	Species of families Bothidae and Pleuronectidae	20 comprised wholly of any single species or a combination of species
Sole	Species of families Cynoglossidae and Soleidae	
Eastern Sea Garfish	Hyporhamphus australis	20
Garfish (except Eastern Sea Garfish)	Species of family Hemiramphidae	50 comprised wholly of any single species or a combination of species
Eastern Blue Groper, Blue Groper, Brown Groper, Red Groper	Achoerodus viridis	2 (only 1 of which can be longer than 60 cm)

Largehead Hairtail, Hairtail	Trichiurus lepturus	10
Hardyhead, Silverfish	Species of family Atherinidae	50 comprised wholly of any single species or a combination of species
Southern Herring	Herklotsichthys castelnaui	50
Yellowtail Kingfish	Seriola lalandi	5
Leatherjacket	Species of family Monacanthidae	20 comprised wholly of any single species or a combination of species
Luderick, Blackfish	Girella tricuspidata	20
Blue Mackerel, Slimy Mackerel	Scomber australasicus	50
Spotted Mackerel	Scomberomorus munroi	5 comprised wholly of Spotted Mackerel or wholly of Spanish Mackerel or partly of each
Spanish Mackerel	Scomberomorus commerson	
Mahi Mahi, Dolphinfish	Coryphaena hippurus	10 (only 1 of which can be longer than 110 cm)
Mangrove Jack	Lutjanus argentimaculatus	5
Maray, Round Herring	Etrumeus teres	50
Banded Morwong	Cheilodactylus spectabilis	5
Jackass Morwong	Nemadactylus macropterus	10
Red Morwong, Sea Carp	Cheilodactylus fuscus	5
Grey Morwong, Rubberlip Morwong	Nemadactylus douglasii	10
Mullet	Species of family Mugilidae	20 comprised wholly of any single species or a combination of species
Mulloway, Jewfish	Argyrosomus japonicus	5 (only 2 of which can be longer than 70 cm)
Moses	Lutjanus	5

Snapper, Moses Perch	russelli	
Pearl Perch	Glaucosoma scapulare	5
Australian Sardine, Pilchard	Sardinops neopilchardus	50
Eastern Australian Salmon, Australian Salmon	Arripis trutta	5
Samsonfish, Amberjack	Seriola hippos, Seriola dumerili	5 comprised wholly of any single species or a combination of species
Eastern Red Scorpionfish, Eastern Red Rockcod	Scorpaena cardinalis	5
Sharks and Rays (other than Wobbegongs)	All species (other than Orectolobus spp.)	5 comprised wholly of any single species or a combination of species but with no more than one of each of the following:(a) Galeocerdo cuvier (Tiger Shark),(b) Isurus oxyrinchus (Shortfin Mako Shark),(c) Carcharhinidae family (Whaler Shark, Blue Shark),(d) Sphyrna spp. (Hammerhead Shark).
Snapper	Pagrus auratus	10
Blue Sprat, Bluebait	Spratelloides robustus	50
Sandy Sprat, Whitebait	Hyperlophus vittatus	50
Australian Sawtail, Sawtail Surgeon	Prionurus microlepidotus	5
Tailor	Pomatomus saltatrix	20
Teraglin	Atractoscion aequidens	5
Trevally	Pseudocaranx dentex, Caranx spp.	20 comprised wholly of any single species or a combination of species
Albacore, Albacore Tuna	Thunnus alalunga	7 comprised of any single species or combination of species, of which 2 have a length of 90 cm or more and 5 have a length of less than 90 cm
Bigeye Tuna	Thunnus obesus	
Longtail Tuna	Thunnus tonggol	
Southern Bluefin Tuna	Thunnus maccoyii	
Yellowfin Tuna	Thunnus albacares	
Wahoo		5

	Acanthocybium solandri	
Wobbegong	Orectolobus spp.	0
Whiting	Sillago spp.	20 comprised of any single species or a combination of species
Yellowtail, Jack Mackerel	Trachurus spp.	50 comprised wholly of any single species or a combination of species

Part 2 Invertebrates

	Column 1	Column 2
Common name	Species	Daily limit and possession limit
Blacklip Abalone, Abalone	Haliotis rubra	2
Beachworm	Species of family Onuphidae	20
Cockle	Anadara trapezia	50 comprised wholly of Cockles or wholly of Pipsis or wholly of Blue Mussels or partly of each
Pipi	Donax deltoides	
Blue Mussel, Mussel	Mytilus galloprovincialis	
Blue Swimmer Crab, Sand Crab	Portunus pelagicus	20
Mud Crab, Black Crab, Mangrove Crab	Scylla serrata	5
Spanner Crab	Ranina ranina	10
Soldier Crab	Species of family Mictyridae	100 comprised wholly of any single species or a combination of species
Crab (except for Blue Swimmer Crab, Sand Crab, Mud Crab, Spanner Crab and Soldier Crab)	Species of subclass Brachyura	10 comprised wholly of any single species or a combination of species
Cunjevoi	Pyura spp.	20 comprised wholly of any single species or a combination of species
Eastern Rocklobster	Jasus verreauxi	2 comprised wholly of any single species or a combination of species
Southern Rocklobster	Jasus edwardsii	
Tropical Rocklobster, Painted Rocklobster, Ornate Rocklobster	Panulirus spp. except Panulirus cygnus	2 comprised wholly of any single species or a combination of species
Slipper Lobster, Flat Lobster	Scyllarides spp.	2
Octopus	All species	10 comprised wholly of any single species or a combination of species
Sydney Rock Oyster	Saccostrea glomerata	50 comprised wholly of any single species or a combination of species
Pacific Oyster	Crassostrea gigas	
Native Oyster, Flat Oyster, Drift Oyster	Ostrea angasi	
Molluscs (except squid, octopus and cuttlefish (class Cephalopoda) and any other mollusc referred to in this Table)	Species of phylum Mollusca	20 comprised wholly of any single species or a combination of species
Prawns	Species of family Penaeidae and Macrobrachium spp.	10 litres

Saltwater nippers	Species of genus Callinassa and Alpheus spp.	100 comprised wholly of any single species or a combination of species
Scallops	Species of family Pectinidae	50
Sea Urchin	Species of class Echinoidea	10 comprised wholly of any single species or a combination of species
Squid	All species	20 comprised wholly of any single species or a combination of species
Cuttlefish	All species	
Worms (except beachworms)	Species of class Polychaeta other than family Onuphidae	100 comprised wholly of any single species or a combination of species

Part 3 Fish--Freshwater or estuarine

	Column 1	Column 2	Column 3	Column 4
Common name	Species	Waters	Daily limit	Possession limit
Golden Perch, Yellow Belly Perch	Macquaria ambigua	All waters of NSW	5	10
Murray Cod	Maccullocheilla peelii peelii	All waters of NSW	2	4 (only 1 of which can be longer than 100 cm)
Silver Perch	Bidyanus bidyanus	Waters from which Silver Perch may lawfully be taken	5	10
Freshwater Catfish, Eel-tailed Catfish	Tandanus tandanus	Backed up waters of dams and impoundments	5	10
		All other waters of NSW	2	4
Australian Bass	Macquaria novemaculeata	Backed up waters of dams and impoundments	2 comprised wholly of a single species or of a combination of species	4 comprised wholly of a single species or of a combination of species
Estuary Perch	Macquaria colonorum			
Australian Bass	Macquaria novemaculeata	All other waters of NSW	2 comprised wholly of one species or of a combination of species (with not more than one,	4 comprised wholly of one species or of a combination of species

			of either species, being longer than 35 cm)	(only 1 of which can be longer than 35 cm)
Estuary Perch	Macquaria colonorum			
Atlantic Salmon	Salmo salar	All waters of NSW	10 comprised of any single species or a combination of species	20 comprised of a combination of species
Brook Trout	Salvelinus fontinalis			
Brown Trout	Salmo trutta			
Rainbow Trout	Oncorhynchus mykiss			

Part 4 Invertebrates--Freshwater

	Column 1	Column 2	Column 3	Column 4
Common name	Species	Waters	Daily limit	Possession limit
Spiny Crayfish (other than Murray Crayfish)	Euastacus spp. (other than Euastacus armatus)	All waters of NSW	5 (only 1 of which can be longer than 12 cm) comprised of any single species or a combination of species	10 (only 1 of which can be longer than 12 cm) comprised of any single species or a combination of species
Murray Crayfish	Euastacus armatus	All waters of NSW	5 (only 1 of which can be longer than 12 cm) during the months of May, June, July and August	10 (only 1 of which can be longer than 12 cm) during the months of May, June, July and August
Yabby	Cherax spp.	All waters of NSW	200	200

Division 5 – Miscellaneous

19 Part does not authorise action contrary to prohibitions or other controls

(1) Nothing in this Part affects any prohibition or conditions imposed by or under the Act or the *Marine Parks Act 1997* with respect to the taking of fish.

(2) In particular, a provision of this Part that specifies a minimum measurement, daily limit or possession limit in respect of any species of fish is not to be construed as authorising any of the following:

- (a) the taking of fish in waters that are closed to fishing by virtue of a notification in force under section 8 of the Act,
- (b) the taking for sale of any fish protected from commercial fishing,
- (c) the taking for sale of fish from any area protected from commercial fishing,
- (d) the taking of fish protected from recreational fishing,
- (e) the taking of fish from any area protected from recreational fishing,
- (f) the taking of fish in contravention of:
 - (i) a regulation relating to aquatic reserves made under section 197 of the Act, or

- (ii) a management plan for an aquatic reserve made under section 197A of the Act, or
 - (iii) an aquatic reserve notification in force under section 197E of the Act,
- (g) the taking of fish in contravention of any provision of, or any instrument or notification under, the *Marine Parks Act 1997*.

Part 3 – Fishing gear

Under section 24 of the Act it is an offence for a person to use a net or trap for taking 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. Section 25 of the Act also makes it an offence for a person to be in possession of any fishing gear in, on or adjacent to any waters if the use by that person of that fishing gear for taking fish from those waters is, at that time, prohibited by or under the Act.

Division 1 – Lawful use of fishing gear generally

20 Fishing gear cannot be used in contravention of other restrictions

- (1) A provision of this Part that declares the use of a net or other fishing gear to be lawful, or to be lawful in specified circumstances, does not affect any prohibition or conditions imposed by or under the Act or the *Marine Parks Act 1997* with respect to the taking of fish.
- (2) In particular, nothing in this Part is to be construed as authorising the use, in any circumstances, of a net or other fishing gear for any of the following:
- (a) the taking of fish in waters that are closed to fishing by virtue of a notification in force under section 8 of the Act,
 - (b) the taking of fish that are prohibited size fish or protected fish,
 - (c) the taking for sale of fish protected from commercial fishing,
 - (d) the taking for sale of fish from any area protected from commercial fishing,
 - (e) the taking of fish protected from recreational fishing,
 - (f) the taking of fish from any area protected from recreational fishing,
 - (g) the taking of fish in contravention of:
 - (i) a regulation relating to aquatic reserves made under section 197 of the Act, or
 - (ii) a management plan for an aquatic reserve made under section 197A of the Act, or
 - (iii) an aquatic reserve notification in force under section 197E of the Act,
 - (h) the taking of fish in contravention of any provision of, or any instrument or notification under, the *Marine Parks Act 1997*,
 - (i) the taking of fish in contravention of a condition of a commercial fishing licence or an endorsement on a commercial fishing licence.

21 Lawful use of fishing gear

- (1) For the purposes of this Part, a person who holds a commercial fishing licence that does not authorise the person to take fish for sale in a restricted fishery or a share management fishery is to be treated, in respect of that fishery, as a person who is not a commercial fisher.
- (2) Accordingly, despite the other provisions of this Part, it is unlawful for such a person to use a net or other fishing gear for taking any fish in that restricted fishery or share management fishery if the use of that net or gear for taking those fish would, if the person were not a commercial fisher, be unlawful.

22 Use of certain fishing gear prohibited in vicinity of Fish Rock

- (1) A person must not take, by means of a spear, speargun or similar device, any fish from Fish Rock waters other than fish of the following families or species:
- (a) families:
 - (i) Carangidae (trevally, kingfish, rainbow runner),
 - (ii) Scombridae (mackerel, wahoo),

- (iii) Istiophoridae (marlin, sailfish),
- (b) species:
 - (i) *Rachycentron canadum* (cobia),
 - (ii) *Pomatomus saltatrix* (tailor),
 - (iii) *Coryphaena hippurus*, (mahi mahi, dolphinfish),
 - (iv) *Arripis trutta* (eastern Australian salmon).

Maximum penalty: 100 penalty units.

(2) A person must not, while using any apparatus (other than a snorkel) capable of supplying air to facilitate breathing underwater, take fish from Fish Rock waters by any method. Maximum penalty: 100 penalty units.

(3) In this clause, "**Fish Rock waters**" means all waters within 500 metres of the mean high water mark of Fish Rock at 30°56.325'S, 153°06.052'E. Part of the area around Fish Rock is critical habitat of the greynurse shark. Division 1 of Part 15 contains restrictions on actions in or near that critical habitat.

Division 2 – Lawful commercial nets

23 Nets used in share management fisheries

(1) The nets specified in Column 1 of the Table to this clause may lawfully be used to take fish in the waters of the share management fisheries specified next to the net concerned in Column 2 of the Table to this clause.

(2) The description of the net, and its use, in relation to the waters of a share management fishery, must comply with the requirements prescribed by the share management plan for the fishery concerned (including any requirements of a supporting plan that applies to the fishery).

Table Nets used in share management fisheries

Column 1	Column 2
Net	Share management fishery
Bait net	Estuary general
Danish seine trawl net (fish)	Ocean trawl
Dip or scoop net (prawns)	Estuary general
Flathead net	Estuary general
Garfish net (bullringing)	Estuary general
Garfish net (hauling)	Estuary general
	Ocean hauling
Hand-hauled prawn net	Estuary general
Hauling net (general purpose)	Estuary general
	Ocean hauling
Hoop or lift net	Estuary general
Landing net	Estuary general
	Estuary prawn trawl
	Ocean hauling
	Ocean trap and line
	Ocean trawl
	Lobster
Meshing net	Estuary general
Otter trawl net (fish)	Ocean trawl
Otter trawl net (prawns)	Ocean trawl
	Estuary prawn trawl
Pilchard, anchovy and bait net (hauling)	Estuary general
	Ocean hauling
Prawn net (hauling)	Estuary general

Prawn net (set pocket)	Estuary general
Prawn running net	Estuary general
Purse seine net	Ocean hauling
Push or scissors net	Estuary general
Seine net (prawns)	Estuary general
Spanner crab net	Ocean trap and line
Trumpeter whiting net (hauling)	Estuary general

Some of these nets may also be used in restricted fisheries and by recreational fishers. Different requirements (including different net specifications) apply when the nets are used in different fisheries and by recreational fishers.

24 Otter trawl net (fish)--southern fish trawl fishery

(1) It is lawful for the holder of a southern fish trawl endorsement in the southern fish trawl restricted fishery to use an otter trawl net for taking fish (other than prawns, abalone and rocklobster) in the waters specified in the Table to this clause if the net complies with the description as set out 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) 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),
- (f) 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 issued 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,
- (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 more than 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 Regulation 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)--southern fish trawl fishery.

(5) In this clause, "**codend**" of a net means the piece of netting that forms the posterior

most part of the net where the catch accumulates.

Table Otter trawl net (fish)

Waters --Ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east of Barrenjoey Head. Description of net --Mesh not less than 90 mm throughout; sweeps (including bridles) not exceeding 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.

25 Danish seine trawl net (fish)--southern fish trawl fishery

(1) It is lawful for the holder of a southern fish trawl endorsement in the southern fish trawl restricted fishery to use a danish seine trawl net for taking fish (other than prawns, abalone and rocklobster) 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 Regulation 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)--southern fish trawl fishery.

Table Danish seine trawl net (fish)

Waters --Ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east of Barrenjoey Head. Description of net --Mesh not less than 83 mm throughout.

Division 3 – Lawful recreational nets

26 Application of Division

Subject to anything to the contrary in this Division, the nets described in this Division may be lawfully used by any person (whether or not a commercial fisher).

27 Spanner crab net

(1) It is lawful for a person to use a net for taking spanner crabs in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is used only as a hand implement and only by the method of lowering the net into the water and then drawing the net vertically to the surface,
- (b) a person does not use more than 1 spanner crab net at any one time,
- (c) the net is not used unless its position is indicated by a buoy that:
 - (i) is moored so as to be positioned above the net, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) has a weight of not less than 50 gm suspended not less than 1 metre under the buoy so that no rope is floating on the surface of the water, and
 - (v) displays the letters "SN" and the name and address of the person using the net, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy.

(2) This clause does not apply to or in respect of the holder of an endorsement in the ocean trap and line fishery when taking fish for sale in that fishery. See the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006* in relation to the use of spanner crab nets in the ocean trap and line fishery.

(3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a spanner crab net.

Table Spanner crab net

Waters --Ocean waters north of Korogoro Point (Hat Head). Description of net --Net attached to

a rigid rectangular frame not exceeding 1.6 metres in length and 1 metre in width; net not capable of extending more than 0.1 metre beneath the frame when the frame is suspended in a horizontal position.

28 Hoop or lift net

(1) It is lawful for a person to use a hoop or lift net for taking fish (other than rocklobster in tidal waters or restricted species of fish) in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is used only as a hand implement and only by the method of lowering the net into the water and then drawing the net vertically to the surface,
- (b) not more than 5 nets are used by a person at any one time,
- (c) the net is not used unless its position is indicated by a buoy that:
 - (i) is moored so as to be positioned above the net, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) does not have any rope floating on the surface of the water, and
 - (v) displays the letters "HN" and the name and address of the person using the net, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy.

(2) This clause does not apply to or in respect of the holder of an endorsement in the estuary general fishery when taking fish for sale in that fishery. See the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in relation to the use of hoop or lift nets in the estuary general fishery.

(3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a hoop or lift net.

Table Hoop or lift net

Waters --Any waters (other than ocean waters). Description of net --Net attached to not more than 2 hoops, rings or frames not exceeding 1.25 metres in their greatest diameter (or at their greatest diagonal); hoops, rings or frames not attached to each other by means of any rigid frame; total length from the centre of the plane of the hoop, ring or frame to the extremity of the net, or between the 2 hoops, rings or frames, not exceeding 1 metre; mesh not less than 13 mm.

29 Hand-hauled prawn net

(1) It is lawful for a person to use a hand-hauled net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is not staked or set, or joined or placed together with any other net,
- (b) the net is continuously and manually propelled and not used as a stationary net,
- (c) the net may be attached to up to 2 hauling lines that are not more than 2 metres in length each.

(2) It is also lawful for a person to use a hand-hauled net to take other fish (other than restricted species of fish) that are taken by the net when it is being lawfully used for taking prawns.

(3) This clause does not apply to or in respect of the holder of an endorsement in the estuary general fishery when taking fish for sale in that fishery. See the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in relation to the use of hand-hauled prawn nets in the estuary general fishery.

(4) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a hand-hauled prawn net.

Table Hand-hauled prawn net

Waters --Any waters (other than inland waters). Description of net --Total length not exceeding 6 metres; mesh throughout not less than 30 mm nor more than 36 mm.

30 Push or scissors net (prawns)

(1) It is lawful for a person to use a push or scissors net for taking prawns in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is used only as a hand implement and is not staked or set, or joined or placed together with any other net,
- (b) the net is continuously propelled and not used as a stationary net,
- (c) the net is operated only by 1 person without assistance from any other person,
- (d) only 1 net is used by a person at any one time.

(2) It is also lawful to use a push or scissors net to take other fish (other than restricted species of fish) that are taken by the net when it is being lawfully used for taking prawns.

(3) This clause does not apply to or in respect of the holder of an endorsement in the estuary general fishery when taking fish for sale in that fishery. See the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in relation to the use of push or scissors nets (prawns) in the estuary general fishery.

(4) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a push or scissors net (prawns).

Table Push or scissors net (prawns)

Waters --Any waters (other than inland waters). Description of net --Net attached to a scissors-type frame; length of lead or bottom line between the lower extremities of the poles not exceeding 2.75 metres; mesh not less than 30 mm nor more than 36 mm.

31 Dip or scoop net (prawns)

(1) It is lawful for a person to use a dip or scoop net for taking prawns or any other fish in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is used as a hand implement only and not staked or set, or joined or placed together with any other net,
- (b) only 1 net is used by a person at any one time.

(2) This clause does not apply to or in respect of the holder of an endorsement in the estuary general fishery when taking fish for sale in that fishery. See the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in relation to the use of dip or scoop nets (prawns) in the estuary general fishery.

(3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a dip or scoop net (prawns).

Table Dip or scoop net (prawns)

Waters --Any waters (other than inland waters). Description of net --Net attached to a frame, hoop or ring not exceeding 0.6 metres in its greatest diameter, with a total length from the centre of the plane of the frame, hoop or ring to the extremity of the net not exceeding 1.25 metres; mesh not less than 20 mm.

32 Hand-hauled yabby net

(1) It is lawful for a person to use a hand-hauled net for taking yabbies in the waters specified in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) the net is used as a hand implement only and not staked or set, or joined or placed together with any other net,
- (b) the net is continuously and manually propelled and not used as a stationary net,

- (c) the net is operated by 1 person only (with the assistance of no more than 1 other person).
- (2) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a hand-hauled yabby net.

Table Hand-hauled yabby net

Waters --Inland waters, being ground tanks, bore drains or lagoons. Description of net --Not exceeding 6 metres; mesh throughout not more than 40 mm; used with or without hauling lines or poles.
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33 Landing net

(1) It is lawful for a person to use a landing net for taking fish (other than prawns) in the waters set out in the Table to this clause if the net complies with the description as set out in that Table and the following conditions are complied with:

- (a) in the case of a net used by the holder of an endorsement in the southern fish trawl restricted fishery--the net is used only as an ancillary aid to another fishing method that it is lawful for the endorsement holder to use to take fish for sale in the waters concerned,
- (b) in any other case--the net is used only as an ancillary aid to a rod and line or handline.

(2) This clause does not apply to or in respect of the holder of an endorsement in a share management fishery when taking fish for sale in that fishery. See the *Fisheries Management (Supporting Plan) Regulation 2006* in relation to the use of landing nets in share management fisheries.

(3) For the purposes of this Regulation or any other instrument under the Act, a net described in this clause may be referred to as a landing net.

Table Landing net

Waters --Any waters. Description of net --Consisting of a hoop or ring that is attached to netting or other soft material.
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Division 4 – Other lawful nets

34 Beach safety meshing nets

- (1) It is lawful for an officer of the Department or a person acting on behalf of the Director-General to use a beach safety meshing net for the purposes of shark meshing activities.
- (2) The beach safety meshing net may only be used as a sunk net. No part of the net (other than that used for the purposes of tagging) may be on the surface.
- (3) The beach safety meshing net must comply with the following specifications:
- (a) 150 metres of not less than 8 mm diameter, synthetic rope with a breaking strain of not less than 900 kg.
- (b) 150 metres of not less than 8 mm diameter, synthetic rope with a breaking strain of not less than 900 kg.
- (c) Gill net buoys used must be of not less than 10 cm diameter and not less than 5 cm thickness, or a buoy of equivalent buoyancy approved by the Director-General and spaced at not more than 5 metre centres.
- (d) The twine must be continuous synthetic filament with a breaking strain of not less than 60 kg.
- (e) The mesh size must be 60 cm. To measure the mesh size the net is to be soaked in water for a period of not less than 5 minutes, then stretched out and the distance between the inside edges of the knots measured using a steel rule certified in accordance with the *Trade Measurement Act 1989*.
- (f) The number of meshes must be not less than 12 meshes deep so that the height is approximately 6 metres when set.
- (4) Nets must be tagged at the surface with buoys that measure not less than 20 cm in all

dimensions and that are clearly marked "SHARK NET".

Division 5 – Lawful traps

35 Traps used in share management fisheries

(1) The traps specified in Column 1 of the Table to this clause may lawfully be used to take fish in the waters of the share management fisheries specified next to the trap concerned in Column 2 of the Table to this clause.

(2) The description of the trap, and its use, in relation to the waters of a share management fishery, must comply with the requirements prescribed by the share management plan for the fishery concerned (including any requirements of a supporting plan that applies to the fishery).

Table Traps used in share management fisheries

Column 1	Column 2
Trap	Share management fishery
Commercial crab trap	Estuary general
Commercial lobster trap	Lobster
Eel trap	Estuary general
Fish trap	Estuary general
	Ocean trap and line

36 Recreational lobster trap

(1) It is lawful for a person to use a trap for taking rocklobster in the waters specified in the Table to this clause if the trap complies with the description as set out in that Table and the conditions referred to in subclause (2) are complied with.

(2) The following conditions must be complied with:

(a) the trap is not used unless its position is indicated by a buoy that:

- (i) is moored so as to be positioned above the trap, and
- (ii) measures not less than 100 mm in all dimensions, and
- (iii) has a height above the water of not less than 50 mm, and
- (iv) has a weight of not less than 50 gm suspended not less than 1 metre under the buoy so that no rope is floating on the surface of the water, and
- (v) displays the letters "LT" and the name and address of the person using the trap, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy,

(b) a person does not use more than 1 trap at any one time.

(3) This clause does not apply to or in respect of a commercial fisher who is taking rocklobster for sale. See the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* in relation to the use of lobster traps in the lobster fishery.

(4) For the purposes of this Regulation or any other instrument under the Act, a trap referred to in this clause may be referred to as a recreational lobster trap.

Table Recreational lobster trap

Waters --Any waters (other than inland waters and any waters more than 10 metres deep (contour)). Description of trap --Consisting of a rectangular base or floor not exceeding 1.2 metres by 1.2 metres (or a circular base not exceeding 1.2 metres in diameter); has 1, 2 or 3 rectangular unobstructed escape gaps (constructed of rigid material) fitted in the trap with at least 1 escape gap being not less than 57 mm by 500 mm, 2 escape gaps each being not less than 57 mm by 250 mm or 3 escape gaps each being not less than 57 mm by 200 mm and so that no part of any escape gap is more than 12 cm above the floor of the trap.
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37 Recreational crab trap

(1) It is lawful for a person to use a trap for taking crabs in the waters specified in the

Table to this clause if the trap complies with the description as set out in that Table and the following conditions are complied with:

- (a) the trap is not used unless its position is indicated by a buoy that:
 - (i) is moored so as to be positioned above the trap, and
 - (ii) measures not less than 100 mm in all dimensions, and
 - (iii) has a height above the water of not less than 50 mm, and
 - (iv) has a weight of not less than 50 gm suspended not less than 1 metre under the buoy so that no rope is floating on the surface of the water, and
 - (v) displays the letters "CT" and the name and address of the person using the trap, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy,
- (b) the trap is not used in such a manner as to impede the free passage of fish on either or any side of the trap or in such a manner that any 2 traps are closer than 3 metres apart,
- (c) a person does not use more than 1 trap at any one time,
- (d) the trap is not made of entanglement material.

(2) This clause does not apply to or in respect of an endorsement holder in the estuary general fishery when taking fish for sale in that fishery. See the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* in relation to the use of crab traps in the estuary general fishery.

(3) For the purposes of this Regulation or any other instrument under the Act, a trap referred to in this clause may be referred to as a recreational crab trap.

Table Recreational crab trap

Waters --Any waters (other than inland and ocean waters). Description of trap --Not exceeding 1.2 metres in length, 1 metre in width and 0.5 metre in depth (or has a diameter not exceeding 1.6 metres at the top or bottom); consisting of mesh not less than 50 mm; having not more than 4 entrance funnels none of which are on the top of the trap (excluding any access doors for removing crabs from the trap or baiting the trap).

38 Bait trap

(1) It is lawful for a person to use a trap for the taking of bait in the waters specified in the Table to this clause if the trap complies with the description as set out in that Table and the following conditions are complied with:

- (a) the trap is not used unless it is identified by a tag that:
 - (i) is securely attached to a part of the trap that is at or above water level, and
 - (ii) has dimensions of at least 80 mm by 45 mm, and
 - (iii) displays the letters "BT" and the name and address of the person using the trap in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the tag, and
- (b) a person (other than a commercial fisher) does not use more than 1 trap at any one time.

(2) For the purposes of this Regulation or any other instrument under the Act, a trap referred to in this clause may be referred to as a bait trap.

Table Bait trap

Waters --Any waters (other than inland waters). Description of trap --Not exceeding 450 mm in length and 350 mm in diameter with any entrance funnel not exceeding 60 mm in diameter.

39 Yabby trap

(1) It is lawful for a person to use a trap for taking yabbies in the waters specified in the Table to this clause if the trap complies with the description as set out in that Table and the conditions in subclause (2) are complied with.

- (2) The following conditions must be complied with:
- (a) the trap is not used unless its position is indicated by a buoy or a tag,
 - (b) if the trap's position is indicated by a buoy:
 - (i) the buoy must be moored so as to be positioned above the trap, and
 - (ii) the buoy measures not less than 100 mm in all dimensions, and
 - (iii) the buoy has a height above the water of not less than 50 mm, and
 - (iv) the buoy must display the letters "YT" and the name and address of the person using the trap in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the buoy, and
 - (v) any rope attached to the buoy must not be floating on the surface of the water,
 - (c) if the trap's position is indicated by a tag, the tag must:
 - (i) be securely attached to a part of the trap that is at or above water level, and
 - (ii) have dimensions of at least 80 mm by 45 mm, and
 - (iii) display the letters "YT" followed by the name and address of the person using the trap, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the tag,
 - (d) a commercial fisher does not use more than 100 traps at any one time in any inland waters,
 - (e) a person (other than a commercial fisher) does not use more than 5 traps at any one time and does not leave any trap set for more than 24 hours in any period of 48 consecutive hours.
- (3) For the purposes of this Regulation or any other instrument under the Act, a trap referred to in this clause may be referred to as a yabby trap.

Table Yabby trap

<p>Waters --Inland waters, other than:(i) waters east of the Newell Highway,(ii) the Murray River from the Newell Highway at Tocumwal downstream to the Echuca road bridge,(iii) the Edward River from the Murray River at Picnic Point downstream to Stevens Weir,(iv) the Murrumbidgee River from Narrandera to the Darlington Point road bridge.Description of trap --Not exceeding 1 metre in length, 0.6 metre in width and 0.3 metre in depth; constructed of netting or mesh (not being rigid mesh, such as metal or hard plastic) not less than 13 mm along the longest diagonal; has entrance funnel or funnels containing a rigid ring with a maximum internal diameter of 90 mm permanently affixed at some point along the funnel or funnels.</p>

40 Shrimp trap

- (1) It is lawful for a person to use a trap for taking freshwater shrimp in the waters specified in the Table to this clause if the trap complies with the description as set out in that Table and the following conditions are complied with:
- (a) the trap is not used unless it is identified by a tag that:
 - (i) is securely attached to a part of the trap that is at or above water level, and
 - (ii) has dimensions of at least 80 mm by 45 mm, and
 - (iii) displays the letters "ST" and the name and address of the person using the trap, in clearly visible letters that are not less than 15 mm in height and are of a colour that contrasts with that of the tag, and
 - (b) a person does not use more than 1 trap at any one time.
- (2) For the purposes of this Regulation or any other instrument under the Act, a trap referred to in this clause may be referred to as a shrimp trap.
- (3) In this clause, "**freshwater shrimp**" means species of fish in the group Caridea.

Table Shrimp trap

<p>Waters --Inland waters. Description of trap --Not exceeding 0.6 metre in length, 0.5 metre in</p>
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width and 0.5 metre in depth; constructed of netting or mesh not greater than 13 mm along the longest diagonal; has entrance funnels that are not more than 35 mm in width at the narrowest point measured on any axis.

Division 6 – General provisions relating to lawful use of nets and traps

41 Joining of nets

(1) For the purposes of this Part, it is unlawful for a person to use in any waters 2 or more nets joined together for the purpose of taking fish.

(2) For the purposes of this Part, it is unlawful for a person to use in any waters 2 or more nets for the purpose of taking fish, being nets that are joined or placed together side by side (either on the cork line or otherwise) in such a manner that the effective mesh or meshes of those combined nets are reduced to a size less than the minimum mesh or meshes described as lawful under this Part.

42 Illegally reducing mesh size of nets and traps

(1) For the purposes of this Part, it is unlawful for a person to use a net:

(a) in which any meshes are wholly or partly covered, or

(b) in which any string, rope, wire, cord, netting or other material is fixed to any meshes, or

(c) in which any meshes (or any bars) are twisted,

in any manner so as to reduce the effective mesh size of the meshes to less than that specified under this Part as lawful.

(2) For the purposes of this Part, it is unlawful for a person to use a trap in which any meshes are wholly or partly covered in any manner so as to reduce the effective mesh size of the meshes to less than that specified under this Part as lawful.

43 Monofilament and certain multi-strand nets prohibited

For the purposes of this Part, it is unlawful for a person to use a net any mesh of which is constructed of synthetic material that comprises less than 7 strands.

44 Method of dragging or drawing nets

For the purposes of this Part, it is unlawful for a person to drag or draw ashore any net containing fish in such a way or to such a distance from the water as to prevent prohibited size fish from escaping through the meshes or by the wings of the net into the water, or to allow such prohibited size fish to remain on the shore.

45 Identification of set fishing gear

(1) A person must not, in or on any waters, place or set any net or other fishing gear, or use any set net or other set fishing gear, unless the net or gear is identified in accordance with any requirements relating to identification of fishing gear in this Regulation.

Maximum penalty: 50 penalty units.

(2) In this clause, "**set net**" means any net set in any waters for the purpose of taking fish that is left unattended.

Division 7 – Use of hand held lines and drift lines

46 Hand held lines

(1) A person must not for the purpose of taking fish in any waters (other than inland waters):

(a) use more than 4 hand held lines, or

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

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

Maximum penalty: 100 penalty units.

(2) Subclause (1) (b) does not apply to a person who, for the purpose of taking fish in any

ocean waters or estuarine waters, uses not more than 1 hand held line with not more than 6 single hooks attached, if:

- (a) a lure is fixed to each single hook, and
 - (b) the line, when being used for the purpose of taking fish, is not left unattended and is used only by the method of jigging.
- (3) A person must not for the purpose of taking fish (other than Atlantic salmon or trout) in any inland waters:
- (a) use more than 2 hand held lines, or
 - (b) use any line with more than:
 - (i) 2 single hooks attached, or
 - (ii) 2 lures attached and 3 hooks attached to each lure.

Maximum penalty: 100 penalty units.

(4) A person who is taking fish from any inland waters using a hand held line must not leave that line unattended unless that person remains within 50 metres of the hand held line while it is unattended and the hand held line is within that person's line of sight.

Maximum penalty: 50 penalty units.

(5) This clause does not apply in respect of the holder of an endorsement in any of the following fisheries, when the holder is taking fish for sale in that fishery:

- (a) estuary general share management fishery,
- (b) ocean trap and line share management fishery.

The share management plans for the above fisheries set out the relevant restrictions on use of lines.

(6) In this clause: "**gang of hooks**" means a group of single hooks, each of which is attached to, and in direct contact with, at least 1 other of those hooks. "**hand held line**" means a rod and line or handline. "**hook**" includes a single hook, double hook or treble hook. "**trout**" means brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*) or rainbow trout (*Oncorhynchus mykiss*).

47 Drift lines

(1) A commercial fisher must not, for the purpose of taking fish in any inland waters, use a drift line. Maximum penalty: 100 penalty units.

(2) A person (other than a commercial fisher) must not, for the purpose of taking fish in any waters, use a drift line. Maximum penalty: 100 penalty units.

(3) In this clause, "**drift line**" means a line that is attached to a float, buoy or similar device, not being a float, buoy or device that is:

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

Division 8 – Restrictions on use of fishing gear

48 Taking of rocklobster

(1) A person must not take rocklobster by any method other than by hand picking (whether or not while wearing a glove). Maximum penalty: 25 penalty units.

(2) This clause does not apply to a person who uses a trap for taking rocklobster if the use of the trap by that person for that purpose is, but for this clause, lawful.

49 Taking of saltwater nippers, worms, pipis etc

(1) A person must not take any saltwater nippers, squirt worms, blood worms, beachworms, pipis or any other intertidal invertebrate from a rock platform by any method other than by use of a single blade knife with a blade longer than it is wide, or from any other place by any method other than by use of:

- (a) a pump or similar device having a barrel or cylinder with a diameter of not more than 85 mm, or
- (b) a tube or cylinder (whether or not fitted with a cap at one end) with a length of not more than 250 mm and a diameter of not more than 85 mm, or
- (c) a single blade knife with a blade longer than it is wide, or
- (d) a spade or fork (except in a seagrass bed, mangrove or saltmarsh area or for

the taking of pipis), or

(e) pliers.

Maximum penalty: 25 penalty units.

(2) This clause does not prevent a person from taking any fish by the method of hand picking (whether or not while wearing a glove).

(3) In this clause, "**saltwater nipper**" means species of the genus *Callianassa* and *Alpheus* spp.

50 Taking of shellfish by means of a dredge or similar device

A person must not take shellfish by means of a dredge or similar device.

Maximum penalty: 100 penalty units.

51 Taking of Atlantic salmon or trout

(1) A person must not take Atlantic salmon or trout from any waters (other than from the backed up waters of a dam or an impoundment) by any method other than by the use of a single rod and line with not more than:

(a) 2 single hooks attached, or

(b) 2 lures attached and 3 hooks attached to each lure.

Maximum penalty: 50 penalty units.

(2) A person must not take Atlantic salmon or trout from the backed up waters of a dam or an impoundment by any method other than by the use of not more than 2 rods and lines, each with not more than:

(a) 2 single hooks attached, or

(b) 3 lures attached and 3 hooks attached to each lure.

Maximum penalty: 50 penalty units.

(3) A person must not use a light for the purpose of taking Atlantic salmon or trout.

Maximum penalty: 50 penalty units.

(4) It is not an offence under this clause for a person to use a landing net as an auxiliary to the taking of Atlantic salmon or trout after the salmon or trout has been hooked.

(5) In this clause: "**hook**" includes a single hook, double hook or treble hook. "**trout**" means brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*) or rainbow trout (*Oncorhynchus mykiss*).

52 Taking of groper

(1) A person must not take groper in any waters by any method other than by the use of a rod and line or a handline. Maximum penalty: 100 penalty units.

(2) In this clause, "**groper**" means any fish of the species *Achoerodus viridis*, commonly known as eastern blue groper, blue groper, brown groper or red groper.

53 Jagging or foul hooking of fish

(1) A person must not take fish by the method of jagging. Maximum penalty: 25 penalty units.

(2) A person must not use a gaff for the purpose of taking fish from any inland waters.

Maximum penalty: 25 penalty units.

(3) In this clause, "**jagging**" means the use of any device or instrument that is intended to hook fish otherwise than through the mouth.

54 Scuba diving

(1) A person must not, while using any apparatus capable of supplying air to facilitate breathing underwater, take fish by any method. Maximum penalty: 100 penalty units.

(2) This clause does not apply to a person who takes:

(a) for the purpose of sale--abalone, sea urchin or turban snail in compliance with the requirements of the Act and this Regulation and, in the case of abalone, the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*, or

(b) any fish while using a snorkel, or

(c) scallops (family Pectinidae), or

(d) sea urchin.

55 Spear guns

- (1) A person must not:
 - (a) use a spear gun in inland waters for the purpose of taking fish, or
 - (b) use a spear gun for the purpose of taking fish in any of the waters described in Schedule 6, or
 - (c) use a spear gun aided by lights in any waters for the purpose of taking fish.

Maximum penalty: 50 penalty units.

- (2) A person must not take any fish in any waters by means of a spear gun that is fitted with an explosive device. Maximum penalty: 100 penalty units.

- (3) In this clause, "**spear gun**" includes a spear, bow and arrow or other similar device.

56 Firearms

- (1) A person must not take any fish in any waters by means of a firearm. Maximum penalty: 50 penalty units.

- (2) It is not an offence under this clause for a commercial fisher to use a firearm to kill or attempt to kill shark or other fish lawfully taken by means of fishing gear (other than a firearm).

- (3) In this clause, "**firearm**" does not include a spear gun.

Division 9 – Miscellaneous

57 Measuring length and mesh size of nets

- (1) For the purposes of testing or determining its length, a net must be measured along the cork line or head line of the net from the first hanging to the last hanging.

- (2) For the purposes of testing or determining the mesh size of a net that is described in this Part as being lawful (other than a net specified in the Table to this clause or a beach safety meshing net), a prescribed measuring device must be used in the manner required by this clause.

- (3) A "**prescribed measuring device**" is a device verified in such manner as the Director-General may determine that complies with the following description:

- (a) it consists of a fixed member (in the form of a metal cylinder) in which is fitted a sliding member weighing 225 grams,
- (b) both members have attached a fixed knife edge,
- (c) when in use, the device is suspended from, or held by, the metal clip at the top of the fixed member,
- (d) a scale and a point is marked on both members.

- (4) A prescribed measuring device must be used in the following manner:

- (a) the net (the mesh size of which is to be measured) must be soaked in water for a period of not less than 5 minutes, after which both knife edges must be inserted in a mesh of the net, so that the mesh is supported by the knife edge of the fixed member at a knot while the knife edge of the sliding member is supported by the mesh at the knot diagonally opposite,
- (b) the mesh being measured, when suspended as above, must hang in a plane parallel to the body of the device,
- (c) the size of the mesh must then, without any unnecessary delay, be determined as the distance between the inside edges of the knots, as read from the scale on the sliding member, at a point indicated by a mark on the fixed member.

- (5) For the purposes of testing or determining the mesh size of a net specified in the Table to this clause, a prescribed measuring device must be used in the manner required by this clause except that:

- (a) the weight specified in relation to that net in that Table must be attached to the sliding member, and
- (b) the net (the mesh size of which is to be measured) must be soaked in water for a period of not less than 10 minutes.

- (6) In testing or determining the mesh size of a knotless net (being a net in which the

mesh is formed by the fusion or interweaving of two or more threads of the netting material) or square mesh (whether or not knotless) the same method must apply, except that the knife edges of the members must be inserted in a mesh at diagonally opposite corners and the measurements taken from the inside of those corners.

(7) The mesh size specified in respect of a lawful net in this Part is taken to be the mesh size determined by the use of a prescribed measuring device in the manner required by this clause.

Table Measuring length and mesh size of nets

Nets	Weight attached
Hand-hauled prawn net	1,585 grams
Push or scissors net	1,585 grams
Otter trawl net (fish)	2,945 grams
Danish seine trawl net (fish)	2,945 grams

58 Measuring length and circumference of codend

(1) For the purpose of testing or determining the length of a codend of a net, the codend must be measured from the draw or closing string in a straight line to the point of attachment to the body of the net (or extension piece).

(2) For the purpose of testing or determining the circumference of the codend of a net, or the body of the net, the net must be measured with the codend or body stretched transversely.

(3) In this clause: "**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.

59 Restrictions on the sale of commercial nets

(1) A person must not sell a commercial net to another person unless the person is satisfied that the other person:

- (a) is the holder of a commercial fishing licence, or
- (b) is the holder of a permit under this clause.

Maximum penalty: 100 penalty units.

(2) A person who sells a commercial net to another person must make a record of the sale containing the following information:

- (a) the date of the sale, and
- (b) a description of the net sold, together with the registration number (if any), and
- (c) the licence or permit number of the person to whom the net was sold.

Maximum penalty: 100 penalty units.

(3) A person who sells a commercial net to another person must retain the record referred to in subclause (2) for 5 years after the net was sold and must, during that 5 year period, produce the record when requested to do so by a fisheries officer. Maximum penalty: 100 penalty units.

(4) The Director-General may, on application, issue a permit to a person authorising the person to buy commercial nets.

(5) A person who is engaged in the business of selling commercial nets to commercial fishers is entitled to a permit under this clause.

(6) For the purpose of this clause:

- (a) a net is a commercial net unless it is a net that may be lawfully used by a person who is not a commercial fisher in all waters or in any particular waters, and

(b) a reference to a person is a reference to a person within New South Wales.

Part 4 – Priorities in the use of fishing gear

This Part sets out the rights of priority between commercial fishers and recreational fishers on recognised fishing grounds and the rights of priority between commercial fishers in inland waters. Rights of priority between commercial fishers in share management fisheries are set out in the share management plans for the fisheries. Rights of priority between commercial fishers on recognised fishing grounds are set out in the *Fisheries Management (Supporting Plan) Regulation 2006*.

Division 1 – Offences

60 Offence of fishing contrary to rights of priority

A person must not attempt to take fish contrary to the rights of priority determined by this Part after being directed not to do so:

- (a) by a fisheries officer, or
- (b) by another fisher (who is using or intending to use a net or other fishing gear in accordance with this Part).

Maximum penalty: 50 penalty units.

61 Commercial fishers must use fishing gear in accordance with this Part

A commercial fisher must not use a net or other fishing gear in a manner that is contrary to the provisions of this Part.

Maximum penalty: 50 penalty units.

Division 2 – Rights of priority

62 Priority between commercial fishers and recreational fishers on recognised fishing grounds

A commercial fisher who is taking or who intends to take fish on a recognised fishing ground, by the method for which the area concerned is a recognised fishing ground, has priority over any other person who is taking or intends to take fish on the recognised fishing ground by any other method.

63 Priority between commercial fishers using nets in inland waters

The rights of priority in the setting of nets in inland waters between commercial fishers working on the same recognised fishing ground are determined as follows:

- (a) the first turn belongs to the commercial fisher who, with lawful nets, first arrives at the point on the bank from which it is intended that those nets are to be set,
- (b) the next turn is to belong to the commercial fisher who next so arrives, and so on,
- (c) during a commercial fisher's turn, the fisher is to have the exclusive right of setting nets in so much of the inland waters as equals, in metres measured from the point referred to in paragraph (a), the product of the number of nets the fisher is using or intends to use and 100, subject to the following:
 - (i) the point from which that measurement is made must be not less than 100 metres from any net set by and belonging to any other commercial fisher,
 - (ii) the maximum length of the inland waters to which any fisher is entitled in accordance with this clause is 1,600 metres,
 - (iii) no fisher is to be entitled to set any net within 100 metres of any net set by any other commercial fisher in accordance with this clause,
- (d) a turn must not exceed 24 hours at the expiration of which the nets must, if another commercial fisher is waiting that fisher's turn with lawful nets ready to set, be removed from the water on to the bank,

(e) no commercial fisher is to have a second turn until all the other commercial fishers on the fishing ground with lawful nets have had their first turn.

Part 5 – Miscellaneous provisions relating to fisheries management

Division 1 – Recognised fishing grounds

64 Identification of recognised fishing grounds

(1) For the purposes of section 39 (4) of the Act, a recognised fishing ground is an area identified as a recognised fishing ground by being marked as such on a map ("**an RFG map**") approved by the Minister and published in the Gazette.

(2) An RFG map is to identify any one or more areas that, in the opinion of the Minister, is an area of the sea or other public water land used historically for net fishing and that is used regularly or intermittently for net fishing by commercial fishers.

(3) An RFG map is to identify the method of net fishing for which the area is a recognised fishing ground.

(4) Section 284 (2) of the Act (which specifies the way in which the public is to be given an opportunity to make submissions on certain matters) applies in respect of a draft RFG map in the same way as it applies in respect of the matters specified in section 284 (1) of the Act.

(5) Before taking the action required by section 284 (2) of the Act in relation to a draft RFG map, the Minister must:

(a) provide a copy of the draft map to both the Seafood Industry Advisory Council and the Advisory Council on Recreational Fishing, and

(b) invite each of those Councils to make recommendations about the draft map within such time (being not less than 30 days from the date on which the copy of the draft map is provided to the Council concerned) as the Minister may specify in the invitation, and

(c) take any such recommendations into consideration when finalising the draft map for public exhibition under section 284 (2) of the Act.

(6) Each RFG map is to be deposited at the head office of the Department and at an office of the Department located in the region of the relevant recognised fishing ground.

(7) The Minister may alter or replace an RFG map from time to time by publishing an amended or replacement RFG map in the Gazette. However, the consultations required by subclauses (4) and (5) must be undertaken in relation to such an alteration or replacement unless, in the case of an alteration, the Minister is of the opinion that the alteration is of a minor nature.

Division 2 – Interference with fishing activities and set fishing gear

65 Interference with fishing activities

A person must not, after being directed to cease doing so by a fisheries officer, drive, ride or use a boat, surfboard, water ski, aquaplane or similar equipment:

(a) in any waters on a recognised fishing ground in such a manner and in such proximity to the ground as is likely to cause the dispersal of schooling fish, or fish travelling in a school or shoal, or

(b) in any waters in a manner that unreasonably interferes with the operations of a commercial fisher lawfully fishing in those waters or waiting to carry on lawful fishing in those waters.

Maximum penalty: 50 penalty units.

66 Interference with set fishing gear

(1) A person must not, without reasonable excuse, interfere with any set fishing gear.

Maximum penalty: 50 penalty units.

(2) This clause does not apply to a fisheries officer, the person who owns the fishing gear

or any other person acting in accordance with this Regulation.

67 Lawful interference with set fishing gear

(1) Any commercial fisher may, for the purpose of using a net on any recognised fishing ground, remove any unattended fishing gear that has been so set as to obstruct the use of the fisher's net.

(2) A fisher who so removes set fishing gear is not, if he or she exercises reasonable care in the removal, liable for any damage to the fishing gear occasioned by such removal.

(3) This clause does not allow a commercial fisher to remove a net that has been lawfully set in the waters concerned.

68 Intentionally disturbing fish

A person must not, without reasonable excuse, intentionally disturb fish in the vicinity of a commercial fisher using a net or other fishing gear on a recognised fishing ground.

Maximum penalty: 50 penalty units.

69 Interference with commercial fisher using line

(1) A commercial fisher who is lawfully using a line (other than a drift line) in any waters for the purpose of taking fish may require any person intending to fish in those waters (in such close proximity to the fisher as gives the fisher reasonable cause to apprehend that fish in the fisher's vicinity will be frightened or that the fisher's line will be fouled) to move to another position on those waters (not more than 50 metres distant) that the fisher indicates.

(2) A person must not, without reasonable excuse, refuse or neglect to comply with such a requirement. Maximum penalty: 25 penalty units.

(3) In this clause, "**drift line**" means a line that is attached to a float, buoy or similar device, not being a float, buoy or device that is:

(a) held in the hand or attached to fishing gear held in the hand, or

(b) secured in any other manner that prevents it from drifting or floating freely.

Division 3 – Use of explosives, electrical devices and other dangerous substances

70 Dynamite and explosive substances

(1) A person must not use dynamite or any other explosive substance to take or destroy fish in any waters. Maximum penalty: 100 penalty units.

(2) A person must not explode any dynamite or other explosive substance in any waters. Maximum penalty: 100 penalty units.

(3) It is a defence to a prosecution for an offence under subclause (2) if the person charged proves that the acts constituting the alleged offence were done:

(a) in pursuance of a permit issued by the Director-General, and

(b) in accordance with the conditions of the permit.

71 Permit to use explosives

(1) An application for a permit to use dynamite or any other explosive substance in any waters is to be made in writing to the Director-General in the form approved by the Director-General.

(2) A permit may extend to:

(a) explosives generally or to a particular explosive specified in the permit, or

(b) waters generally or to the particular waters specified in the permit.

(3) A permit remains in force, unless sooner cancelled or suspended by the Director-General, until the expiration of the period specified in the permit.

(4) A permit is subject to such conditions as are attached to the permit by the Director-General.

(5) The fee for a permit under this clause, or for the renewal of such a permit, is the amount specified in Schedule 8.

72 Use of electrical devices prohibited in all waters

- (1) A person must not use an electrical device for the purpose of taking fish in any waters. Maximum penalty: 100 penalty units.
- (2) It is a defence to a prosecution for an offence under this clause if the person charged proves that the acts constituting the alleged offence were done:
 - (a) in pursuance of a permit issued by the Director-General, and
 - (b) in accordance with the conditions of the permit.

73 Permit to use electrical devices

- (1) An application for a permit to use an electrical device in any waters is to be made in writing to the Director-General in the form approved by the Director-General.
- (2) A permit may extend to:
 - (a) electrical devices generally or to a particular device specified in the permit, or
 - (b) waters generally or to the particular waters specified in the permit.
- (3) A permit remains in force, unless sooner cancelled or suspended by the Director-General, until the expiration of the period specified in the permit.
- (4) A permit is subject to such conditions as are attached to the permit by the Director-General.
- (5) The fee for a permit under this clause, or for the renewal of such a permit, is the amount specified in Schedule 8.

74 Use of chemical substances

- (1) A person must not use a chemical substance for the purpose of taking, disturbing, injuring or otherwise harming fish in any waters. Maximum penalty: 100 penalty units.
- (2) It is a defence to a prosecution for an offence under this clause if the person charged proves that the acts constituting the alleged offence were:
 - (a) authorised by a permit issued by the Australian Pesticides and Veterinary Medicines Authority for the purposes of the control or eradication of pest fish, or
 - (b) authorised under an aquaculture permit, or
 - (c) authorised under a permit issued under section 37 of the Act for research or scientific purposes, or
 - (d) a routine activity done for the purpose of cleaning a boat or keeping the boat free from barnacles or other fouling organisms.
- (3) In this clause, a "**chemical substance**" is a substance or a mixture of substances that has the effect of stunning, disturbing, sedating or killing fish.

Division 4 – Tagging of eastern rocklobster taken for sale

75 Eastern rocklobster not to be sold unless tag attached

- (1) A person must not sell a whole eastern rocklobster, or the tail of an eastern rocklobster, that does not have a tag attached to it in such a manner that the tag cannot be removed without being broken. Maximum penalty: 100 penalty units in the case of a corporation or 50 penalty units in any other case.
- (2) A person does not commit an offence under this clause unless the rocklobster concerned was taken in the waters of, or adjacent to, New South Wales.
- (3) In this clause: "**eastern rocklobster**" means rocklobster of the species *Jasus verreauxi*. "**tag**" means a tag issued by the Director-General for attachment to eastern rocklobsters taken for sale. "**whole eastern rocklobster**" includes an eastern rocklobster that has had parts (other than the abdomen of the rocklobster) removed.

The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* requires commercial fishers to tag eastern rocklobsters taken for sale.

Division 5 – Labelling of abalone for sale

76 Abalone not to be sold unless labelled

A person must not sell abalone unless the immediate packaging of the abalone is marked or labelled with the following details:

- (a) the date on which the abalone was packaged,
- (b) the number and total net weight in kilograms of abalone,
- (c) the name of the commercial fisher who took the abalone or the name and address of the person on whose behalf the abalone was packaged,
- (d) the number issued by the Australian Quarantine and Inspection Service to the commercial fisher who took the abalone or the seller's registered fish receiver's registration number.

Maximum penalty: 100 penalty units.

77 Abalone packaging not to be removed or damaged

- (1) A person must not remove, deface, damage or destroy any immediate packaging of abalone (or label attached to the packaging) that contains the details required to be included on the packaging by this Division. Maximum penalty: 20 penalty units.
- (2) This clause does not prevent a person from removing or destroying the packaging or a label from abalone at a place where the abalone is to be cooked or eaten, immediately before it is cooked or eaten.

Division 6 – Recreational fishing fee

78 Definition

In this Division, "**fishing fee**" means a fishing fee payable under Division 4A of Part 2 of the Act.

79 Exempt bodies of water

- (1) For the purposes of section 34C (2) (g) of the Act, the following bodies of water are exempt:
 - (a) a body of water comprising the backed up waters of a dam or impoundment located on private land if the surface area of the body of water (at full capacity) does not exceed 2 hectares,
 - (b) the waters of Lake Hume, being all waters (and land covered by water when the lake is at full capacity) in the Murray River arm of Lake Hume, from the weir wall upstream to the point where Seven Mile Creek enters the Murray River on the northern bank of the Murray River, and in the Mitta Mitta River arm of Lake Hume, from the weir wall upstream to the Murray Valley Highway Bridge situated east of Tallangatta.
- (2) For the purposes of this clause, a body of water is located on private land if the land on which it is located is not public water land.

80 Exempt fishers

- (1) For the purposes of section 34C (2) (h) of the Act, the following recreational fishers are exempt from paying a fishing fee:
 - (a) a fisher who holds a current pensioner concession card,
 - (b) a fisher who is of or over the age of 18 years of age and is only assisting a fisher under 18 years of age to take fish by means of a single dip or scoop net (prawns),
 - (c) a fisher who is engaged in bait gathering, shore-based fishing or other activities ancillary to guided recreational charter fishing (within the meaning of Part 13), if:
 - (i) a fishing fee exemption certificate under section 34I (3) (b) of the Act is already held in respect of the charter fishing boat, and
 - (ii) the fisher is in the immediate vicinity of the charter fishing boat.
- (2) It is a condition of an exemption referred to in subclause (1) (a) that, if required to do so by a fisheries officer, a person who claims such an exemption must produce his or her current pensioner concession card immediately or within the period specified by the officer and at the place specified by the officer.

(3) In this clause, "**pensioner concession card**" means a card known as a "pensioner concession card" and issued by Centrelink or the Commonwealth Department of Veterans' Affairs, or any other card approved by the Minister as being equivalent to that card.

81 Prescribed fishing fees

For the purposes of section 34E (2) of the Act, the prescribed amount of a fishing fee is the amount specified in Schedule 8.

82 Reductions in fishing fee for fishing in far north

(1) For the purposes of section 34F of the Act, the amount of the fishing fee payable by a recreational fisher for a far north fishing activity is reduced by 50 per cent of the fee otherwise payable.

(2) For the purposes of this Division, a "**far north fishing activity**" means fishing:

(a) in the tidal waters of the Tweed River, upstream from a line joining the eastern extremities of the Tweed River Breakwaters to:

(i) Bray Park Weir on the Tweed River, and

(ii) Boat Harbour Bridge, Numinbah Road, on the Rous River, and

(iii) Scenic Drive Road Bridge on Duroby Creek, and

(iv) Scenic Drive Road Bridge on Bilambil Creek, and

(v) Robinson Road Bridge on Cobaki Creek, or

(b) from the Tweed River Breakwaters, or

(c) from the rocks and beach north of the Tweed River Breakwaters to the Queensland border, or

(d) from the rocks and beach south of the Tweed River Breakwaters to the lighthouse at Fingal Head.

83 Evidence of payment of fishing fee

For the purposes of paragraph (c) of the definition of "**official receipt**" in section 34A of the Act, a receipt card issued to a person following payment of a fishing fee by the person over the telephone or by electronic means is evidence of payment of a fishing fee.

84 Issue of replacement receipts

(1) The Director-General may issue a replacement receipt for an official receipt issued under section 34G of the Act if satisfied that the original receipt is lost, damaged or destroyed.

(2) The fee for a replacement receipt is the amount specified in Schedule 8.

85 Fishing fee exemption certificates may be issued to certain owners and lessees of private land

(1) For the purposes of section 34I (3) (c) of the Act, the class of persons consisting of owners or lessees of private land on which there is a body of water comprising the backed up waters of a dam or impoundment is prescribed as a class of persons to whom a fishing fee exemption certificate may be issued.

(2) For the purposes of this clause, a body of water is located on private land if the land on which it is located is not public water land.

86 Fishing fee exemption certificates: period for which in force

(1) Subject to this clause, a fishing fee exemption certificate under section 34I of the Act has effect for one year.

(2) The Minister may issue an exemption certificate for a period determined by the Minister that is longer or shorter than one year.

87 Fishing fee exemption certificates: fees

(1) For the purposes of section 34I (4) of the Act, the fee for the following classes of exemption certificates is the amount specified in Schedule 8 for that class of certificate:

(a) a one year exemption certificate under section 34I (3) (a) of the Act that

operates to exempt up to 4 persons at a time carrying out recreational fishing activities under supervision or guidance,

(b) a one year exemption certificate under section 34I (3) (a) of the Act that operates to exempt up to 80 persons at a time carrying out recreational fishing activities under supervision or guidance on or from private land as part of a commercial tourism business,

(c) a one year exemption certificate under section 34I (3) (b) of the Act that operates to exempt:

(i) up to 4 passengers at a time carrying out recreational fishing activities on a boat, or

(ii) between 5 and 9 passengers at a time carrying out recreational fishing activities on a boat,

(iii) 10 or more passengers at a time carrying out recreational fishing activities on a boat.

(2) Any fee for an exemption certificate under section 34I (3) (a) or (b) of the Act is reduced by 50 per cent if the activities to which the certificate relates are far north fishing activities (and not any other fishing activities).

(3) If the Minister issues an exemption certificate under section 34I (3) (a) or (b) of the Act for a period that is longer or shorter than one year, the fee for the certificate is to be varied in proportion to the amount by which the period for which the certificate is issued differs from one year.

(4) The fee for an exemption certificate must be paid before the certificate is issued.

(5) An exemption certificate is to be in the form approved by the Minister and may be issued subject to such conditions as the Minister considers appropriate.

88 Amendment and cancellation of exemption certificates

(1) The Minister may amend or cancel a fishing fee exemption certificate at any time by notice in writing to the holder of the certificate.

(2) Without limiting subclause (1), the Minister may amend or cancel a fishing fee exemption certificate on the application of the holder of the certificate.

(3) The following fees are payable in respect of an amendment of an exemption certificate under subclause (2):

(a) an application fee, being the amount specified in Schedule 8, and

(b) a supplementary fee equivalent to the amount (if any) by which the fee payable for an exemption certificate in the form of the amended certificate exceeds the sum of all fees that had been paid for the certificate before the application was made.

Division 7 – Acquisition of commercial fishing entitlements

89 Constitution of compensation review panel

(1) For the purposes of section 34O (2) of the Act, a panel is to consist of 3 members appointed by the Minister, of whom:

(a) one is to be a person who, in the opinion of the Minister, has expertise in valuation and is otherwise appropriately qualified to conduct the review (not being a person who is engaged in the administration of the Act or in commercial fishing), and

(b) one is to be a person who, in the opinion of the Minister, has extensive practical experience in the commercial fishing industry (not being a person who is engaged in the administration of the Act or a person who has a financial interest in the fishery to which the review relates), and

(c) one is to be an officer of the Department.

(2) The member referred to in subclause (1) (a) is to be the chairperson of the panel.

(3) A decision supported by the majority of the members of a panel is the decision of the panel.

(4) Subject to subclause (3), the procedure of the panel is to be determined by the Minister.

Division 8 – Miscellaneous

90 Prohibited lures and baits

(1) A person must not take any fish from any waters with a lure or bait that is:

- (a) a live bird, or
- (b) a live mammal.

Maximum penalty: 50 penalty units.

(2) A person must not take any fish from inland waters with a lure or bait that is:

- (a) a live finfish, or
- (b) any fish or any part of a fish not native to the waters of New South Wales (other than dead carp), or
- (c) trout or salmon roe or any product containing trout or salmon roe.

Maximum penalty: 50 penalty units.

(3) A person must not take Atlantic salmon or trout with any lure or bait other than:

- (a) natural flies or insects, or their larvae, or
- (b) worms, shrimps, yabbies or mussels, or
- (c) artificial lures or baits, or
- (d) plant matter.

Maximum penalty: 50 penalty units.

(4) A person fishing in inland waters must, on the demand of a fisheries officer, produce to that officer the lure or bait being used by that person. Maximum penalty: 50 penalty units.

(5) In this clause: "**carp**" means fish of the species *Cyprinus carpio* or *Carassius auratus*. "**shrimp**" means any species of fish in the group Caridea. "**trout**" means brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*) or rainbow trout (*Oncorhynchus mykiss*).

91 Taking of octopus from rock platforms

(1) A person must not take any octopus from any rock platform in ocean waters or the waters of Port Jackson. Maximum penalty: 25 penalty units.

(2) For the purposes of this clause, "**Port Jackson**" includes the Parramatta and Lane Cove Rivers and Middle Harbour and the waters of Port Jackson up to a line drawn between the easternmost point of Outer North Head and the easternmost point of South Head.

92 Taking of pipis for use as bait only

(1) A person must not take pipis except for use as bait. Maximum penalty: 100 penalty units.

(2) A person must not take pipis unless the person is in the authorised area for the taking of pipis. Maximum penalty: 100 penalty units.

(3) A person must not remove pipis from the authorised area for the taking of pipis.

Maximum penalty: 100 penalty units.

(4) This clause does not apply:

- (a) in respect of the taking of, or removal of, pipis by a person who is a commercial fisher authorised to take them under the Act, or
- (b) in respect of the removal of pipis by any other person if the pipis were taken by a commercial fisher and were purchased or otherwise acquired by the person.

(5) In this clause, "**the authorised area for the taking of pipis**" is the area within 50 metres of the mean high water mark of a beach.

93 Shucking of intertidal invertebrates

(1) A person must not shuck any intertidal invertebrate (other than abalone, rocklobster or turban snail), or have such a shucked intertidal invertebrate in his or her possession, in or on or adjacent to any waters except for immediate bait use. Maximum penalty: 25 penalty units.

(2) A person must not shuck rocklobster or turban snail, or have shucked rocklobster or turban snail in his or her possession, in or on or adjacent to any waters. Maximum penalty: 25 penalty units.

94 Shucking of abalone

(1) A person (other than a commercial fisher authorised to shuck abalone under the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*) must not shuck abalone, or have shucked abalone in his or her possession, in or on or adjacent to any waters. Maximum penalty: 50 penalty units.

(2) A person in possession of shucked abalone does not commit an offence against this clause as a result of that possession if the person establishes that the abalone were shucked at:

- (a) a place approved for the purpose by the Director-General, or
- (b) premises registered under the regulations made under the *Export Control Act 1982* of the Commonwealth for the preparation of abalone for export.

95 Mutilation of fish

(1) A person must not mutilate any restricted species of fish in or on or adjacent to any waters in any manner other than by gutting or by removing the gills or scales. Maximum penalty: 50 penalty units.

(2) A person (other than a commercial fisher) does not commit an offence under subclause (1) if the person establishes that the person:

- (a) mutilated the fish in the course of preparing the fish for immediate consumption, or
- (b) mutilated the fish in the course of preparing the fish for immediate use as bait, or
- (c) mutilated the fish in the course of authorised charter fishing operations, or
- (d) mutilated the fish at a place that is a fish cleaning facility or other place specifically provided or ordinarily used for the cleaning of fish, being a place that is not in or on any waters, or
- (e) mutilated the fish in accordance with a permit issued by the Director-General.

(3) A person must not have in his or her possession in or on or adjacent to any waters any restricted species of fish that has been mutilated in any manner other than by gutting or by removing the gills or scales. Maximum penalty: 50 penalty units.

(4) A person (other than a commercial fisher) does not commit an offence under subclause (3) if the person establishes that the fish was mutilated in accordance with subclause (2).

(5) A person must not deliver or consign for sale any restricted species of fish that has been mutilated in any manner other than by gutting or by removing the gills or scales. Maximum penalty: 50 penalty units.

(6) This clause does not apply to the delivery or consignment for sale of fish propagated, hatched or reared by the holder of an aquaculture permit under the authority of that permit or of any other fish that have already been lawfully sold.

(7) For the purposes of this clause, a person mutilates fish in the course of authorised charter fishing operations if:

- (a) the person is the master or a crew member of a charter fishing boat, and
- (b) the person mutilates the fish by filleting or sectioning the fish, and
- (c) the person mutilates the fish while on board the charter fishing boat and in the presence of the person who took the fish, and
- (d) the charter fishing boat is moored at its usual berth or at the place where passengers of the boat usually embark or disembark the boat.

96 Crayfish, rocklobsters, shovel-nosed lobsters and crabs carrying ova

(1) A person must not take or sell or have in his or her possession a crayfish, a shovel-nosed lobster, a rocklobster or a crab, carrying ova externally. Maximum penalty: 50 penalty units.

(2) A person must not have in his or her possession a crayfish, a shovel-nosed lobster, a rocklobster or a crab, from which spawn or ova have been deliberately removed. Maximum

penalty: 50 penalty units.

(3) In this clause: "**crayfish**" means all species of the genera *Euastacus* and *Cherax*. "**shovel-nosed lobster**" includes all species of bugs.

97 Person must not assist a commercial fisher

(1) A person must not assist a commercial fisher to take fish in contravention of a share management plan. Maximum penalty: 100 penalty units.

(2) A person assists a commercial fisher to take fish in contravention of a share management plan if the person provides any assistance, or does any other thing, that results in the commercial fisher contravening a provision of the share management plan that prohibits the commercial fisher from taking fish with the assistance of another person.

(3) A person may be proceeded against and convicted under this clause whether or not the commercial fisher has been proceeded against or convicted for an offence constituted by taking fish with the assistance of another person.

98 Fee for marine park permits under section 37 of Act

For the purposes of section 37 (6) of the Act, the fee for a permit under section 37 with respect to a marine park declared under the *Marine Parks Act 1997* is the amount specified in Schedule 8.

99 Contravention of condition of permit under section 37 of Act

A person who contravenes a condition of a permit issued under section 37 of the Act is guilty of an offence.

Maximum penalty: 100 penalty units.

Part 6 – Fishing business transfer rules

Division 1 – Preliminary

100 Definitions

(1) Expressions used in this Part have the same meaning as they have in Division 4C of Part 2 of the Act.

(2) In this Part: "**dual operator fishing business**" means a fishing business the components of which include one or more NSW fishing authorities and one or more external fishing authorities. "**external fishing authority**" means a fishing authority that is not a NSW fishing authority.

Division 2 – Transfer of dual operator fishing businesses

101 Surrender of fishing authority to be treated as transfer

(1) For the purposes of the definition of "**transfer**" in section 34P of the Act, a transfer of a component of a fishing business includes the surrender of an external fishing authority that is a component of a fishing business.

(2) For the purposes of this Part, the "**surrender**" of an external fishing authority means the surrender, voluntary cancellation or relinquishment of an external fishing authority that is a component of a fishing business (whether or not for consideration).

102 Notice of transfer of external fishing authorities

A person must not transfer an external fishing authority that is a component of a dual operator fishing business (including by surrender) unless the person gives written notice of the proposed transfer to the Minister not less than 7 days before the proposed transfer, or within a lesser period approved by the Minister in the particular case.

Maximum penalty: 50 penalty units.

103 Transfer of external fishing authorities by dual operator fishing businesses

(1) An external fishing authority that is a component of a dual operator fishing business is

not to be transferred (other than by surrender of the authority) to a person unless:

- (a) all components of the fishing business (other than NSW fishing authorities) are transferred to that same person, and
 - (b) all NSW fishing authorities that are components of the fishing business are transferred to that same person or surrendered to the Minister for cancellation.
- (2) An external fishing authority that is a component of a dual operator fishing business is not to be transferred by surrender of the authority unless all NSW fishing authorities that are components of the fishing business are surrendered to the Minister for cancellation.
- (3) If an external fishing authority that is a component of a dual operator fishing business is transferred in contravention of subclause (1) or (2) or clause 102, the Minister may take one or more of the following actions:
- (a) cancel or refuse to renew any NSW fishing authority that is a component of the fishing business,
 - (b) refuse to transfer a NSW fishing authority that is a component of the dual operator fishing business, or refuse to issue a new NSW fishing authority, to any person to whom a component of the dual operator fishing business is transferred,
 - (c) refuse to issue a new NSW fishing authority to a person who has previously held a NSW fishing authority that has been cancelled by the Minister under this clause,
 - (d) impose (in accordance with the Act) conditions on any NSW fishing authority that is a component of the fishing business, so as to restrict the fishing activities of the fishing business, or exercise any other powers conferred on the Minister by the Act so as to restrict the fishing activities of the fishing business.
- (4) Despite a contravention of subclause (2), the Minister may defer taking any action under subclause (3) until an assessment is undertaken of the actual or potential level of fishing effort by the fishing business, or by fishing businesses generally, in any waters to which the Act applies since the surrender of an external fishing authority or a class of external fishing authorities.
- (5) The Director-General may refuse an application to revoke or amend a fishing business determination in respect of a dual operator fishing business if satisfied that:
- (a) the purpose of the application is to avoid the requirements of subclause (1) or (2) or clause 102, or
 - (b) a component of the fishing business has been transferred in contravention of subclause (1) or (2) or clause 102.

104 Transfer of endorsements and shares by dual operator fishing businesses

- (1) An endorsement or a share that is a component of a dual operator fishing business is not to be transferred to a person unless all components of the fishing business are transferred to the same person.
- (2) If the components of a dual operator fishing business are transferred, those components must continue to be held as part of a single fishing business (that is, the components must not be split between different fishing businesses).
- (3) The Director-General may refuse to amend or revoke a fishing business determination if the effect of the amendment or revocation would be to recognise the transfer of components of a dual operator fishing business to different fishing businesses.

In addition, under clause 114 (2), the Director-General may refuse to approve a transfer of an endorsement or a share that contravenes this clause.

Division 3 – Transfer of restricted fishery endorsements

Endorsements in a restricted fishery are not transferable unless authorised by the regulations under section 114 of the Act.

105 Transfer of sea urchin and turban shell endorsements

- (1) For the purposes of section 114 of the Act, the transfer of a sea urchin endorsement or

turban shell endorsement, in accordance with this clause, is authorised.

(2) A sea urchin endorsement or turban shell endorsement that is a component of a fishing business may be transferred by the owner of the fishing business to another person only if:

- (a) all components of the fishing business are transferred to that person, or
- (b) the transfer is part of an arrangement for the endorsement concerned to be surrendered to the Minister for cancellation.

(3) In this clause, "**sea urchin and turban shell endorsement**" means an endorsement that authorises the taking of fish for sale in the sea urchin and turban shell restricted fishery.

Clause 157 provides that if the transfer of an endorsement is in accordance with this Part, the person who transfers the endorsement ceases to be eligible for that endorsement, and the person to whom the transfer is made becomes eligible for an endorsement of the same kind.

106 Transfer of southern fish trawl endorsements

(1) For the purposes of section 114 of the Act, the transfer of a southern fish trawl endorsement, in accordance with this clause, is authorised.

(2) A southern fish trawl endorsement that is a component of a fishing business may be transferred by the owner of the fishing business to another person (the "**transferee**") only if:

- (a) all components of the fishing business are transferred to the transferee, or
- (b) all shares (if any) in the ocean trawl fishery that are components of the fishing business are transferred to the transferee and that transferee is, immediately before the transfer, an owner of a fishing business the components of which include a share in a relevant share management fishery, or
- (c) the transferee is, immediately before the transfer, a shareholder in the ocean trawl fishery, or
- (d) the transfer is part of an arrangement for the endorsement concerned to be surrendered to the Minister for cancellation.

(3) In this clause, a "**relevant share management fishery**" means:

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

Clause 170 provides that if the transfer of an endorsement is in accordance with this Part, the person who transfers the endorsement ceases to be eligible for that endorsement, and the person to whom the transfer is made becomes eligible for an endorsement of the same kind.

107 Effect of contravention

(1) If an endorsement that is a component of a fishing business is transferred in contravention of this Division, the Minister may take one or more of the following actions:

- (a) cancel or refuse to renew any NSW fishing authority that is a component of the fishing business or of the fishing business of the other party to the transfer,
- (b) refuse to transfer, or to approve the transfer of, a NSW fishing authority that is a component of the fishing business, or refuse to issue a new NSW fishing authority to the other party to the transfer,
- (c) refuse to issue a new NSW fishing authority to a person who has previously held a NSW fishing authority that has been cancelled by the Minister under this clause,
- (d) impose (in accordance with the Act) conditions on any NSW fishing authority that is a component of the fishing business or of the fishing business of the other

party to the transfer (or both), so as to restrict the fishing activities of the fishing business, or exercise any other powers conferred on the Minister by the Act so as to restrict the fishing activities of either or both fishing businesses.

(2) The Director-General may refuse an application to revoke or amend a fishing business determination of a fishing business if satisfied that an endorsement that is a component of that fishing business has been transferred in contravention of this Division.

Division 4 – Transfer of shares

108 Definitions

In this Division:

"ocean share" means a share of any of 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,
- (e) Ocean trap and line--spanner crab northern zone shares,
- (f) Ocean hauling--general ocean hauling shares--Regions 1, 2, 3, 4, 5, 6 and 7,
- (g) Ocean hauling--pilchard, anchovy and bait net (hauling) shares--Regions 1, 2, 3, 4, 5, 6 and 7,
- (h) Ocean hauling--garfish net (hauling) shares--Regions 1, 2, 3, 4, 5, 6 and 7,
- (i) Ocean hauling--hauling net (general purpose) shares--Regions 1, 2, 3, 4, 5, 6 and 7,
- (j) Ocean hauling--purse seine net shares.

"relevant share management fishery" means:

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

109 Application of Division

(1) For the purposes of section 34T of the Act, the owner of a fishing business may transfer shares that are a component of the fishing business only in accordance with this Division.

(2) This Division applies in respect of transfers of shares in a relevant share management fishery only.

(3) If the transfer of shares also involves a transfer of an endorsement in a restricted fishery, Division 3 of this Part must also be complied with.

110 Transfer to owners in the same fishery

(1) A share that is a component of a fishing business may be transferred by the owner of the fishing business (the **"transferor"**) to another person (the **"transferee"**) if the transferee is, immediately before the transfer, an owner of a fishing business the components of which include a share or shares in the same fishery as the share being transferred.

(2) If the share being transferred is an ocean share, the share may be transferred to the transferee only if:

- (a) the transferee holds a share or shares of that class immediately before the transfer, or
- (b) all shares of that class held by the transferor, that are a component of the transferor's fishing business, are transferred to the transferee.

(3) If the share being transferred is an ocean share in the ocean trawl fishery, the share may also be transferred if the transferee is, immediately before the transfer, the owner of

a fishing business the components of which include a southern fish trawl endorsement and all ocean shares of the class proposed to be transferred, that are a component of the transferor's fishing business, are transferred to the transferee.

111 Transfer to owners in other fisheries

(1) A share in a fishery that is a component of a fishing business may be transferred by the owner of the fishing business (the "**transferor**") to another person if the person is, immediately before the transfer, an owner of a fishing business the components of which include a share in another relevant share management fishery and all shares held in the fishery, that are a component of the transferor's fishing business, are transferred to that person.

(2) If the share being transferred is a share in the ocean trawl fishery, any southern fish trawl endorsement that is a component of the same fishing business must also be transferred to the person.

112 Other transfers

A share that is a component of a fishing business may be transferred by the owner of the fishing business to any person (whether or not the owner of a fishing business) if:

- (a) all components of the fishing business are transferred to that person, or
- (b) the transfer is part of an arrangement for the shares concerned to be surrendered to the Minister for cancellation.

113 Effect of contravention

(1) If a share that is a component of a fishing business is transferred in contravention of this Division, the Minister may take one or more of the following actions:

- (a) cancel or refuse to renew any NSW fishing authority that is a component of the fishing business or of the fishing business of the other party to the transfer,
- (b) refuse to transfer, or to approve the transfer of, a NSW fishing authority that is a component of the fishing business, or refuse to issue a new NSW fishing authority to the other party to the transfer,
- (c) impose (in accordance with the Act) conditions on any NSW fishing authority that is a component of the fishing business or of the fishing business of the other party to the transfer (or both), so as to restrict the fishing activities of the fishing business, or exercise any other powers conferred on the Minister by the Act so as to restrict the fishing activities of either or both fishing businesses.

(2) The Director-General may refuse an application to revoke or amend a fishing business determination of a fishing business if satisfied that a share that is a component of that fishing business has been transferred in contravention of this Division.

In addition, under clause 114, the Director-General may refuse to approve a transfer that contravenes this Part.

Division 5 – Dealings in endorsements and shares

114 Approval of transfers by Director-General

(1) In addition to the other requirements relating to the transfer of components of fishing businesses under this Part, an endorsement or share that is a component of a fishing business referred to in this Part may be transferred only with the approval of the Director-General.

(2) The Director-General may refuse to approve a transfer of an endorsement or share that is a component of a fishing business if:

- (a) the transaction would contravene the Act or the regulations, or
- (b) the person to whom the endorsement or share is to be transferred is a person who:
 - (i) is prohibited from holding the endorsement or share, or
 - (ii) is a natural person who may not be nominated to take fish on behalf of the fishing business, or

- (iii) could be refused an endorsement, or
 - (c) the Director-General is satisfied that the purpose of the transaction is to avoid share forfeiture, or
 - (d) any fee, contribution or other amount owing under the Act or the regulations in respect of the endorsement, share or fishing business, or in respect of the fishing business to which the endorsement or share is to be transferred, has not been paid, or
 - (e) any mortgage that applies to the share has not been discharged or cancelled, or
 - (f) there is a nominated fisher in respect of the fishing business and the nomination has not been revoked by the owner of the fishing business transferring the endorsement or share.
- (3) An application for the Director-General's approval under this clause:
- (a) is to be made jointly by the owner of the fishing business transferring the endorsement or share (as the case may be) and the person to whom the endorsement or share is to be transferred, and
 - (b) is to be in a form approved by the Director-General.
- (4) If the transfer relates to shares, the approved form of application under this clause may include or be comprised of the approved form of application for registration of the transaction under section 91 of the Act, so as to enable the applications for approval and registration to be dealt with together. A transaction that has the effect of transferring, assigning or transmitting a share is to be registered in the Share Register, and a prescribed fee in respect of the application for registration is payable under Part 7.
- (5) If the transfer relates to an endorsement, and no fee is charged in respect of the registration of the transaction, the Director-General may charge a fee in respect of the application for approval, being the amount specified in Schedule 8.
- (6) An owner of a fishing business who proposes to transfer an endorsement or share may request that the Minister review a determination of the Director-General under this clause in relation to the transfer within 30 days after notice of the determination is given to the owner of the fishing business.
- (7) The Director-General is to give effect to any determination made by the Minister in respect of that review.

115 Transferee owns more than one fishing business

- (1) If a transfer of an endorsement or share is permitted if the person to whom the transfer is made (the "**transferee**") is the owner of a fishing business (or a particular kind of fishing business), and the transferee is the owner of more than one fishing business, the transferee must nominate one fishing business against which compliance with the fishing business transfer rules, in respect of that transfer, is to be assessed.
- (2) If the transfer is approved by the Director-General, the fishing business determination in respect of the nominated fishing business is to be amended so that the transferred endorsement or share becomes a component of the nominated fishing business.

Division 6 – General

116 Application of rules

- (1) The fishing business transfer rules apply to the following transfers in the same way as they apply to a transfer made or proposed to be made by the owner of a fishing business:
 - (a) a transfer of a fishing business, or a component of a fishing business, that is made or proposed to be made by a mortgagee, receiver, liquidator or trustee in bankruptcy in the exercise of a power of sale,
 - (b) a transfer of a fishing business, or a component of a fishing business, that is made or proposed to be made by a person in his or her capacity as the legal personal representative of a deceased person.
- (2) For that purpose, a reference in this Part to the owner of a fishing business includes a reference to any such mortgagee, receiver, liquidator, trustee in bankruptcy or legal

personal representative.

Part 7 – Commercial share management fisheries

117 Persons prohibited from holding shares

(1) For the purposes of section 49 (2) of the Act, the following persons and bodies are prohibited from holding shares in a share management fishery:

- (a) a foreign person or a foreign-owned body,
- (b) a subsidiary (within the meaning of the *Corporations Act 2001* of the Commonwealth) of a foreign person or of a foreign-owned body.

(2) In addition, a person is prohibited from holding shares in a share management fishery if the Minister is satisfied that the person is holding the shares on behalf of, or for the benefit of, a person who is prohibited by this clause from holding shares in a share management fishery.

(3) Shares in a share management fishery may not be issued by the Minister to a person who is prohibited by this clause from holding shares or be recorded in the Share Register.

(4) The Minister is to cancel any shares held by a person prohibited by this clause from holding shares. However, the Minister may allow the person to dispose of the shares in accordance with Part 3 of the Act.

(5) In this clause: "**foreign person**" means a person other than:

- (a) an individual ordinarily resident in Australia (within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth), or
- (b) a company or an exempt body (within the meaning of the *Corporations Act 2001* of the Commonwealth).

"**foreign-owned body**" means a body corporate that has a substantial foreign ownership.

(6) For the purposes of this clause, a body corporate has a substantial foreign ownership if the Minister is satisfied that more than 20 per cent of its total paid-up share capital is held by foreign persons or (if it does not have a share capital) that foreign persons are in a position to control more than 20 per cent of the voting power in the body.

(7) For the purposes of this clause, the Minister may have regard to any relevant provisions of the *Corporations Act 2001* of the Commonwealth for the purposes of determining whether a person has an interest in shares or voting power in a body corporate.

118 Determination of catch history

(1) For the purposes of section 51 (4) of the Act, the following documents are prescribed:

- (a) a verified record of a commercial fishers' co-operative,
- (b) a verified record relating to the income tax liability of a commercial fisher,
- (c) a verified record of any fish processing company (whether a wholesaler or retailer).

(2) In this clause, a reference to a verified record is a reference to an original record, or a copy of a record, audited by a registered company auditor (within the meaning of the *Corporations Act 2001* of the Commonwealth) or that forms part of a record audited by a registered company auditor.

119 Special endorsements to take fish in share management fishery

For the purposes of section 70 (5) of the Act, the fee payable for an endorsement to which section 70 applies (being an endorsement which authorises the taking of fish for sale in a share management fishery even though the commercial fisher is not entitled under Part 3 of the Act to have his or her licence endorsed) is the amount specified in Schedule 8.

120 Transfers and other dealings in shares--general

(1) For the purposes of section 71 (5) of the Act, before the commencement of the share management plan for a fishery, section 71 of the Act applies to allow the transfer, assignment or transmission of the shares of a person (the "**shareholder**") in the fishery

only if:

- (a) all of the shares of the shareholder that are components of the same fishing business (whether or not those shares are shares in the same fishery) are transferred, assigned or transmitted to one person (the "**transferee**"), and
- (b) the transferee becomes the owner of that fishing business (and all its components).

(2) For the purposes of section 54 (3) of the Act, an acquisition of shares by a dealing that is allowed under subclause (1) is declared to be an authorised acquisition.

(3) Nothing in this clause authorises the mortgaging of shares in a share management fishery before the commencement of the share management plan for the fishery.

Under section 54 (3) of the Act, a holder of shares in a limited access fishery is not entitled to have his or her licence endorsed to take fish in the limited access fishery (or to nominate another person to do so) if all the shares held by the person were acquired by dealings after the initial issue of shares in the fishery, unless the acquisition is declared by the regulations to be an authorised acquisition.

121 Forfeiture of shares for failure to pay certain contributions

(1) For the purposes of section 75 (4) (b) of the Act, the Minister may order that the shares (or any of the shares) of a shareholder in a share management fishery be forfeited if the shareholder has failed to pay a community contribution or other amount due under Part 3 of the Act. However, the Minister is to order the forfeiture only of the number of shares that will be required, in the opinion of the Minister, to recover the amount due.

(2) The Minister is not to order forfeiture of shares unless the Minister is satisfied that all reasonable steps have been taken to recover the amount due or the shareholder's whereabouts are unknown.

(3) Following the sale of the forfeited shares, any part of the purchase price remaining after deduction of the amount of the community contribution or other amount due and the expenses reasonably incurred in connection with the sale is to be paid to the shareholder.

122 Appeals to Share Appeal Panel

(1) For the purposes of section 84 (3) of the Act, an appeal to the Share Appeal Panel:

- (a) must be lodged within 90 days after the person making the appeal is notified of the result of his or her application for shares, and
- (b) must be made in a form approved by the Director-General, and
- (c) must be accompanied by the lodgment fee specified in Schedule 8.

(2) The Director-General is to notify the person making the appeal of the receipt of his or her appeal.

123 Fee for registration of dealings in shares

(1) For the purposes of section 91 (3) (d) of the Act:

- (a) the prescribed fee in respect of an application for registration of a transaction that purports to have the effect of transferring, assigning or transmitting a share is the amount specified in Schedule 8, and
- (b) the prescribed fee in respect of an application for registration of a transaction that purports to have the effect of mortgaging or otherwise creating an interest in a share (other than a transaction referred to in paragraph (a)) is the amount specified in Schedule 8.

(2) This clause does not apply in respect of a share management fishery if the share management plan for the fishery prescribes a different fee in respect of an application referred to in subclause (1).

124 Fee for inspection of Share Register and registered documents

For the purposes of section 97 (1) of the Act:

(a) the prescribed fee for inspection of the Share Register is:

- (i) in the case of an inspection that is conducted with the assistance of an officer of the Department, the amount specified in Schedule 8 for each entry inspected,

- and
- (ii) in any other case, nil, and
- (b) the prescribed fee for inspection of copies of the documents retained by the Director-General under section 91 of the Act is the amount specified in Schedule 8 for each document inspected.

Part 8 – Licensing and other commercial fisheries management

Division 1 – Commercial fishing licences

125 Who may hold commercial fishing licence

For the purposes of section 103 (2) (c) of the Act, the following individuals are authorised to hold a commercial fishing licence:

- (a) an individual who is the owner of a fishing business the components of which include an endorsement that authorises the taking of fish for sale in a restricted fishery or who is duly nominated to take fish on behalf of the owner of such a fishing business,
- (b) an individual who is the subject of an application to be an eligible fisher in respect of a fishing business under Part 10 and who does not already hold a Class 1 commercial fishing licence,
- (c) an individual who applies for a permit under section 37 of the Act in relation to a commercial fishing activity and who does not already hold a Class 1 commercial fishing licence,
- (d) an individual who satisfies the Minister that he or she requires a commercial fishing licence in order to work as a crew member for a person who holds a commercial fishing licence that authorises the person to take fish in a share management fishery or restricted fishery.

Section 103 (2) (a) of the Act provides that a shareholder in a share management fishery, or an individual who is duly nominated by a shareholder, is authorised to hold a commercial fishing licence.

126 Classes of commercial fishing licences

For the purposes of section 104 (5) of the Act, the following classes of licences are prescribed:

- (a) A Class 1 commercial fishing licence is a licence issued to an individual eligible for a licence under section 103 (2) (a) or (b) of the Act, or under clause 125 (a), (b) or (c),
- (b) A Class 2 commercial fishing licence is a licence issued to an individual eligible for a licence under clause 125 (d).

127 Fee for application for issue of commercial fishing licence

- (1) A fee is payable in respect of an application for the issue of a commercial fishing licence.
- (2) The fee for an application for the issue of a Class 1 or Class 2 commercial fishing licence is, subject to subclauses (3) and (4), the amount specified for that class of licence in Schedule 8.
- (3) The fee for an application for the issue of a Class 1 commercial fishing licence is, if the licence is issued to have effect for a period of less than 12 months commencing on a date other than 1 July, the prescribed proportion of the fee specified in Schedule 8 for a Class 1 commercial fishing licence.
- (4) The fee for an application for the issue of a Class 1 commercial fishing licence is, if the licence is issued to have effect for a period exceeding 12 months commencing on a date other than 1 July, the total of the following:
- (a) the fee specified in Schedule 8 for a Class 1 commercial fishing licence,
- (b) the prescribed proportion of the fee specified in Schedule 8 for a Class 1 commercial fishing licence.
- (5) If an amount calculated under this clause includes a fraction of a dollar, the amount is

to be rounded down to the nearest whole dollar.

(6) In this clause, the "**prescribed proportion**" means the proportion specified in Column 2 of the Table to this clause next to the commencement date of the licence concerned.

Table

Column 1	Column 2
Commencement date of licence	Prescribed proportion
After 1 July but before 1 October	100%
On or after 1 October but before 1 January (in the following year)	75%
On or after 1 January but before 1 April	50%
On or after 1 April but before 1 July	25%

It is intended that all licences will have a uniform expiry date of 30 June.

128 Grounds for refusal to issue commercial fishing licence to otherwise eligible applicant

For the purposes of section 104 (3) of the Act, the Minister is authorised to refuse to issue a commercial fishing licence to an eligible applicant if:

- (a) the applicant has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or
- (b) the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) the applicant has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
- (d) the applicant has been convicted of an offence relating to an assault on a fisheries official, or
- (e) the applicant has not paid any fee or contribution due and payable in connection with a commercial fishing licence, or
- (f) the Minister is satisfied that the applicant has not demonstrated that he or she has the capacity or qualifications necessary to enable the individual to successfully engage in commercial fishing operations, or
- (g) the applicant has made a statement in connection with the application for the licence that is, in the opinion of the Minister, false or misleading in a material particular, or
- (h) the applicant has previously held a commercial fishing licence that has been cancelled or holds a commercial fishing licence that is currently suspended, or
- (i) the applicant has been required to forfeit any of his or her shares in a share management fishery under the Act.

129 Prescribed conditions of commercial fishing licence

(1) For the purposes of section 104 (4) (a) of the Act the following conditions are prescribed:

- (a) the holder of the licence must not engage any person as a member of his or her crew unless the holder is satisfied that the person has the necessary skills, experience or capacity to participate successfully in fishing operations authorised by the licence,
- (b) the holder of the licence must not use any unlicensed crew member on a boat being used by the licensee to take fish, unless the boat is being used as follows:
 - (i) to take abalone in the abalone share management fishery in accordance with paragraph (c), or
 - (ii) to take yabbies or carp in the inland restricted fishery in accordance with paragraph (d), or

(iii) to take sea urchin or turban shell in the sea urchin and turban shell restricted fishery in accordance with paragraph (e),

(c) the holder of the licence, being a licence that is endorsed under the Act for the taking of abalone in the abalone share management fishery, must not use any unlicensed crew member on a boat being used by the licence holder for the taking of abalone from the fishery, unless the crew member is assisting the licence holder in the operation of the boat or other fishing equipment and is not taking abalone from the fishery on the licence holder's behalf,

(d) the holder of the licence must not use any unlicensed crew member on a boat being used by the licence holder to take yabbies or carp in the inland restricted fishery unless:

(i) if the boat is being used to take yabbies, the licence holder is using no more than one unlicensed crew member to assist in that purpose and the licence holder is authorised to take yabbies in the inland restricted fishery pursuant to a class A endorsement in the fishery, or

(ii) if the boat is being used to take carp, the licence holder is authorised to take carp in the inland restricted fishery pursuant to a class A, class B or class D endorsement in the fishery,

(e) the holder of the licence, being a licence that is endorsed under the Act for the taking of sea urchin or turban shell (or both) in the sea urchin and turban shell restricted fishery, must not use any unlicensed crew member on a boat being used by the licence holder for the taking of sea urchin or turban shell from the fishery unless the crew member is assisting the licence holder in the operation of the boat or other fishing equipment and is not taking sea urchin or turban shell from the fishery on the licence holder's behalf,

(f) the holder of the licence must co-operate with, and provide any assistance reasonably required by, a fisheries officer or other person exercising functions conferred by the Act or the regulations,

(g) the holder of the licence must take all reasonable steps to ensure that all members of his or her crew, while assisting the holder of the licence to take fish, co-operate with, and provide any assistance reasonably required by, a fisheries officer or other person exercising functions conferred by the Act or the regulations,

(h) in the case of a Class 2 licence, the holder of the licence must not take fish for sale in a restricted fishery, or take fish in a share management fishery, except as a member of the crew of a person who holds an endorsement in the fishery authorising that other person to take the fish concerned.

(2) In this clause, a reference to an unlicensed crew member is a reference to a crew member who is not the holder of a commercial fishing licence.

Additional licence conditions apply to endorsement holders in restricted fisheries (see Part 9) or share management fisheries (see the share management plans for those fisheries).

130 Renewal of commercial fishing licence

(1) The holder of a commercial fishing licence may apply in writing to the Minister for the renewal of his or her licence.

(2) A fee is payable in respect of an application for the renewal of a commercial fishing licence.

(3) The fee for an application for the renewal of a Class 1 or a Class 2 commercial fishing licence is the amount specified for that class of licence in Schedule 8.

(4) The Minister may refuse to renew the licence if:

(a) the applicant has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the

Commonwealth, another State, a Territory or New Zealand, or

(b) the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) the applicant has been convicted of an offence relating to an assault on a fisheries official, or

(d) the applicant has, in the opinion of the Minister, contravened a condition of his or her licence or of an endorsement on that licence or of a permit issued to him or her under the Act, or

(e) the application for renewal of the licence is received by the Minister after the expiry date of the licence, or

(f) the applicant has made a statement in connection with the application for renewal of the licence that is, in the opinion of the Minister, false or misleading in a material particular, or

(g) the applicant has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or

(h) the applicant has been required to forfeit any of his or her shares in a share management fishery under the Act, or

(i) the applicant is not authorised, by or under section 103 (2) of the Act, to hold a commercial fishing licence, or

(j) the applicant has not paid any fee or contribution due and payable in connection with the renewal of his or her licence.

(5) The Minister may renew a licence for a period of 1 year or such other period as is specified in the licence.

(6) If an application is duly made for renewal of a commercial fishing licence and is received by the Minister before the expiration of the period in which it remains in force, and the licence is not renewed before the expiration of that period, the licence:

(a) is taken to continue in force until the licence is renewed or the application for renewal is refused, and

(b) may be renewed despite the fact that, but for this subclause, the licence would have expired.

(7) An application for renewal of a commercial fishing licence received by the Minister after the expiry date of the licence may be treated as an application for the issue of a commercial fishing licence, and in such a case the fee payable in respect of the application is the fee for the application for the issue of a commercial fishing licence under clause 127 (2).

131 Grounds for suspension or cancellation of licence

For the purposes of section 104 (4) (e) of the Act, the Minister may cancel or suspend a commercial fishing licence if:

(a) the holder of the licence has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or

(b) the holder of the licence has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) the holder of the licence has been convicted of an offence relating to an assault on a fisheries official, or

(d) the holder of the licence has, in the opinion of the Minister, contravened a condition of the licence or of an endorsement on that licence or of a permit issued to him or her under the Act, or

(e) the holder of the licence has not paid any fee or contribution due and payable in connection with the licence, or

(f) the holder of the licence made a statement in connection with the holder's application

- for the issue or renewal of the licence that is, in the opinion of the Minister, false or misleading in a material particular, or
- (g) the holder of the licence is not authorised, by or under section 103 (2) of the Act, to hold a commercial fishing licence, or
 - (h) the holder of the licence has requested in writing to the Minister that the licence be cancelled or suspended, or
 - (i) the holder of the licence has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act.

132 Annual contribution by participants in southern fish trawl restricted fishery

- (1) For the purposes of section 115A of the Act, an annual contribution is payable, towards the costs referred to in section 115A (1) of the Act, by a participant in the southern fish trawl restricted fishery who is the owner of a fishing business a component of which is an endorsement authorising the taking of fish for sale in that restricted fishery (a "**southern fish trawl fishing business**").
- (2) The annual contribution is:
 - (a) the amount specified in Schedule 8 for each southern fish trawl fishing business the other components of which include shares in a share management fishery, and
 - (b) the amount specified in Schedule 8 for each other southern fish trawl fishing business.
- (3) The contribution must be paid in accordance with arrangements for payment approved by the Minister.
- (4) The contribution payable under this clause is additional to any other contribution, fee or charge that is payable in relation to a licence.

133 Annual contribution by participants in sea urchin and turban shell restricted fishery

- (1) For the purposes of section 115A of the Act, an annual contribution is payable, towards the costs referred to in section 115A (1) of the Act, by a participant in the sea urchin and turban shell restricted fishery who is the owner of a fishing business a component of which is an endorsement authorising the taking of fish for sale in that restricted fishery (a "**SUTS fishing business**").
- (2) The annual contribution for each SUTS fishing business is the amount specified in Schedule 8.
- (3) The contribution must be paid in accordance with arrangements for payment approved by the Minister.
- (4) The contribution payable under this clause is additional to any other contribution, fee or charge that is payable in relation to a licence.

Division 2 – Boat licences

134 Definition

In this Division, "**maximum boat specifications**" has the meaning given by clause 137.

135 Fee for application for issue of fishing boat licence

- (1) A fee is payable in respect of an application for the issue of a fishing boat licence.
- (2) The fee for an application for the issue of the following classes of fishing boat licence is, subject to subclauses (3) and (4), the amount specified in Schedule 8 for that class of licence:
 - (a) a licence that relates to a boat that has a length not exceeding 3 metres,
 - (b) a licence that relates to a boat that has a length exceeding 3 metres.
- (3) The fee for an application for the issue of a fishing boat licence is, if the licence is issued to have effect for a period of less than 12 months commencing on a date other than 1 July, the prescribed proportion of the licence fee.
- (4) The fee for an application for the issue of a fishing boat licence is, if the licence is issued to have effect for a period exceeding 12 months commencing on a date other than

1 July, the total of the following:

- (a) the licence fee, and
- (b) the prescribed proportion of the licence fee.

(5) If an amount calculated under this clause includes a fraction of a dollar, the amount is to be rounded down to the nearest whole dollar.

(6) In this clause: "**licence fee**" means the fee referred to in subclause (2). "**prescribed proportion**" means the proportion specified in column 2 of the Table to this clause next to the commencement date of the licence concerned.

Table

Column 1	Column 2
Commencement date of licence	Prescribed proportion
After 1 July but before 1 October	100%
On or after 1 October but before 1 January (in the following year)	75%
On or after 1 January but before 1 April	50%
On or after 1 April but before 1 July	25%

It is intended that all licences will have a uniform expiry date of 30 June.

136 Grounds for refusal to issue fishing boat licence

For the purposes of section 108 (3) of the Act, the Minister is authorised to refuse to issue a fishing boat licence if:

- (a) the boat was not licensed under the Act at 5 February 2007, or
- (b) the applicant has made a statement in connection with the application for the licence that is, in the opinion of the Minister, false or misleading in a material particular, or
- (c) the applicant has previously held a fishing boat licence that has been suspended or cancelled by the Minister, or
- (d) in the case of a boat licensed under the Act at 5 February 2007, the boat was sold or disposed of after that date or the right to a fishing boat licence for the boat was transferred after that date (unless the transfer of the right to a licence for the boat to the applicant has been approved by the Director-General under clause 143), or
- (e) the applicant fails to provide any information required by the Minister in connection with the application (such as identifying particulars for the boat), or
- (f) the applicant has not paid any fee due and payable in connection with his or her fishing boat licence.

137 Form of licence

(1) A fishing boat licence is to be issued or renewed in such form as the Minister approves.

(2) Without limiting subclause (1), a licence may specify:

- (a) any maximum length, or maximum hull units, or maximum engine power (collectively referred to as "**maximum boat specifications**") that apply in respect of the boat the subject of the licence, as determined by the Minister, and
- (b) identifying particulars for the boat, including the following:
 - (i) the name of the boat,
 - (ii) the identifying number for the boat,
 - (iii) the hull identification number for the boat,
 - (iv) the hull units for the boat,
 - (v) the engine power of the boat,
 - (vi) the name of the boat's home port.

138 Prescribed conditions of fishing boat licences

(1) For the purposes of section 108 (4) (a) of the Act, the following conditions are

prescribed:

(a) that the boat in respect of which the licence was issued or renewed is not used for or in connection with the taking of fish for sale or the landing of fish in New South Wales for sale in New South Wales by any person other than the holder of the licence or the holder's employees or agents,

(b) that the holder of the licence displays on the outside of both sides of the bow of the licensed boat or on the outside of both sides of the wheelhouse of the boat in clearly visible letters and figures (in a colour that contrasts with that of the background) the letters "LFB" and the fishing boat number allotted to that boat by the Director-General and that those letters and figures are:

(i) in the case of a boat that is more than 7.5 metres long and is used in ocean waters--not less than 300 mm in height and 150 mm in width, or

(ii) in any other case--not less than 150 mm in height,

(c) that the holder of the licence displays on the outside of both sides of any dinghy or vessel that is not separately licensed under the Act and that is carried on the boat in respect of which the licence was issued, the letter "D" and the licence number of that licensed boat (such letter and number not to be less than 50 mm in height),

(d) that the holder of the licence does not use, or permit to be used, unlicensed crew members on the licensed fishing boat, unless the boat is being used as follows:

(i) to take fish with unregistered crew members as authorised under section 110 (5) of the Act, or

(ii) to take yabbies or carp in the inland restricted fishery in accordance with clause 129 (1) (d), or

(iii) to take sea urchin or turban shell in the sea urchin and turban shell restricted fishery in accordance with clause 29 (1) (e),

(e) that the holder of the licence does not assist, encourage or permit the master of the licensed boat to contravene the Act or the regulations or the conditions of that licence in connection with the taking of fish for sale,

(f) that the holder of the licence takes all reasonable steps to ensure that the master of the licensed boat does not contravene the Act or the regulations or the conditions of that licence in connection with the taking of fish for sale,

(g) that the boat to which the licence applies is not modified in such a manner that it ceases to comply with any maximum boat specifications set out on the licence,

(h) that the holder of the licence does not cause or allow the boat to be modified in such a manner as to affect its length, hull units, or engine power, if any of those particulars are noted on the licence, unless, before carrying out that modification, an application is made to the Minister, in accordance with this Division, for the licence to be amended so as to change the identifying particulars noted on the licence in accordance with the proposed boat modifications,

(i) that the holder of the licence must not use the boat in connection with activities for which the boat must be licensed under the Act unless the identifying particulars for the boat have been noted on the licence,

(j) that, if the boat is disposed of, destroyed or lost at sea, the holder of the licence must notify the Minister, in writing, of that occurrence within 30 days.

(2) The conditions prescribed by this clause are in addition to any conditions prescribed by a share management plan.

(3) In this clause, "**unlicensed crew member**" means a member of the crew of a licensed fishing boat who is not the holder of a commercial fishing licence.

139 Renewal of fishing boat licence

(1) The holder of a fishing boat licence may apply in writing to the Minister for the

renewal of his or her licence.

(2) A fee is payable in respect of an application for the renewal of a fishing boat licence.

(3) The fee for an application for the renewal of the following classes of fishing boat licence is the amount specified in Schedule 8 for that class of licence:

(a) a licence that relates to a boat that has a length not exceeding 3 metres,

(b) a licence that relates to a boat that has a length exceeding 3 metres.

(4) The Minister may refuse to renew the licence if:

(a) the application for renewal of the licence is received by the Minister after the date the licence expires, or

(b) the holder of the licence has, in the opinion of the Minister, contravened a condition of the licence, or

(c) the applicant has made a statement in connection with the application for the licence that is, in the opinion of the Minister, false or misleading in a material particular, or

(d) the boat does not comply with any maximum boat specifications set out on the licence, or

(e) the applicant fails to provide any information required by the Minister in connection with the application (such as identifying particulars for the boat), or

(f) the applicant has not paid any fee due and payable in connection with a fishing boat licence.

(5) The Minister may renew a licence for a period of 1 year or such other period as is specified in the licence.

(6) If an application is duly made for renewal of a fishing boat licence and is received by the Minister before the expiration of the period in which it remains in force, and the licence is not renewed before the expiration of that period, the licence:

(a) is taken to continue in force until the licence is renewed or the application for renewal is refused, and

(b) may be renewed despite the fact that, but for this subclause, the licence would have expired.

(7) An application for renewal of a fishing boat licence received by the Minister after the date the licence expires may be treated as an application for the issue of a fishing boat licence and in such a case the fee payable in respect of the application is to be calculated in accordance with clause 135.

140 Grounds for suspension or cancellation of a fishing boat licence

For the purposes of section 108 (4) (d) of the Act, the Minister may cancel or suspend a fishing boat licence if:

(a) the holder of the licence made a statement in connection with the holder's application for the issue or renewal of the licence that is, in the opinion of the Minister, false or misleading in a material particular, or

(b) the holder of the licence has, in the opinion of the Minister, contravened a condition of the licence, or

(c) the boat has been seized under section 265 of the Act, or

(d) the holder of the licence has not paid any fee due and payable in connection with the issue or renewal of the licence, or

(e) the boat does not comply with any maximum boat specifications set out on the licence, or

(f) the holder of the licence has transferred his or her right to the licence in accordance with clause 143, or

(g) the boat has been destroyed, lost at sea or disposed of by the holder of the licence, or

(h) the holder of the licence has requested in writing to the Minister that the licence be cancelled or suspended.

141 Voluntary suspension of licence

- (1) If a licensed fishing boat is disposed of, destroyed or lost at sea, and has not been replaced by the holder of the licence, the holder of the licence may, by application in writing to the Minister in a form approved by the Director-General, request the Minister to suspend the fishing boat licence.
- (2) If the Minister grants the request and suspends the licence, the Minister may amend the licence so as to omit the identifying particulars for the boat from the licence.
- (3) The holder of the suspended licence is required to pay an annual fee in respect of the suspended licence.
- (4) The amount of the annual fee is the amount that would be charged in respect of an application to renew the licence had the boat not been disposed of, destroyed or lost at sea and the licence not been suspended.
- (5) The annual fee is to be calculated as at 1 July in each year (the "**charging date**") and must be paid in accordance with such arrangements for payment as may be approved by the Minister and advised to the holder of the suspended licence.
- (6) On replacement of the boat disposed of, destroyed or lost at sea, the holder of the suspended licence may apply for the suspension to be lifted, but only if a request is made for the licence to be amended to insert the identifying particulars for the new boat on the licence (as provided for by clause 142).
- (7) The lifting of a suspension does not affect the licence holder's obligation to pay an annual fee under this clause in respect of a charging date that occurred before the lifting of the suspension, and does not affect the calculation of that fee.
- (8) The Minister may refuse a request for a suspension under this clause if the holder of the licence has transferred his or her right to a licence under clause 143.

This clause allows the holder of a fishing boat licence to retain a right to a licence in respect of a boat if the licensed boat is disposed of, destroyed or lost at sea. Under clause 136 (a), the Minister is authorised to refuse to issue a new fishing boat licence in respect of a boat that was not licensed before 5 February 2007.

142 Change to identifying particulars of boat noted on licence

- (1) The holder of a fishing boat licence may, by application in writing to the Minister in a form approved by the Director-General, request the Minister to amend the licence:
 - (a) by changing any identifying particulars for the boat that are noted on the licence, or
 - (b) by inserting new identifying particulars for a boat on the licence.
- (2) The Minister may:
 - (a) grant the request, or
 - (b) refuse to grant the request.
- (3) The Minister may refuse to grant a request if:
 - (a) the applicant fails to provide sufficient information or evidence to enable the Minister to grant the request, such as information or evidence of any identifying particulars for the boat, or
 - (b) the identifying particulars for the boat do not comply with any maximum boat specifications set out on the fishing boat licence, or
 - (c) the applicant has transferred his or her right to the fishing boat licence under clause 143.
- (4) This clause does not affect the power of the Minister to cancel or suspend a fishing boat licence if a boat does not comply with any maximum boat specifications set out on a fishing boat licence.
- (5) If an amendment to a licence affects the calculation of the fee payable in respect of the renewal of a licence, the amendment applies only to a renewal that occurs on or after the amendment to the licence takes effect.

143 Transfer of right to a fishing boat licence

- (1) The Director-General may approve the transfer of the right to a fishing boat licence in accordance with this clause.
- (2) An application for approval of the transfer of the right to a fishing boat licence may be made in writing to the Director-General jointly by the holder of the fishing boat licence and a person intending to acquire the right to that licence.
- (3) The fee payable in respect of an application for approval of the transfer of the right to a fishing boat licence is the amount specified in Schedule 8.
- (4) The Director-General may approve the transfer, or may refuse to approve the transfer, of the right to a fishing boat licence to the person.
- (5) The Director-General may refuse to approve the transfer on any of the grounds on which the Minister could refuse to approve the issue of a fishing boat licence to the person.
- (6) If the transfer is approved, the transferee may apply for, and is to be issued with, a fishing boat licence (whether for the boat previously licensed to the transferor or for another boat that replaces the boat licensed to the transferor).
- (7) If an exemption from the maximum boat specifications is noted on the fishing boat licence of the transferor, the same exemption is to be noted on the fishing boat licence issued to the transferee and the exemption noted on the transferor's licence is to be removed.
- (8) Nothing in this clause affects the power of the Minister to refuse to issue a licence as authorised by clause 136 (including on the ground that the boat does not comply with the maximum boat specifications set out on the licence).
- (9) This clause applies to a licence whether or not it is suspended.

144 Boats taken to be licensed under the Act

For the purposes of section 107 (2) of the Act, a boat that is licensed or otherwise authorised to be used for the purpose of taking fish under a law of the Commonwealth or of another State or a Territory is taken to be licensed under the Act but only for the purpose of landing fish in New South Wales that were taken from waters to which the Act does not apply.

145 Compliance with maximum boat specifications

- (1) This clause applies for the purpose of determining whether a boat complies with any maximum boat specifications set out on a fishing boat licence.
- (2) The measured length of a boat is to be determined in accordance with the *Uniform Shipping Laws Code*.
- (3) If a survey certificate has been issued in respect of a boat, the measured length of the boat is taken to be the measured length of the boat as specified on the most recent survey certificate for the boat.
- (4) The engine power of a boat is to be determined in accordance with the continuous or A brake kilowatt rating for the engine as published by the manufacturer of the engine.
- (5) The hull units of a boat are to be determined as follows:
graphic

[Note: This is a graphic. It has not been processed by the Point in Time system and may not be accurate at the selected working date.]

"**H**" is the hull units of a boat. "**L**" is the measured length of the boat. "**D**" is the moulded depth of the boat, determined in accordance with the *Uniform Shipping Laws Code*. "**B**" is the moulded breadth of the boat, determined in accordance with the *Uniform Shipping Laws Code*.

- (6) In this clause, "**Uniform Shipping Laws Code**" means the Code referred to in section 427 of the *Navigation Act 1912* of the Commonwealth.

146 Only licensed boats may be marked "LFB"

(1) A person must not operate a boat that displays the letters "LFB" in any waters if the boat is not licensed under the Act. Maximum penalty: 50 penalty units.

(2) The owner of a boat must not cause or permit the letters "LFB" to be displayed on a boat in any waters if the boat is not licensed under the Act. Maximum penalty: 50 penalty units.

Division 3 – Provisions relating to crew members

147 Fee to accompany application for registration of crew members

For the purposes of section 110 (7) of the Act, the prescribed fee is the amount specified in Schedule 8.

148 Eligibility for registration as a crew member

A person who has been convicted of any of the following offences is not eligible to be registered as a crew member under section 110 of the Act, unless the Director-General is of the opinion that, despite the conviction, the person is a fit and proper person to be registered:

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

(b) an offence relating to the theft of fish, fishing gear or a boat,

(c) an offence relating to an assault on a fisheries official.

149 Period of registration

Registration of a crew member remains in force for a period of 1 year or such other period as is notified by the Director-General when the crew member is registered.

150 Records to be kept about crew members

(1) The holder of a fishing boat licence must make, or cause to be made, in respect of a person who is a crew member on the boat, a record containing the following information:

(a) if the person is a registered crew member, the registration number of the crew member or, if the person is not registered, the name and address of the person,

(b) the dates or periods during which the person is engaged as a crew member on the boat.

Maximum penalty: 25 penalty units.

(2) The holder of a fishing boat licence:

(a) must keep, or cause to be kept, the record referred to in subclause (1) on the licensed boat concerned for a period of 5 years after the crew member concerned ceases to be engaged by the holder of the fishing boat licence, and

(b) must, during that 5-year period, produce the record when requested to do so by a fisheries officer.

Maximum penalty: 25 penalty units.

151 Records to be kept by registered crew members

(1) The Director-General may, by notice in writing served on a registered crew member, require the crew member to make and keep such records as the Director-General requires (in such manner and form as is specified by the Director-General) in connection with his or her registration.

(2) A registered crew member who fails to comply with such a requirement is guilty of an offence. Maximum penalty: 25 penalty units.

152 False and misleading information in records

A person must not make, or cause to be made, an entry in a record kept for the purposes of this Division knowing that the entry is false or misleading in a material particular.

Maximum penalty: 25 penalty units.

153 Unlicensed crew members must not sell fish

- (1) A person who is a member of a crew of a licensed fishing boat and who is unlicensed or who holds a limited licence must not sell any fish taken by the person while working under the supervision of a holder of a licence. Maximum penalty: 100 penalty units
- (2) This clause does not apply to an unlicensed person who is:
 - (a) the owner of the fishing business in connection with which the fish were taken, or
 - (b) the employer of the licence holder under whose supervision the fish were taken.
- (3) For the purposes of this clause:
 - (a) a person is "**unlicensed**" if the person does not hold a commercial fishing licence, and
 - (b) a person holds a "**limited licence**" if the person holds a Class 2 commercial fishing licence.

Part 9 – Restricted fisheries

Division 1 – Sea urchin and turban shell restricted fishery

154 Definitions

In this Division:

"endorsement" means an endorsement on a commercial fishing licence that authorises the holder of the licence to take sea urchin or turban shell (or both) for sale.

"endorsement holder" means the holder of a commercial fishing licence that has an endorsement.

"entitlement holder" means a person who is eligible for an endorsement in the fishery, but does not include any person who is eligible for an endorsement only because the person is the nominated fisher of another person.

"nominated fisher" of a fishing business owner means a person nominated in accordance with Division 4 to take fish in the restricted fishery.

"quota" means the maximum quantity of sea urchin or turban shell (or both) that may be taken for sale by or on behalf of an entitlement holder during any period, as determined by the Director-General pursuant to clause 163.

"restricted fishery" means the restricted fishery declared under this Division.

155 Sea urchin and turban shell are a restricted fishery

For the purposes of section 111 of the Act, sea urchin and turban shell are declared to be a restricted fishery.

156 Types of endorsement in restricted fishery

The following classes of endorsement are available in the restricted fishery:

- (a) This endorsement authorises the holder to take sea urchin for sale.
- (b) This endorsement authorises the holder to take turban shell for sale.

157 Eligibility for endorsements

- (1) A person who, immediately before 1 September 2010, was eligible for an endorsement in the restricted fishery remains eligible for that endorsement, subject to this clause.
- (2) If a fishing business owner transfers an endorsement that is a component of a fishing

business to another person, in accordance with the fishing business transfer rules:

- (a) the fishing business owner, or any nominated fisher of the fishing business owner, ceases to be eligible for that endorsement, and
- (b) the person to whom the endorsement is transferred becomes eligible for an endorsement of the same kind.

(3) A person whose endorsement is cancelled by the Minister under this Division (otherwise than because the person has ceased to be eligible for an endorsement) is taken, on that cancellation, to cease to be eligible for the endorsement.

Historically, eligibility for an endorsement was determined on the basis of shareholdings in the abalone fishery (which previously formed part of the sea urchin and turban shell restricted fishery).

158 Public tender for issue of further endorsements

(1) The Minister may, at any time after considering the status of stock levels in the restricted fishery, call for public tenders for the issue of further endorsements in the restricted fishery.

(2) Notice of the public tender is to be published in the Gazette.

(3) The conditions of the public tender are to be determined by the Minister and published in the Gazette notice.

(4) A person is eligible for an endorsement in the restricted fishery if the person is a successful tenderer.

159 Endorsement of commercial fishing licences

(1) The Minister may endorse the commercial fishing licence of a person only if the person satisfies the eligibility requirements for an endorsement.

(2) The Minister may refuse to endorse the commercial fishing licence of a person who is otherwise eligible if:

- (a) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or
- (b) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
- (d) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or
- (e) the person has not paid any fee or contribution due and payable in connection with the endorsement, or
- (f) the person has previously held an endorsement which has been suspended or cancelled by the Minister.

(3) An application for an endorsement is to be made to the Minister in a form approved by the Director-General.

160 Duration of endorsement

An endorsement remains in force unless cancelled or suspended.

161 Cancellation and suspension of endorsements

The Minister may suspend or cancel an endorsement if:

- (a) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an

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

(b) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or

(d) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or

(e) the endorsement holder has not paid any fee or contribution due and payable in connection with the endorsement, or

(f) the endorsement holder ceases to be eligible for an endorsement.

162 Total allowable catch

(1) The Minister may, from time to time by notice published in the Gazette, determine a total allowable catch for the restricted fishery in any period.

(2) This clause does not prevent the Minister from requiring the TAC Committee to determine the total allowable catch for the restricted fishery under section 28 (3) of the Act.

163 Quotas for sea urchin and turban shell

(1) If there is a total allowable catch for any period, the Director-General is to determine the maximum quantity of sea urchin or turban shell (or both) that may be taken for sale by or on behalf of each entitlement holder during that period.

(2) The Director-General is to make that determination by allocating the total allowable catch for the period equally between entitlement holders.

(3) The Director-General is to give written notice of the quota determination in respect of an entitlement holder to the entitlement holder.

(4) An entitlement holder who is notified by the Director-General of a quota determination under subclause (3) must ensure that any nominated fisher of the entitlement holder is notified of that quota determination as soon as reasonably practicable. Maximum penalty: 10 penalty units.

(5) For the purposes of section 104 (4) (a) of the Act, it is a condition of a commercial fishing licence that is endorsed for the taking of sea urchin or turban shell (or both) in the restricted fishery that the endorsement holder (whether or not an entitlement holder) does not cause the quota of an entitlement holder to be exceeded.

164 Transfer of quota

(1) A quota for a period (or any part of it) is transferable within that period, but only with the approval of the Director-General.

(2) An application for the Director-General's approval:

(a) is to be made to the Director-General, in a form approved by the Director-General, and

(b) is to specify the amount of quota to be transferred, and

(c) is to be accompanied by the fee specified in Schedule 8.

(3) The Director-General may transfer the quota or refuse to transfer the quota.

(4) Without limiting subclause (3), the Director-General may refuse to transfer the quota (or any part of the quota) of an entitlement holder whose endorsement is suspended or cancelled.

(5) A transfer of quota takes effect when the Director-General gives notice in writing of his or her approval of the transfer to the entitlement holders whose quotas are affected.

(6) An entitlement holder who is notified by the Director-General of an approval of a transfer under subclause (5) must ensure that any nominated fisher of the entitlement holder is notified of that approval as soon as reasonably practicable. Maximum penalty: 10 penalty units.

(7) The conditions of a commercial fishing licence that is endorsed are taken to be amended in accordance with a transfer of quota approved under this clause, with effect on and from the date notice of the approved transfer is served on the licensee.

165 Special licence conditions for licence holders who nominate fishers

For the purposes of section 104 (4) (a) of the Act, it is a condition of a commercial fishing licence that the licensee, if he or she has duly nominated another commercial fisher to take sea urchin or turban shell (or both) on his or her behalf:

(a) must not assist, encourage or permit that commercial fisher to contravene the Act or the regulations or the conditions of that other fisher's commercial fishing licence or of an endorsement on that licence in connection with the taking of such sea urchin or turban shell, and

(b) must take all reasonable steps to ensure that the other commercial fisher does not contravene the Act or the regulations or the conditions of that other fisher's commercial fishing licence or of an endorsement on that licence in connection with the taking of sea urchin or turban shell.

166 Waters closed to taking of sea urchins and turban shells

For the purposes of section 20 (2) of the Act, it is declared that the waters specified in the Table to this clause are waters in which the taking of sea urchins and turban shells by any method is prohibited.

Table

Sandon to Red Rock
The whole of the waters between a line drawn east from the point $153^{\circ}19'25.9648''$ east, $29^{\circ}40'25.8456''$ south, and a line drawn east from the point $153^{\circ}14'03.4764''$ east, $29^{\circ}58'52.014''$ south.
Red Rock to Coffs Harbour
The whole of the waters between a line drawn east from the point $153^{\circ}14'03.4764''$ east, $29^{\circ}58'52.014''$ south, and a line drawn east from the point $153^{\circ}09'11.6064''$ east, $30^{\circ}18'31.8888''$ south.
Seal Rocks to Broughton Island
The whole of the waters between a line drawn east from the point $152^{\circ}32'09.9384''$ east, $32^{\circ}26'02.3964''$ south and a line drawn east from the point $152^{\circ}17'16.75''$ east, $32^{\circ}35'25.0044''$ south.
Broken Bay to Sydney Harbour
The whole of the waters between a line drawn east from the point $151^{\circ}19'43.8888''$ east, $33^{\circ}34'40.7532''$ south, and a line drawn east from the point $151^{\circ}16'51.2508''$ east, $33^{\circ}49'58.152''$ south.
Sydney Harbour to Bondi Beach
The whole of the waters between a line drawn east from the point $151^{\circ}16'51.2508''$ east, $33^{\circ}49'58.152''$ south, and a line drawn east from the point $151^{\circ}16'37.146''$ east, $33^{\circ}53'30.9696''$ south.
Bondi Beach to Botany Bay
The whole of the waters between a line drawn east from the point $151^{\circ}16'37.146''$ east, $33^{\circ}53'30.9696''$ south, and a line drawn east from the point $151^{\circ}13'19.992''$ east, $34^{\circ}00'05.364''$ south.
Bombo Beach to Warri Beach
The whole of the waters between a line drawn east of the point $150^{\circ}51'23.0616''$ east,

34°39'26.8029" south and a line drawn east of the point 150°50'06.7020" east, 34°44'04.1820" south.
Currarong to Point Perpendicular
The whole of the waters between a line drawn east from the points 150°49'20.4636" east, 34°58'58.6668" south, and 150°49'20.4636" east, 35°00'49.5396" south and a line drawn east from the point 150°48'16.236" east, 35°05'39.9084" south.
Inside Jervis Bay
The whole of the waters between a line drawn east from the point 150°48'16.236" east, 35°05'39.9084" south, and a line drawn east from the point 150°46'06.0456" east, 35°06'43.992" south.
Malua Bay to Burrewarra Point
The whole of the waters between a line drawn east from the point 150°13'51.1356" east, 35°47'34.5696" south, and a line drawn east from the point 150°14'07.7244" east, 35°50'06.0324" south.
Cuttagee Point to Thibbul Inlet (Murrrah)
The whole of the waters between a line drawn east from the point 150°03'18.2196" east, 36°29'16.6056" south and a line drawn east from the point 150°03'27.1296" east, 36°31'32.7576" south.
Bithry Inlet to Barounda Inlet
The whole of the waters between a line drawn east from the point 150°01'12.2052" east, 36°37'46.8768" south, and a line drawn east from the point 149°59'41.7444" east, 36°41'09.3264" south.
Mowarry Point to Saltwater Beach
The whole of the waters between a line drawn east from the point 150°00'16.5996" east, 37°08'29.1552" south, and a line drawn east from the point 150°00'11.484" east, 37°10'10.8336" south.
Black Head Anchorage to Nadgee Lake
The whole of the waters between a line drawn east from the point 149°58'21.5148" east, 37°26'26.358" south, and a line drawn east from the point 149°58'21.1764" east, 37°27'54.9648" south.

Division 2 – Southern fish trawl restricted fishery

167 Definitions

In this Division:

"endorsed licence" means an endorsed commercial fishing licence.

"endorsement" means an endorsement on a commercial fishing licence authorising the holder of the licence to take fish for sale in the restricted fishery.

"endorsement holder" means the holder of a commercial fishing licence that has an endorsement.

"entitlement holder" means a person who is eligible for an endorsement in the fishery, but does not include any person who is eligible for an endorsement only because the person is the nominated fisher of another person.

"nominated fisher" of a fishing business owner means a person who has been nominated in accordance with Division 4 to take fish for sale in the restricted fishery.

"restricted fishery" means the restricted fishery declared under this Division.

"southern fish trawl fishery" means the fishery described in clause 168.

168 Southern fish trawl fishery is a restricted fishery

(1) For the purposes of section 111 of the Act, the southern fish trawl fishery is declared to be a restricted fishery.

(2) The southern fish trawl fishery is comprised of the use of an otter trawl net (fish) or a danish seine trawl net (fish) to take fish (other than prawns) from ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east of Barrenjoey Headland.

169 Southern fish trawl endorsements

An endorsement in the fishery (referred to as a **"southern fish trawl endorsement"**) authorises the holder to take fish for sale in the restricted fishery.

170 Eligibility for endorsements

(1) A person who, immediately before 1 September 2010, was eligible for a southern zone endorsement in the ocean fish trawl restricted fishery remains eligible for an endorsement in the restricted fishery, subject to this clause.

(2) If a fishing business owner transfers an endorsement that is a component of a fishing business to another person, in accordance with the fishing business transfer rules:

- (a) the fishing business owner, or any nominated fisher of the fishing business owner, ceases to be eligible for that endorsement, and
- (b) the person to whom the endorsement is transferred becomes eligible for an endorsement of the same kind.

(3) A person whose endorsement is cancelled by the Minister under this Division (otherwise than because the person has ceased to be eligible for an endorsement) is taken, on that cancellation, to cease to be eligible for the endorsement.

Historically, eligibility for an endorsement was determined on the basis of catch history in the fishery and other matters.

171 Application for endorsements

(1) The Minister may endorse the commercial fishing licence of a person only if the person satisfies the eligibility requirements for an endorsement.

(2) The Minister may refuse to endorse the commercial fishing licence of a person who is otherwise eligible if:

- (a) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or
- (b) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
- (d) the person or, if the person is a nominated fisher, the entitlement holder who nominated the person has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or
- (e) the person has not paid any fee or contribution due and payable in connection with the endorsement, or
- (f) the person has previously held an endorsement that has been suspended or cancelled by the Minister under clause 173.

172 Duration of endorsements

An endorsement remains in force unless cancelled or suspended.

173 Cancellation and suspension of endorsements

The Minister may cancel or suspend an endorsement if:

- (a) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or
- (b) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
- (d) the endorsement holder or, if the endorsement holder is a nominated fisher, the entitlement holder who nominated the endorsement holder has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or
- (e) the endorsement holder has not paid any fee or contribution due and payable in connection with the endorsement, or
- (f) the endorsement holder ceases to be eligible for an endorsement.

174 Boat capacity restrictions

- (1) For the purposes of section 112 (2) of the Act, it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the restricted fishery if the boat has a length exceeding the maximum boat length specified in Column 1 of the Table to this clause.
- (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 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.

Table Boat capacity restrictions

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

175 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 restricted 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.

176 Waters closed to ocean trawling

For the purposes of section 20 (2) of the Act, it is declared that the waters specified in the Table to this clause are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers by use of an otter trawl net (fish) or a danish seine trawl net (fish) is prohibited.

Table Waters closed to ocean trawling

Port Kembla (Red Point to Windang Island) The whole of the waters west of a line drawn from the easternmost extremity of Red Point south to the easternmost extremity of Windang Island.

Twofold Bay The whole of the waters of Twofold Bay together with its bays and inlets west of a line drawn from Worang Point (North Head) southerly to Red Point (South Head).

Merimbula Bay The whole of the waters of Merimbula Bay together with its bays and inlets west of a line drawn from the eastern extremity of Long Point southerly to the easternmost extremity of Haycock Point.

Division 3 – Inland restricted fishery

177 Definitions

In this Division:

"**carp**" means all species of carp, including goldfish, and any other species of finfish not indigenous to inland waters of New South Wales, such as redfin perch (*Perca fluviatilis*).

"**endorsed licence**" means an endorsed commercial fishing licence.

"**endorsement**" means an endorsement on a commercial fishing licence authorising the holder of the licence to take fish for sale in the restricted fishery.

"**endorsement holder**" means the holder of a commercial fishing licence that has an endorsement.

"**inland fishery**" means the fishery described in clause 178.

"**restricted fishery**" means the restricted fishery declared under this Division.

178 Inland fishery is a restricted fishery

(1) For the purposes of section 111 of the Act, the inland fishery is declared to be a restricted fishery.

(2) The inland fishery comprises the following:

(a) the taking of yabbies for sale from inland waters,

(b) the taking of carp for sale from inland waters.

179 Types of endorsement in restricted fishery

The following classes of endorsement are available in the restricted fishery:

(a) This endorsement authorises the holder to take yabbies and carp for sale from inland waters and is transferable in accordance with clause 189.

(b) This endorsement authorises the holder to take carp for sale from inland waters and is transferable in accordance with clause 189.

(c) This endorsement authorises the holder to take carp for sale from inland waters as specified in the endorsement. This endorsement is not transferable.

180 Eligibility for endorsement

(1) Class A endorsement A person is eligible for a class A endorsement if the Minister is satisfied that, immediately before 1 September 2010, the person held a commercial fishing licence that authorised the person to take fish for sale from inland waters and the licence was unrestricted.

(2) Class B endorsement A person is eligible for a class B endorsement if the Minister is satisfied that the person is eligible for assistance under the scheme known as the Carp Production Incentive Scheme, conducted by the Department, or is a member of a group that is eligible for assistance under that scheme.

(3) Class D endorsement A person is eligible for a class D endorsement if the Minister is satisfied that, immediately before 1 September 2010, the person held a commercial fishing licence or permit that authorised the person to take carp for sale from inland waters.

(4) Persons who surrender their commercial fishing licences not eligible A person is not eligible for an endorsement under this clause if the person enters into an agreement (whether before or after 1 September 2010) to surrender his or her commercial fishing licence to the Director-General.

(5) In this clause, "**unrestricted**", in relation to a commercial fishing licence, means that the conditions of the licence do not prevent the person from taking any particular species of fish or require the person to take fish only while under supervision.

181 Ballot or tender for issue of further endorsements

(1) The Minister may, at any time after considering the status of stock levels in the restricted fishery:

(a) conduct a ballot for the issue of further class A or class B endorsements in the restricted fishery (or both), or

(b) call for public tenders for the issue of further class A or class B endorsements in the restricted fishery (or both).

(2) Notice of the ballot or public tender is to be published in the Gazette.

(3) The conditions of the ballot or public tender are to be determined by the Minister and published in the Gazette notice.

(4) A person is eligible for an endorsement in the restricted fishery if the person is successful in such a ballot or is a successful tenderer.

182 Class D endorsement--special grounds for eligibility

A person is eligible for a class D endorsement if:

(a) the person prepares and submits a business strategy that sets out the carp fishing operations proposed to be undertaken by the person, and

(b) the Director-General is satisfied that:

(i) the person has experience with commercial fishing equipment, and

(ii) the person is able to take carp in commercial quantities, and

(iii) the person has an adequate strategy to minimise the accidental taking of species of fish other than carp, and

(iv) the carp fishing operations proposed to be undertaken by the person are commercially viable and environmentally sustainable, and

(v) the person satisfies the requirements of any licensing guidelines issued by the Director-General from time to time.

183 General restrictions on eligibility

(1) Despite anything to the contrary in this Division, a person is not eligible for, and may not hold:

(a) both a class A and a class B endorsement, or

(b) both a transferable endorsement (that is, a class A or class B endorsement) and a non-transferable endorsement (that is, a class D endorsement).

(2) A person is not eligible for an endorsement unless the person is a natural person. Section 103 (1) of the Act prevents corporations from holding commercial fishing licences.

184 Endorsement

(1) The Minister may endorse the commercial fishing licence of a person only if the person satisfies the eligibility requirements for an endorsement.

(2) The Minister may refuse to endorse the commercial fishing licence of a person who is otherwise eligible if the person:

(a) has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or

(b) has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or

(d) has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or

(e) has not paid any fee or contribution payable in connection with the endorsement, or

(f) has previously held an endorsement that has been suspended or cancelled by the Minister.

185 Endorsement of licence for further period

(1) The holder of a commercial fishing licence that has an endorsement that is in force ("**a current endorsement**") may apply to the Minister for an endorsement for a further period.

(2) The application is to be in a form approved by the Director-General.

(3) The Minister may endorse the applicant's commercial fishing licence for such further period as the Minister determines or refuse the application.

(4) The Minister may refuse an application if:

(a) the applicant has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or

(b) the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) the applicant has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or

(d) the applicant has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or

(e) the applicant has not paid any fee or contribution payable in connection with the endorsement, or

(f) the applicant has previously held an endorsement that has been suspended or cancelled by the Minister, or

(g) in the case of an application relating to a class B endorsement, the applicant has, in the opinion of the Minister:

(i) failed to comply with any agreement relating to the taking of carp that the holder made with the Director-General or with the Department, or

(ii) not attempted to take carp for a period of 12 months, or

(h) in the case of an application relating to a class D endorsement, the applicant has, in the opinion of the Minister, not attempted to take carp for a period of 12 months, or

(i) the applicant is no longer eligible for the endorsement.

(5) If application is duly made for the endorsement of a commercial fishing licence for a further period and the licence is not so endorsed before the expiration of the current endorsement:

- (a) the current endorsement continues in force until the licence is endorsed for a further period or the application is refused, and
- (b) the licence may be endorsed for a further period despite the fact that, but for this subclause, the endorsement would have expired.

186 Endorsement fees

- (1) The fee payable for a Class A, B or D endorsement in the restricted fishery is the amount specified in Schedule 8 for that class of endorsement.
- (2) The fee is payable in respect of each period, or further period, of 12 months in respect of which the endorsement is given.
- (3) If the endorsement is given for a period of less than 12 months, the fee payable is an appropriate proportion of the fee referred to in subclause (1) (that is, the proportion that the period for which the licence is endorsed bears to the period of 12 months).
- (4) The fee is to be paid before the endorsement is given.

187 Duration of endorsement

An endorsement takes effect from the date it is given and remains in force for the period specified in the endorsement, except to the extent that its duration is affected by suspension, or unless it is cancelled.

188 Cancellation and suspension of endorsements

The Minister may cancel or suspend an endorsement if:

- (a) the endorsement holder has been convicted of an offence against the Act or the regulations or an offence relating to commercial fishing operations under a law of the Commonwealth, of another State, a Territory or of New Zealand, or
- (b) the endorsement holder has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) the endorsement holder has been convicted of an offence under the *Marine Parks Act 1997* or the regulations made under that Act, or
- (d) the endorsement holder has, in the opinion of the Minister, contravened a condition of an endorsement or a commercial fishing licence, or
- (e) the endorsement holder has not paid any fee or contribution due and payable in connection with the endorsement, or
- (f) in the case of a class B endorsement, the endorsement holder has, in the opinion of the Minister:
 - (i) failed to comply with any agreement relating to the taking of carp that the holder made with the Director-General or with the Department, or
 - (ii) not attempted to take carp for a period of 12 months, or
- (g) in the case of a class D endorsement, the endorsement holder has, in the opinion of the Minister, not attempted to take carp for a period of 12 months, or
- (h) the endorsement holder ceases to be eligible for an endorsement.

189 Transfer of class A and class B endorsements

- (1) The holder of a commercial fishing licence with a class A or class B endorsement may transfer that endorsement to another person (being a natural person), but only with the approval of the Director-General.
- (2) An application for the Director-General's approval is to be made to the Director-General in a form approved by the Director-General.
- (3) The Director-General may refuse to approve the transfer if:
 - (a) the person to whom the endorsement is to be transferred has been convicted of an offence against the Act or the regulations or an offence relating to commercial

fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or

(b) the person to whom the endorsement is to be transferred has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(c) the person to whom the endorsement is to be transferred already holds a class A or class B endorsement in the restricted fishery, or

(d) the person to whom the endorsement is to be transferred already holds a non-transferable endorsement in the restricted fishery, unless the person agrees to the cancellation of all non-transferable endorsements held by the person, or

(e) the transfer does not comply with any guidelines relating to the transfer of endorsements that are from time to time approved by the Director-General.

(4) If the transfer of an endorsement is approved, the person transferring the endorsement ceases to be eligible for the endorsement and the person to whom the endorsement is transferred becomes eligible for the endorsement.

(5) If the person to whom the endorsement is to be transferred already holds a non-transferable endorsement, the person ceases to be eligible for the non-transferable endorsement.

(6) An endorsement that is suspended or cancelled is not transferable under this clause.

(7) In this clause, non-transferable endorsement means a class D endorsement.

190 Transfer fee

(1) The fee payable for an approval of a transfer of an endorsement is the amount specified in Schedule 8.

(2) The fee is to be paid before the transfer is approved.

191 Endorsement holders must not take or possess native finfish

For the purpose of section 104 (4) (a) of the Act, it is a condition of a commercial fishing licence that is endorsed under this Division that the holder of the endorsed licence does not:

(a) take native finfish for sale, or

(b) have native finfish in his or her possession for sale.

Contravention of a condition of a commercial fishing licence is an offence under section 104 (7) of the Act and attracts a maximum penalty of 100 penalty units. Contravention of a licence condition is also grounds for cancellation or suspension of an endorsement.

Section 105 of the Act provides that the fact that a person holds a commercial fishing licence is evidence that fish taken by the person or in the person's possession were fish taken or in possession for sale.

Division 4 – Nominated fishers

192 Definitions

In this Division:

"fishing business owner" means the owner of a fishing business the components of which include an endorsement in a restricted fishery.

"nominated fisher" means a person who has been duly nominated by a fishing business owner to take fish in a restricted fishery on behalf of the fishing business owner, pursuant to this Division.

193 Nomination of fisher to take fish in restricted fishery

(1) A fishing business owner may nominate another person to take fish on behalf of the fishing business owner in a restricted fishery under an endorsement.

(2) A nominated fisher is eligible for an endorsement in a restricted fishery of the same kind as the endorsement for which the fishing business owner is eligible, or would be

eligible (were it not for a nomination), during the period in which the nomination has effect.

(3) A fishing business owner who nominates another person to take fish on behalf of the fishing business owner under an endorsement ceases to be eligible for that endorsement, during the period in which the nomination has effect.

(4) Despite the nomination, an endorsement remains a component of the fishing business in respect of which the nomination is made, and may be transferred by the fishing business owner in accordance with the fishing business transfer rules.

(5) This Division does not apply in respect of a restricted fishery.

194 Procedure for nomination of fisher

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

(2) The nomination of an eligible fisher does not take effect until:

(a) the nomination is given to the Director-General in the form and manner approved by the Director-General, and

(b) if the fishing business owner has been issued with a fishing business card in respect of the fishing business to which the nomination applies, possession of the fishing business card is given to the nominated fisher.

(3) A nomination has effect for a minimum period of 48 hours, or a lesser period approved by the Director-General.

(4) If a nomination is revoked before the end of the period of 48 hours (or the lesser period approved by the Director-General), a further nomination cannot be made until the end of the relevant period.

195 One nominated fisher per fishing business

(1) An eligible fisher nominated to take fish on behalf of a fishing business owner must be nominated in respect of all endorsements in a restricted fishery that are a component of that fishing business and all shares that are a component of that fishing business.

(2) A fishing business owner may nominate one (and not more than one) eligible fisher to take fish on behalf of the fishing business owner for each fishing business of which he or she is the owner.

(3) A nomination applies in respect of the fishing business indicated by the fishing business owner and operates to authorise an eligible fisher to take fish only in respect of those endorsements (and shares) that are components of the relevant business.

(4) A separate nomination must be made in respect of each separate fishing business.

(5) If a person owns more than one fishing business the components of which include endorsements in a restricted fishery, either the same or a different eligible fisher may be nominated in respect of each separate fishing business, subject to this clause.

196 Revocation of nomination of commercial fisher

(1) A fishing business owner's nomination of a person to take fish on behalf of the fishing business owner may be revoked:

(a) by the fishing business owner, or

(b) by the Director-General, if revocation by the Director-General is authorised by this clause.

(2) A revocation of a nomination by a fishing business owner is to be made in a form and manner approved by the Director-General.

(3) The fishing business owner must inform the nominated fisher of the revocation of the nomination.

(4) The Director-General is authorised to revoke a fishing business owner's nomination of a person to take fish on behalf of the fishing business owner (without the consent of the fishing business owner) if:

(a) the nominated fisher requests the revocation, in a form and manner approved

by the Director-General, or

(b) the Director-General cancels the registration of the person as an eligible fisher in respect of the fishing business owner under this Regulation.

(5) The Director-General revokes a nomination by giving the fishing business owner notice in writing of the revocation.

(6) The Director-General must, by notice in writing, inform the person whose nomination has been revoked of that revocation.

(7) A nomination of a fisher ceases to have effect when revoked under this clause.

Division 5 – Miscellaneous

197 Cancellation of endorsement with consent of licence holder

The Minister may, with the consent of the holder of a commercial fishing licence, cancel any endorsement on that licence that authorises the holder to take fish for sale in a restricted fishery.

198 Endorsements do not authorise unlawful use of fishing gear

An endorsement on a commercial fishing licence that authorises the holder of the licence to take fish for sale, or to assist in taking fish for sale, in a restricted fishery using a net, trap or other fishing gear is subject to Part 3. That is, the endorsement does not authorise the use of a net, trap or other fishing gear contrary to that Part.

Part 10 – Registration of persons eligible to be nominated fishers

199 Application to register eligible fishers

(1) The owner of a fishing business may apply to the Director-General to register a person specified in the application as an eligible fisher in respect of the fishing business. Only persons registered as eligible fishers may be nominated to take fish on behalf of a person in respect of a fishing business.

(2) An application under this clause:

(a) is to be in a form approved by the Director-General, and

(b) is to be accompanied by evidence that the person to be registered as an eligible fisher consents to the registration.

(3) A person may be registered as an eligible fisher only if the person holds a current Class 1 commercial fishing licence.

(4) A fee may be charged by the Director-General in respect of an application under this clause.

200 Registration of eligible fisher

(1) If an application for a person to be registered as an eligible fisher is duly made, the Director-General must accept the application or refuse the application.

(2) The Director-General may refuse the application if:

(a) the person proposed to be registered does not hold a current Class 1 commercial fishing licence, or

(b) the owner of the fishing business has not paid any fee or contribution due and payable under the Act or the regulations, or

(c) in the case of an application relating to a fishing business the components of which include shares in a share management fishery, the person proposed to be registered is not entitled to be registered as an eligible fisher under the share management plan for the fishery, or

(d) there are grounds for suspending or cancelling the commercial fishing licence of the person proposed to be registered, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled).

(3) If the Director-General accepts the application for a person to be registered as an eligible fisher in relation to a fishing business, the Director-General is to register the

name of the person as an eligible fisher in respect of the fishing business.

(4) Registration remains in force until it is cancelled by the Director-General.

201 Cancellation of registration of person as eligible fisher

The Director-General may cancel the registration of a person as an eligible fisher in respect of a fishing business, by notice in writing to the owner of the fishing business, if:

- (a) the owner of the fishing business requests it by notice in writing to the Director-General in a form approved by the Director-General, or
- (b) the eligible fisher requests it, or
- (c) the eligible fisher ceases to be the holder of a current Class 1 commercial fishing licence, or
- (d) there are grounds for suspending or cancelling the commercial fishing licence of the eligible fisher, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled), or
- (e) the owner of the fishing business transfers the fishing business or any component of the fishing business to another person, or
- (f) in the case of a person registered as an eligible fisher in respect of a fishing business the components of which include shares in a share management fishery, the person ceases to be entitled to be registered as an eligible fisher under the share management plan for the fishery.

Part 11 – Fishing business cards

202 Definitions

In this Part:

"fishing business card" means an endorsement issued in the form of a document that is separate from the commercial fishing licence of a person, under an arrangement referred to in section 68 (8C), 70 (6) or 112 (5) of the Act, and identified as a fishing business card.

"fishing business owner" means the owner of a fishing business the components of which include an endorsement in a restricted fishery or shares in a share management fishery.

"nominated fisher" means a person who has been duly nominated by the fishing business owner to take fish in a fishery on behalf of the fishing business owner pursuant to this Regulation or a share management plan.

203 Possession of fishing business card

- (1) This clause applies if a fishing business owner is issued with a fishing business card.
- (2) A fishing business owner must not cause or allow physical possession of his or her fishing business card to be given to a person unless the person is the nominated fisher of the fishing business owner. Maximum penalty: 100 penalty units.

204 Return of fishing business card to Minister

- (1) The Minister may at any time require a fishing business owner, by notice in writing to the fishing business owner, to return a fishing business card to the Minister within the period specified in the notice.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement made under this clause. Maximum penalty: 100 penalty units.
- (3) This clause does not of itself authorise the Minister to cancel an endorsement.

Other provisions of this Regulation and the share management plans set out the circumstances in which the Minister is authorised to cancel an endorsement. The Minister might require a fishing business card to be returned under this clause because an endorsement has been or is to be cancelled under those provisions. However, the Minister might also require a fishing business card to be returned merely to allow annotations on the card to be changed.

205 Return of fishing business card to fishing business owner

(1) If the nomination of a person as a nominated fisher is revoked, that person must immediately return the fishing business card of the fishing business to which the revoked nomination relates to the fishing business owner or such other person as the fishing business owner directs.

(2) A fishing business owner may at any time require a nominated fisher to return a fishing business card of the fishing business to the fishing business owner within a specified time.

(3) A person must not, without reasonable excuse, fail to comply with a requirement under this clause. Maximum penalty: 100 penalty units.

Part 12 – Fish receivers and fish records

Division 1 – Fish receivers

206 Definition

In this Division:

"**registration**" means registration as a fish receiver under Division 4 of Part 4 of the Act.

207 Registration not required in certain cases

For the purposes of section 117 (2) (e) of the Act, a person is not required to be registered:

(a) in respect of fish received from a registered fish receiver, or

(b) in respect of fish taken in the inland restricted fishery by the holder of an endorsement for that fishery, or

(c) in respect of oysters received for resale or other commercial use.

208 Classes of registered fish receiver

For the purposes of section 118 (4) of the Act, the following classes of registered fish receiver are prescribed:

(a) Class A registered fish receivers--being registered fish receivers who are commercial fishers and whose registration as a fish receiver is subject to a condition that the receiver must not receive fish for resale or other commercial use from any other commercial fisher,

(b) Class B registered fish receivers--being all other registered fish receivers.

209 Applications for registration as fish receiver

(1) An application for registration as a fish receiver must identify each of the premises at which the fish receiver proposes to receive fish.

(2) For the purpose of section 118 (2) of the Act, the prescribed fee in respect of an application for registration as a Class A or Class B Registered Fish Receiver is the amount specified in Schedule 8 for that class.

210 Grounds for refusing application for registration

For the purposes of section 118 (3) of the Act, the Minister is authorised to refuse an application for registration as a fish receiver if:

(a) the applicant has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or

(b) the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat, or

(c) the applicant has not paid any fee due and payable in connection with registration as a fish receiver or the application is not otherwise made in accordance with clause 209, or

- (d) the Minister is not satisfied that the applicant has any necessary development consent required by the *Environmental Planning and Assessment Act 1979* to receive fish for resale or other commercial use on the applicant's premises, or
- (e) the Minister is not satisfied that the applicant has the capacity to meet the requirements of the *Food Act 2003* and the regulations made under that Act or a food safety scheme relating to fish that has been prescribed by regulations under that Act.

211 Registration limited to specified premises

- (1) Each of the premises identified in the application for registration as a fish receiver is to be specified in the certificate of registration issued under section 118 (5) of the Act.
- (2) For the purposes of section 117 of the Act, registration as a fish receiver has effect only in relation to the premises so specified.
- (3) It is a condition of registration as a fish receiver that a fish receiver receives fish only at the premises so specified.

212 Renewal of registration

- (1) A registered fish receiver may apply in writing to the Minister for renewal of his or her registration.
- (2) The Minister may refuse to renew the registration if:
 - (a) the Minister receives the application after the expiration of the period in which the fish receiver's current certificate of registration remains in force, or
 - (b) the Minister is satisfied the fish receiver has contravened a condition of his or her registration, or
 - (c) the fish receiver has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or
 - (d) the fish receiver has been convicted of an offence relating to the theft of fish, fishing gear or a boat, or
 - (e) the fish receiver has not paid any fee due and payable in connection with registration as a fish receiver, or
 - (f) the Minister is not satisfied that the fish receiver has any necessary development consent required by the *Environmental Planning and Assessment Act 1979* to receive fish for resale or other commercial use on the applicant's premises, or
 - (g) the Minister is not satisfied that the fish receiver has the capacity to meet the requirements of the *Food Act 2003* and the regulations made under that Act or a food safety scheme relating to fish that has been prescribed by regulations under that Act.

213 Cancellation and suspension of registration

The Minister may cancel or suspend the registration of a fish receiver if:

- (a) the Minister is satisfied that the fish receiver has contravened a condition of his or her registration, or
- (b) the fish receiver has been convicted of an offence under the Act or the regulations or an offence relating to commercial fishing operations under the law of the Commonwealth, another State, a Territory or New Zealand, or
- (c) the fish receiver has been convicted of an offence relating to the theft of fish, fishing gear or a boat, or
- (d) the Minister is satisfied that the fish receiver does not have any necessary development consent required by the *Environmental Planning and Assessment Act 1979* to receive fish for resale or other commercial use on the applicant's premises, or
- (e) the Minister is satisfied that the fish receiver does not have the capacity to meet the requirements of the *Food Act 2003* and the regulations made under that Act or a food safety scheme relating to fish that has been prescribed by regulations under that Act.

214 Fish consignments by registered fish receivers to be labelled

For the purposes of section 118 (5) (a) of the Act, it is a condition of the registration of a fish receiver that the registered fish receiver must not receive fish in a container or consign fish in a container for sale unless the container is labelled in a manner approved by the Director-General.

See also clause 76 for specific requirements relating to abalone.

Division 2 – Fish records

215 Definitions

In this Division:

"prescribed activity record" means a record that includes any of the following information:

- (a) particulars of all fishing activities engaged in by a commercial fisher or nominated fisher (including those where no fish were taken),
- (b) particulars of all fish taken during those fishing activities,
- (c) particulars of all fish disposed of during or after those fishing activities,
- (d) particulars of the location in which all fish taken during those fishing activities were carried out,
- (e) particulars of the endorsement on a commercial fishing licence that authorised those fishing activities,
- (f) particulars of the fishing gear used in connection with those fishing activities, including any fishing gear lost or found during those activities,
- (g) particulars of the boats used in connection with those fishing activities,
- (h) particulars of all individuals who engaged in or assisted with those fishing activities,
- (i) the fishing business number allocated to the fishing business under which those fishing activities were authorised to be undertaken,
- (j) particulars of all sightings of or any other interaction with any threatened species or protected species,
- (k) any period in which the commercial fisher or nominated fisher did not engage in fishing activities that he or she is authorised to engage in by his or her commercial fishing licence.

"standard name" in relation to a fish species means the name of the species:

- (a) as defined in the Australian Standard Fish Names List in Annex A to the Australian Standard entitled *AS SSA 5300--2009, Australian Fish Names Standard*, or
- (b) if the species is not defined in that list, as defined by the Director-General.

216 Records to be made by commercial fishers

- (1) For the purposes of section 121 of the Act, a commercial fisher is required to make the prescribed activity record of fishing activities engaged in by the commercial fisher for commercial purposes, for each relevant period that the commercial fisher engages in fishing activities.
- (2) For the purposes of this clause, a **"relevant period"** means a month, or in the case of the sea urchin and turban shell restricted fishery or the abalone fishery, a day.
- (3) The commercial fisher must make a separate record in respect of each fishing business that relates to the fishing activities engaged in by the commercial fisher for commercial purposes.
- (4) The commercial fisher must ensure that a copy of the record is sent to the Director-General within 28 days after the end of the relevant period to which the record relates (or in the case of the sea urchin and turban shell restricted fishery or the abalone fishery, within 24 hours of the end of the relevant period to which the record relates).
- (5) A commercial fisher who engages in fishing activities in any of the following

fisheries, on behalf of a fishing employer (within the meaning of section 122 of the Act), is not required to make a record under this clause in respect of those activities:

- (a) a share management fishery (other than the abalone or lobster fishery),
- (b) a restricted fishery (other than the sea urchin and turban shell restricted fishery).

However, section 122 (5) of the Act requires the commercial fisher to provide the fishing employer with such information concerning those activities as the fishing employer may reasonably require to comply with section 122 of the Act.

(6) This clause does not apply in respect of fishing activities in a share management fishery if the share management plan for the fishery makes alternative arrangements for the records to be made in respect of those activities under section 121 of the Act.

217 Records to be made by fishing employers

(1) For the purposes of section 122 of the Act, a fishing employer is required to make the prescribed activity record of fishing activities engaged in by all nominated fishers on behalf of the fishing employer, for each period of a month that the nominated fishers engage in fishing activities.

(2) The fishing employer must make a separate record in respect of each fishing business that relates to the fishing activities engaged in by all nominated fishers on behalf of the fishing employer for commercial purposes.

(3) The records required to be made by a fishing employer under this clause in respect of fishing activities engaged in by a nominated fisher may be made by that nominated fisher on behalf of the fishing employer.

(4) The fishing employer must ensure that a copy of the record is sent to the Director-General within 28 days after the end of the monthly period to which the record relates.

(5) A fishing employer is not required to make a record under this clause in respect of activities engaged in by a nominated fisher in any of the following fisheries:

- (a) the abalone or lobster fishery,
- (b) the sea urchin and turban shell restricted fishery.

(6) This clause does not apply in respect of fishing activities in a share management fishery if the share management plan for the fishery makes alternative arrangements for the records to be made by fishing employers in respect of those activities under section 122 of the Act.

218 Records of sale and possession of fish--commercial quantity

For the purposes of the definition of "**commercial quantity**" of fish in section 123A (7) of the Act, the prescribed quantity of fish is the following:

- (a) in respect of abalone--2 abalone or, if the number of whole abalone cannot be determined, 100 grams,
- (b) in respect of eastern rocklobster (*Jasus verreauxi*) --2 lobsters or, if the number of whole lobsters cannot be determined, 1 kg,
- (c) in respect of crustaceans (other than eastern rocklobster)--1 kg,
- (d) in respect of finfish--3 kg whole weight or 1.5 kg fillet weight,
- (e) in respect of beachworms--20 worms or parts of worms,
- (f) in respect of saltwater nippers (genus *Callianassa* and *Alpheus* spp.)--100 saltwater nippers,
- (g) in any other case--1 kg.

219 Information to be included in records of sale and possession of fish

(1) For the purposes of section 123 (1), a record concerning the sale of fish must:

- (a) in the case of the sale of fish by a commercial fisher directly to a person for consumption and not for resale--be in a form approved by the Director-General that includes the following information:

- (i) the date of the sale,

- (ii) the quantity of fish sold,
 - (iii) a description of the fish sold, including a description of the manner in which the fish have been processed,
 - (iv) the total price paid,
 - (v) the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish,
- or

(b) in any other case--include the following information:

- (i) the standard name and weight of each species of fish sold,
- (ii) a description of the manner in which the fish have been processed,
- (iii) the date of the sale,
- (iv) the full name and address of the seller,
- (v) the full name and address of the purchaser,
- (vi) the full name, address and signature of the person completing the record,
- (vii) the price per kilogram, price per packet or price per unit of each species of fish sold,
- (viii) the total sales value of each species of fish sold,
- (ix) in respect of each sale, a unique identifying number allocated to the sale for the purposes of the record, being a number that is one of a sequence of unique identifying numbers where each subsequent sale is allocated the next number in the sequence,
- (x) if the fish were taken by a commercial fisher, the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish.

(2) For the purposes of sections 123 (2) and 123A (1) of the Act, a record concerning the acquisition or possession of fish must include the following information:

- (a) the standard name and weight of each species of fish acquired or in possession,
- (b) the date when the fish were purchased or otherwise acquired,
- (c) the full name and address of the person who purchased or otherwise acquired the fish,
- (d) the full name and address of the person from whom the fish were purchased or, if not purchased, details of how the fish were acquired,
- (e) the full name, address and signature of the person completing the record,
- (f) the price per kilogram, price per packet or price per unit of each species of fish purchased or otherwise acquired,
- (g) the total value of each species of fish purchased or otherwise acquired,
- (h) in respect of each purchase or acquisition, a unique identifying number allocated to the sale or acquisition for the purposes of the record, being a number that is one of a sequence of unique identifying numbers where each subsequent purchase or acquisition is allocated the next number in the sequence,
- (i) if the fish were taken by a commercial fisher, the number allocated by the Director-General under the Act to the fishing business in relation to which the commercial fisher took the fish.

220 Records and reports by registered fish receivers

(1) For the purposes of section 119 (2) of the Act, a registered fish receiver must keep records that include the following information:

- (a) the standard name and weight of each species of fish received for resale or other commercial use by the receiver,
- (b) the date of receipt,
- (c) the full name and address of the person from whom the fish were received,

- (d) if the fish were received from a commercial fisher who took the fish under a fishing authority that is a component of, or under a permit issued in relation to, a fishing business, the number allocated to the fishing business by the Director-General under the Act,
 - (e) the price paid by the receiver per kilogram, price per packet or price per unit of each species of fish received,
 - (f) the total purchase value of each species of fish received.
- (2) A registered fish receiver must prepare and send to the Director-General within 28 days after the end of each quarter (or such other reasonable period as the Director-General may specify by notice published in the Gazette), a report for the period concerned containing the following information:
- (a) the full name of the receiver or the receiver's registration number (if applicable),
 - (b) the period and year to which the report relates,
 - (c) the standard name and weight of each species of fish received for resale or other commercial use by the receiver during the period to which the report relates and the name of the person from whom the fish was received,
 - (d) if the fish were received from a commercial fisher who took the fish under a fishing authority that is a component of, or under a permit issued in relation to, a fishing business, the number allocated to the fishing business by the Director-General under the Act,
 - (e) such information as the Director-General may require of the receiver in relation to the quantity and species of fish that are held in stock by the receiver at the end of the period to which the report relates.

Part 13 – Charter fishing management

Division 1 – Preliminary

221 Object

The object of this Part is to provide for the regulation and management of guided recreational charter fishing in the marine and estuarine charter fishing sector.

222 Definitions

(1) In this Part: "**Advisory Committee**" means the Marine and Estuarine Recreational Charter Management Advisory Committee established under this Part. "**appointed member**" of the Advisory Committee means a member of the Advisory Committee appointed by the Minister. "**carrying capacity**" of a boat means the number of crew and passengers that may be carried on the boat in accordance with the certificate of survey for the boat. "**certificate of survey**" of a boat means the certificate of survey issued by or in accordance with the requirements of the Waterways Authority or another relevant authority approved by the Director-General. "**deep sea bottom fishing**" means any recreational fishing activity that involves taking fish in ocean waters, being fish of a species listed in Part 1 of the Table. "**estuarine fishing**" means any recreational fishing activity that involves taking fish from estuarine waters, being fish of a species listed in Part 3 or 4 of the Table. "**gamefishing**" means any recreational fishing activity that involves taking fish in ocean waters, being fish of a species listed in Part 2 or 3 of the Table. "**guided recreational charter fishing**" --see clause 223. "**industry member**" of the Advisory Committee means a member of the Advisory Committee who is elected by licence holders. "**licence**" means a charter fishing boat licence. "**marine and estuarine charter fishing sector**" --see clause 224. "**nearshore bottom fishing and sportfishing**" means any recreational fishing activity that involves taking fish in ocean waters, being fish of a species listed in Part 3 or 4 of the Table. "**non-industry member**" of the Advisory Committee means an appointed member of the Advisory Committee, other than

an industry member. **"Table"** means the table to clause 236.

(2) A reference in this Part to an activity that involves the taking of fish includes an activity that involves taking and later releasing fish.

223 Guided recreational charter fishing--meaning

In this Part, **"guided recreational charter fishing"** means the use of a boat as a charter fishing boat under an arrangement where a person is provided, for payment or other consideration, to operate the charter fishing boat or to guide or instruct the persons using the boat in fishing operations.

224 Marine and estuarine charter fishing sector--meaning

In this Part, the **"marine and estuarine charter fishing sector"** means that part of the charter fishing boat industry in which charter fishing boats are used for the purpose of any of the following recreational fishing activities:

- (a) estuarine fishing,
- (b) nearshore bottom fishing and sportfishing,
- (c) gamefishing,
- (d) deep sea bottom fishing.

Division 2 – Licences

225 Which boats must be licensed?

(1) For the purposes of section 127B of the Act, it is declared that a charter fishing boat is required to be licensed under Part 4A of the Act if it is used for any guided recreational charter fishing that involves:

- (a) estuarine fishing, or
- (b) nearshore bottom fishing and sportfishing, or
- (c) gamefishing, or
- (d) deep sea bottom fishing.

(2) However, a charter fishing boat operated by a commercial organisation (within the meaning of section 127A of the Act), that would otherwise be required to be licensed under this clause, is not required to be licensed if the charter fishing boat is operated under an arrangement where a person is provided, for payment or other consideration, for the purposes of operating the boat only and not for the purposes of guiding or instructing the persons using the boat in fishing operations.

Under Division 5, charter fishing boats used by Lord Howe Island residents in waters around Lord Howe Island are exempt from the requirement to be licensed.

226 Annual licence fee

(1) The fee for the issue or renewal of a licence for each year or part of a year for which the licence is issued or renewed is the amount specified in Schedule 8 plus the amount specified in Schedule 8 for each authorised activity specified on the licence.

(2) In this clause, **"authorised activity"** means a recreational fishing activity authorised by the Minister as referred to in clause 236.

227 Classes of licence

There are two classes of licence, as follows:

- (a) transferable,
- (b) non-transferable.

228 Eligibility for licences

(1) A person who, immediately before 1 September 2010, was eligible for a transferable licence remains eligible for that licence, subject to this Part.

(2) A person who, immediately before 1 September 2010, was eligible for a non-transferable licence remains eligible for that licence, subject to this Part.

(3) If the right to a transferable licence is transferred in accordance with the approval of the Minister:

- (a) the transferor ceases to be eligible for a transferable licence, and
- (b) the transferee becomes eligible for a transferable licence.

229 Transfer of right to transferable licence

(1) The right to a transferable licence may be transferred in accordance with this clause.

(2) An application for the Minister's approval is to be in an approved form and accompanied by the fee specified in Schedule 8.

(3) The Minister may approve the transfer, or may refuse to approve the transfer, of a right to a licence to a person.

(4) The Minister may refuse to approve the transfer on any of the grounds on which the Minister could refuse to approve an application for a licence by the person.

(5) If the transfer is approved, the transferee may apply for, and is to be issued with a transferable licence.

230 Conversion of non-transferable licence into transferable licence (estuarine fishing only)

(1) A person who holds a non-transferable licence for a boat that authorises the use of the boat for guided recreational charter fishing in the estuarine fishing sector may apply to the Minister to have that licence converted into a transferable licence.

(2) The Minister may approve the conversion of the relevant licence into a transferable licence if the Minister is satisfied that:

(a) the person was actively engaged in guided recreational charter fishing in the estuarine fishing sector before 3 December 2005, and

(b) the person held a licence that authorised the use of the boat for guided recreational charter fishing in the estuarine fishing sector on 3 December 2005, and

(c) the person has held that licence continuously since 3 December 2005, and

(d) the licence does not authorise, and has not authorised at any time since 3 December 2005, the use of the boat for any of the following recreational fishing activities:

(i) nearshore bottom fishing and sportfishing,

(ii) gamefishing,

(iii) deep sea bottom fishing.

(3) An application for the Minister's approval is to be in an approved form.

(4) If the Minister approves the conversion of a licence under this clause, it is taken to be a transferable licence.

(5) In this clause, "**estuarine fishing sector**" means that part of the charter fishing boat industry in which charter fishing boats are used for the purpose of recreational estuarine fishing.

231 Boat replacement

(1) A person who holds a transferable or a non-transferable licence in respect of a licensed charter fishing boat may replace the boat if:

(a) the replacement is approved by the Minister, and

(b) the application for the Minister's approval is accompanied by the fee specified in Schedule 8.

(2) Nothing in this clause permits a person who holds a non-transferable licence to transfer that licence to another person.

232 Refusal of licence

The Minister is authorised to refuse an application for a licence for a boat if:

(a) the Minister is not satisfied that the applicant is eligible to be issued with the licence, or the class of licence applied for, in respect of the boat, or

(b) the applicant has been convicted of an offence under the Act or the regulations or an

- offence relating to commercial or recreational fishing under a law of the Commonwealth or of another State or a Territory or of New Zealand, or
- (c) the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
 - (d) the applicant has been convicted of an offence relating to an assault on a fisheries official, or
 - (e) the applicant has not paid any fee due and payable in connection with the licence, or
 - (f) the applicant has previously held a licence that has been suspended or cancelled by the Minister.

233 Renewal of licence

- (1) An application for renewal of a licence is to be made in a form approved by the Minister.
- (2) The Minister is authorised to refuse to renew a licence if:
 - (a) the holder of the licence is not eligible for the licence, or
 - (b) the holder of the licence has been convicted of an offence under the Act or the regulations or an offence relating to commercial or recreational fishing under a law of the Commonwealth or of another State or a Territory or of New Zealand, or
 - (c) the holder of the licence has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
 - (d) the holder of the licence has been convicted of an offence relating to an assault on a fisheries official, or
 - (e) the Minister is satisfied that the holder of the licence has contravened a condition of the licence, or
 - (f) the holder of the licence has not paid any fee due and payable in connection with the licence.
- (3) If an application is duly made for renewal of a licence and is received by the Minister before the expiration of the period in which it remains in force, and the licence is not renewed before the expiration of that period, the licence:
 - (a) is taken to continue to be in force until the licence is renewed or the application for renewal is refused, whichever happens first, and
 - (b) may be renewed despite the fact that, but for this subclause, the licence would have expired.
- (4) If an application for renewal of a licence is not received by the Minister before the expiration of the period in which it remains in force, the licence:
 - (a) is taken to continue to be in force for 30 days after the date the licence would have expired (but for this subclause), or until the licence is renewed or the application for renewal is refused, whichever happens first, and
 - (b) may be renewed despite the fact that, but for this subclause, the licence would have expired.
- (5) If an application for renewal of a licence is received by the Minister more than 30 days after the date the licence would have expired (but for subclause (4)), the additional licence fee specified in Schedule 8 is payable.
- (6) If an application for renewal of a licence is received by the Minister more than 90 days after the date the licence would have expired (but for subclause (4)), the Minister may refuse to renew the licence.

234 Cancellation and suspension of licence

- (1) The Minister may cancel or suspend a licence if:
 - (a) the holder of the licence ceases to be eligible for the licence, or
 - (b) the holder of the licence is convicted of an offence under the Act or the regulations or an offence relating to commercial or recreational fishing under a law of the Commonwealth or of another State or a Territory or of New Zealand,

or

(c) the holder of the licence is convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or

(d) the holder of the licence is convicted of an offence relating to an assault on a fisheries official, or

(e) the Minister is satisfied that the holder of the licence has contravened a condition of the licence, or

(f) the holder of the licence fails to pay any fee due and payable in connection with the licence, or

(g) the boat is lost at sea or disposed of by the holder of the licence.

(2) In addition, in the case of a non-transferable licence, the Minister may cancel or suspend the licence if:

(a) the licence is held by, or the boat is owned by, one or more natural persons and:

(i) one or more of those persons has become bankrupt, or

(ii) a person has acquired or disposed of a beneficial interest in the boat, or

(b) the licence is held or otherwise under the control of a corporation, or the boat is owned by a corporation, and:

(i) a person has acquired or disposed of a controlling interest in the corporation, or

(ii) the corporation has become the subject of a winding up order or a controller or administrator has been appointed for the corporation.

235 Voluntary suspension of licence

(1) The Minister may, from time to time, on the application of a licence holder, suspend the licence by placing the licence in abeyance for such period, not exceeding two years, as the Minister may specify.

(2) Such an application may be granted in any case where the Minister is satisfied that there is sufficient reason for the suspension (for example, because the boat has been disposed of or lost at sea or because the licence holder has temporarily ceased trading).

(3) The Minister may, on written application by the licence holder, extend a period of suspension under this clause if satisfied that there is sufficient reason for the extension.

(4) The total period for which a licence is suspended under this clause must not exceed 3 years.

(5) The annual licence fee payable in respect of a licence continues to be payable in respect of any year or part of a year for which a licence is suspended under this clause.

(6) The Minister may cancel a licence suspended under this clause if:

(a) any fee payable in connection with the licence is not paid by the end of the suspension period or such further period as the Minister may allow, or

(b) the holder of the licence fails, without lawful excuse, to comply with any request for information in connection with the suspension that is made by the Minister by notice in writing to the holder.

(7) A notice referred to in subclause (6) (b) must specify a period of not less than 14 days in which the request for information must be complied with.

(8) Nothing in this clause limits the powers of the Minister to cancel or suspend a licence under another provision of this Part.

(9) The Minister is to refuse an application for suspension under this clause (not being an application for an extension of a suspension) if the licence has previously been suspended on the application of the holder and the period of suspension ended less than 3 years before the application is made.

(10) Subclause (9) does not apply if the Minister is satisfied that, in the circumstances of the case, the suspension should be granted because the boat to which the licence applies has been lost at sea or damaged beyond repair.

236 Conditions of licence--authorised activities

(1) The Minister may, by means of an endorsement on a licence for a boat, authorise the use of the boat for guided recreational charter fishing that involves one or more of the following recreational fishing activities (as indicated by the endorsement):

- (a) estuarine fishing,
- (b) nearshore bottom fishing and sportfishing,
- (c) gamefishing,
- (d) deep sea bottom fishing.

(2) It is a condition of a licence for a boat that the boat, while being used for any activity for which it is required to be licensed under this Part, is not used for any of the recreational fishing activities referred to in subclause (1) unless the licence authorises the use of the boat for that activity.

(3) The Minister may refuse to authorise the use of a boat for a recreational fishing activity if the Minister is not satisfied that the certificate of survey for the boat relied on by the licence holder to satisfy the eligibility criteria for the licence was, at all times during the periods relevant for the purposes of determining eligibility for a licence, consistent with that type of activity.

(4) Despite subclause (2):

- (a) if a licence authorises the use of a boat for gamefishing, the taking of one fish of a species listed in Part 1 or Part 4 of the Table to this clause for each person who is on the boat, is permitted, and
- (b) if a licence authorises the use of a boat for nearshore bottom fishing and sportfishing, the taking of one fish of a species listed in Part 1 or Part 2 of the Table, for each person who is on the boat, is permitted, and
- (c) if a licence authorises the use of a boat for estuarine fishing, the taking of one fish of a species listed in Part 1 or Part 2 of the Table, for each person who is on the boat, is permitted.

(5) This clause:

- (a) does not affect the application of any bag limits or possession limits in force under section 17 or 18 of the Act, and
- (b) does not authorise the use of a boat to take any protected fish.

Table Fish species

Part 1

Common name	Scientific name
Hapuku, Hapuka	<i>Polyprion oxygeneios</i>
Bass Groper, Bass Grouper	<i>Polyprion americanus</i>
Blue-eye Trevalla, Trevalla	<i>Hyperoglyphe antarctica</i>
Banded Rockcod	<i>Epinephelus ergastularius</i>
Gemfish	<i>Rexea solandri</i>

Part 2

Common name	Scientific name
Sailfish	<i>Istiophorus platypterus</i>
Black Marlin	<i>Makaira indica</i>
Blue Marlin	<i>Makaira nigricans</i>
Striped Marlin	<i>Tetrapturus audax</i>
Shortbill Spearfish	<i>Tetrapturus angustirostris</i>

Swordfish, Broadbill Swordfish	Xiphias gladius
Shortfin Mako	Isurus oxyrinchus
Tiger Shark	Galeocerdo cuvier
Hammerhead Shark	Sphyrna spp.
Thresher Shark	Alopias spp.
Porbeagle	Lamna nasus
Albacore, Albacore Tuna	Thunnus alalunga
Yellowfin Tuna	Thunnus albacares
Southern Bluefin Tuna	Thunnus maccoyii
Longtail Tuna	Thunnus tonggol
Bigeye Tuna	Thunnus obesus

Part 3

Common name	Scientific name
Yellowtail, Jack Mackerel, Trevally, Rainbow Runner, Kingfish, Samsonfish, Amberjack	Family Carangidae
Mackerel, Wahoo, Bonito, Skipjack Tuna, Mackerel Tuna	Family Scombridae (excluding Thunnus spp.)
Cobia	Rachycentron canadum
Tailor	Pomatomus saltatrix
Mahi Mahi, Dolphinfish	Coryphaena hippurus
Eastern Australian Salmon, Australian Salmon	Arripis trutta
Whaler Shark, Blue Shark	Family Carcharhinidae (excluding Galeocerdo cuvier)
Barracuda, Snook, Striped Seapike	Family Sphyraenidae

Part 4

All species of fish other than those listed in Parts 1, 2 and 3.
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237 Other conditions of licences

- (1) It is a condition of a licence for a charter fishing boat that any fish taken while the boat is used for any activity for which it is required to be licensed under this Part, and that are retained, have their right side pectoral fin removed, just above the fin base, before being removed from the boat.
- (2) However, the removal of the right side pectoral fin may be delayed until immediately after weigh-in if the fish is to be weighed:
 - (a) for the purpose of claiming a record, or
 - (b) in accordance with the rules of a fishing tournament in connection with which the fish has been caught.
- (3) Subclause (1) applies to the following species of fish only:
 - (a) Thunnus albacares (yellowfin tuna),
 - (b) Thunnus maccoyii (southern bluefin tuna),
 - (c) Seriola lalandi (yellowtail kingfish),
 - (d) Pagrus auratus (snapper),
 - (e) Makaira indica (black marlin),
 - (f) Makaira nigricans (blue marlin),
 - (g) Tetrapturus audax (striped marlin).
- (4) It is a condition of a licence for a charter fishing boat that the boat displays the letters "CFB" adjacent to, and in the same size and colour of lettering as, the permit number for

the boat wherever appearing on the outside of the hull.

(5) It is a condition of a licence for a charter fishing boat that the number of persons permitted to fish from the boat at any one time does not exceed the maximum carrying capacity for the charter fishing boat.

(6) The maximum carrying capacity for a charter fishing boat is the carrying capacity of the boat relied on to establish eligibility for a licence as at 4 August 1999 or 4 people, whichever is the higher.

238 Records of catch

(1) The master of a charter fishing boat must make a record of fish taken by persons on the boat when used for guided recreational charter fishing. It is an offence to contravene the requirements set out in this clause (see section 127E of the Act).

(2) A record is to be made in relation to each trip that is made by the boat, being a trip during which the boat was used for any activity for which it is required to be licensed.

(3) A record is to be made in a form or forms approved by the Minister and provided to licence holders by the Department.

(4) A copy of the record is to be sent to the Director-General within 7 days after the end of the calendar month in which the trip to which the record relates was made.

Division 3 – Advisory Committee

239 Advisory Committee

(1) The Minister may establish an advisory committee for the charter fishing industry, to be known as the Marine and Estuarine Recreational Charter Management Advisory Committee.

(2) The Advisory Committee is to be composed of the following members:

(a) 8 industry members, being persons who are elected by licence holders in accordance with Division 4 of this Part and appointed by the Minister,

(b) one person appointed by the Minister on the nomination of the Nature Conservation Council,

(c) other persons selected and appointed by the Minister,

(d) the Director-General or a nominee of the Director-General.

(3) Of the members referred to in subclause (2) (c):

(a) one is to be a person who, in the opinion of the Minister, has expertise in commercial fishing, and

(b) one is to be a person who, in the opinion of the Minister, has expertise in Aboriginal culture, and

(c) one is to be a person who, in the opinion of the Minister, has expertise in recreational fishing.

(4) Subclause (3) does not prevent the Minister from selecting and appointing additional persons as members of the Advisory Committee.

(5) The Minister may, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Advisory Committee.

(6) For the purpose of subclause (2) (b), the Minister is to request the Nature Conservation Council to nominate 2 candidates for appointment to the Advisory Committee.

(7) The Minister may decline to accept the nomination of any candidate. In such a case the Minister:

(a) is to advise the Nature Conservation Council of that decision and of the reason for that decision, and

(b) if the Minister considers it appropriate, is to give the Nature Conservation Council an opportunity to nominate another candidate.

(8) If the Nature Conservation Council fails to nominate a candidate within 60 days after being requested to do so by the Minister, or fails to nominate within that period a candidate whose nomination is accepted by the Minister, the Minister may appoint any

person whom the Minister considers suitable to represent the interests of the Council as a member of the Advisory Committee, instead of a person nominated by the Council.

240 Chairperson and deputy chairperson of Advisory Committee

- (1) The Minister is to appoint the chairperson of the Advisory Committee.
- (2) The chairperson is to be a person who:
 - (a) in the opinion of the Minister, is neither engaged in the administration of the Act nor engaged in charter fishing, and
 - (b) is not a member of the Advisory Committee.
- (3) The Minister may appoint a deputy chairperson for the Advisory Committee. The appointee may be a member of the Advisory Committee.
- (4) Both the chairperson and the deputy chairperson (if any) are entitled to attend and (in accordance with this clause) chair meetings of the Advisory Committee.
- (5) A meeting of the Advisory Committee is to be chaired:
 - (a) by the chairperson of the Advisory Committee, or
 - (b) in the absence of the chairperson:
 - (i) by the deputy chairperson of the Advisory Committee, or
 - (ii) in the absence of the deputy chairperson (or if no deputy chairperson has been appointed)--by the person appointed by the Minister to chair the meeting in such circumstances (who may be a member of the Advisory Committee), or
 - (iii) in the absence of the person appointed under subparagraph (ii)--by a member of the Advisory Committee elected by the members present to chair the meeting.
- (6) The person chairing a meeting of the Advisory Committee is entitled to vote at the meeting only if the person is a member of the Committee.

241 Functions of Advisory Committee

The functions of the Advisory Committee are as follows:

- (a) to assist with the development of and monitor the implementation of a fishery management strategy for the marine and estuarine charter fishing sector,
- (b) to advise the Minister on whether the objectives of the strategy are being attained,
- (c) to make recommendations to the Minister concerning the strategy, including recommending any changes to the strategy or to this Part that it considers necessary or desirable for the purpose of attaining the objectives of the strategy,
- (d) such other functions as may be conferred on the Advisory Committee by the Minister.

242 Deputies of members

- (1) An appointed member may, from time to time, appoint a person to be the deputy of the member, and may at any time revoke any such appointment.
- (2) Such an appointment may only be made with the approval of the Minister. The Minister may revoke such approval at any time.
- (3) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be the member.
- (4) A person, while acting in the place of a member, is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

243 Terms of office

Subject to this Part:

- (a) an industry member holds office for a term of 3 years but is eligible (if otherwise qualified) for re-election and re-appointment, and
- (b) a non-industry member holds office for the term specified in his or her instrument of

appointment (not exceeding 3 years) but is eligible (if otherwise qualified) for re-appointment.

244 Allowance for members

An appointed member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member.

245 Vacancy in office of member

(1) The office of an appointed member becomes vacant if the member:

- (a) dies, or
- (b) completes a term of office and is not re-elected or re-appointed, or
- (c) resigns the office by instrument in writing addressed to the Minister, or
- (d) is removed from office by the Minister under this clause, or
- (e) is absent from 3 consecutive meetings of the Advisory Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for having been absent from those meetings, or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person.

(2) The Minister may remove an industry member from office if the member:

- (a) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
- (b) is convicted of an offence under the Act or the regulations or an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- (c) ceases to be qualified to be elected to the Committee.

(3) The Minister may remove a non-industry member from office at any time.

246 Filling of vacancy in office of member

(1) If the office of an industry member becomes vacant because the term of office of the member has ended, an election is to be held in accordance with Division 4 of this Part for the purpose of appointing a new member.

(2) If a vacancy occurs in the office of an industry member otherwise than because the term of office of the member has ended, the Minister may appoint a person to fill the office for the remainder of that term, being a person who would be qualified to be elected to the office and who the Minister decides, after consultation with the relevant industry sector, is appropriate for that office.

(3) Any person so appointed is taken to be an industry member for the purposes of this Part.

247 General procedure for calling and holding meetings

(1) The procedure for the calling and holding of meetings of the Advisory Committee is to be determined by the Minister.

(2) The Minister is to call at least 2 meetings of the Advisory Committee each calendar year, unless otherwise determined by the Advisory Committee.

248 Transaction of business outside meetings or by telephone

(1) The Advisory Committee may, with the written approval of the Director-General, transact any of its business by the circulation of papers among all the members of the Advisory Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Advisory Committee.

(2) The Advisory Committee may, with the written approval of the Director-General, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purposes of:

(a) the approval of a resolution under subclause (1), or

(b) a meeting held in accordance with subclause (2),

each member of the Advisory Committee has the same voting rights as the member has at an ordinary meeting of the Advisory Committee.

(4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the Advisory Committee.

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

249 Quorum

The quorum for a meeting of the Advisory Committee consists of the majority of its industry members for the time being.

250 Decisions

A decision supported by a majority of members at a meeting of the Advisory Committee at which a quorum is present is the decision of the Advisory Committee.

Division 4 – Election of industry members of Advisory Committee

251 Regions for which members are to be elected

(1) The 8 industry members of the Advisory Committee are to be elected to represent the different regions of the industry as follows:

(a) 1 member for the Far North Coast region (the part of the State between $28^{\circ}10'S$ and $29^{\circ}40'S$),

(b) 1 member for the Mid North Coast and Central Coast region (the part of the State between $29^{\circ}40'S$ and $32^{\circ}26'S$),

(c) 1 member for the Central Coast region (the part of the State between $32^{\circ}26'S$ and $33^{\circ}35'S$),

(d) 2 members for the Sydney region (the part of the State between $33^{\circ}35'S$ and $34^{\circ}05'S$),

(e) 1 member for the Illawarra region (the part of the State between $34^{\circ}05'S$ and $34^{\circ}50'S$),

(f) 1 member for the Mid South Coast region (the part of the State between $34^{\circ}50'S$ and $36^{\circ}10'S$),

(g) 1 member for the Far South Coast region (the part of the State between $36^{\circ}10'S$ and $37^{\circ}30'S$).

(2) A map setting out the boundaries for the regions described in subclause (1) is to be made available for inspection in offices of the Department.

252 Qualifications for election

In order to qualify for election as an industry member of the Advisory Committee, a person must:

(a) hold a licence for a charter fishing boat, or be a person nominated by the holder of a licence for a charter fishing boat, and

(b) reside in the region that the person seeks to be elected to represent.

253 General restrictions on election

(1) A person is not qualified to be elected as an industry member of the Advisory Committee if the person:

(a) is already a member of the Advisory Committee (unless the person is seeking

re-election to the Advisory Committee) or of a Management Advisory Committee appointed under section 230 of the Act, or

(b) is already a candidate for election to any such other Management Advisory Committee.

(2) Officers and employees of the Department are not qualified to be elected as an industry member.

254 Voting entitlements

(1) In order to be qualified to vote in an election for an industry member of the Advisory Committee, a person must be:

(a) the holder of a charter fishing boat licence for a boat, and

(b) reside in the region that the industry member is to be elected to represent.

(2) A person who is qualified to vote in an election is entitled to one vote only, regardless of the number of charter fishing boats for which the person holds a licence.

255 Election procedure

(1) Division 5 of Part 17, with any necessary modifications, applies to an election of industry members of the Advisory Committee in the same way as it applies to an election of a Management Advisory Committee for a restricted fishery.

(2) In the application of those provisions, clause 319 is to be excluded and subclause (3) is to be applied instead.

(3) If by the close of nominations in an election, the number of candidates duly nominated for election to represent a region does not exceed the number of industry members to be elected to represent that region, the returning officer is to declare those candidates elected. If more than that number are nominated, a ballot must be held.

Division 5 – Miscellaneous

256 Exemption for Lord Howe Island residents

A licence is not required in respect of a boat if:

(a) the boat is owned or under the control of a person who is a resident of Lord Howe Island, and

(b) the boat is used for guided recreational charter fishing principally in Lord Howe Island waters.

257 False or misleading information

A person must not furnish information, knowing it to be false or misleading in a material particular, in or in connection with:

(a) any application for a licence, or

(b) any record of fish taken required to be kept under this Part.

Maximum penalty: 100 penalty units.

Part 14 – Protection of aquatic habitats

258 Application for permit under Part 7 of Act

(1) An application for a permit under Part 7 of the Act is to be in a form approved by the Director-General.

(2) An application for a permit under Part 7 of the Act is to be accompanied by:

(a) the fee specified in Schedule 8, and

(b) an assessment fee.

(3) The assessment fee for an application for a permit is to be determined by the Director-General in accordance with this clause on the basis of the time required to complete an assessment of the application.

(4) The assessment fee for the following classes of assessment is the amount specified in Schedule 8 for that class of assessment:

- (a) a minor assessment, or
 - (b) a moderate assessment, or
 - (c) a major assessment, or
 - (d) a complex assessment.
- (5) For the purposes of this clause:
- (a) an assessment is a "**minor assessment**" if, in the opinion of the Director-General, the assessment will take up to 3 hours to complete, and
 - (b) an assessment is a "**moderate assessment**" if, in the opinion of the Director-General, the assessment will take more than 3 hours but less than 7 hours to complete, and
 - (c) an assessment is a "**major assessment**" if, in the opinion of the Director-General, the assessment will take 7 hours or more but less than 21 hours to complete, and
 - (d) an assessment is a "**complex assessment**" if, in the opinion of the Director-General, the assessment will take 21 hours or more to complete.
- (6) In determining the time that an assessment will take to complete, the Director-General is to include any time that will be taken to conduct a site visit or to consult with stakeholders, if, in the opinion of the Director-General, a site visit or consultation is necessary for the assessment of the application.
- (7) If, after making a determination as to the level of assessment required in respect of an application, the Director-General determines that any further assessment in respect of the application is required, an additional assessment fee may be charged.
- (8) The additional assessment fee is the amount specified in Schedule 8 for each hour (or part of an hour) of work performed by an officer of the Department in respect of an application (being work not included in the initial determination as to the level of assessment required).
- (9) In this clause, "**stakeholder**" means:
- (a) a person likely to be affected by the activity proposed to be permitted, or
 - (b) a person or body having functions under the *Environmental Planning and Assessment Act 1979*, or any other law, with respect to consent to or approval of the activity proposed to be permitted.

259 Contravention of condition of permit under Part 7 of Act

A person who contravenes a condition of a permit issued under Part 7 of the Act is guilty of an offence.

Maximum penalty: 100 penalty units.

260 Marine vegetation--regulation of harm

- (1) The following are declared to be marine vegetation to which section 205 of the Act applies:
- (a) attached marine and estuarine macroalgae,
 - (b) saltmarsh in a protected area.
- (2) The taking of sea lettuce (*Ulva* spp.) and blackfish weed (*Enteromorpha* spp.) for use as bait is exempt from the operation of section 205 (2) of the Act.
- (3) Any activity that harms saltmarsh is exempt from the operation of section 205 (2) of the Act if:
- (a) the activity is authorised under the *Threatened Species Conservation Act 1995*, or
 - (b) the saltmarsh is on land reserved under Part 4 of the *National Parks and Wildlife Act 1974*.
- (4) In this clause: "**marine and estuarine macroalgae**" means those species of non-microscopic plants commonly known as seaweeds that belong to the plant classification

divisions of Rhodophyta, Phaeophyta and Chlorophyta, that are endemic to New South Wales marine and estuarine waters. "**saltmarsh**" means an ecological community within the meaning of Part 7A of the Act known as saltmarsh in which one or more of the following species of plants are found:

- (a) *Baumea juncea*,
- (b) *Isolepis nodosa*,
- (c) *Juncus kraussii*,
- (d) *Samolus repens*,
- (e) *Sarcocornia quinqueflora*,
- (f) *Selliera radicans*,
- (g) *Sporobolus virginicus*,
- (h) *Suaeda australis*,
- (i) *Triglochin striata*,
- (j) *Zoysia macrantha*.

261 Activities harmful to marine vegetation

(1) For the purposes of section 205B of the Act, the following are prescribed activities:

- (a) the use of any fishing method in waters that are over a bed of seagrass in a protected area, being a fishing method that is prohibited by or under the Act (excluding Division 4 of Part 7 of the Act),
- (b) any activity that obstructs or alters tidal flows to marine vegetation in a protected area,
- (c) the driving or operation of a vehicle over marine vegetation in a protected area,
- (d) the grazing or movement of stock on marine vegetation in a protected area.

A prescribed activity is presumed to be harmful to marine vegetation unless the person who carried out the activity establishes that no harm was caused by the activity.

(2) In this clause: "**stock**" includes horses, cattle, asses, mules, alpacas, llamas, camels, deer, sheep, pigs, goats, ostriches and emus. "**vehicle**" includes a hovercraft.

262 Importation of live fish--prohibited species

For the purposes of section 217 (1) of the Act, the species of fish specified in Schedule 5 are prescribed.

Under section 217 (1), a person must not bring into New South Wales any live fish of a species or class prescribed by the regulations except under the authority of a permit issued by the Minister.

263 Dredging work

(1) For the purposes of paragraph (b) of the definition of "**dredging work**" in section 198A of the Act, the following work is prescribed:

- (a) work that involves the removal of woody debris, snags, gravel beds, cobbles, rocks, boulders, rock bars or aquatic vegetation from water land,
- (b) work that involves the removal of any other material from water land that disturbs, moves or harms woody debris, snags, gravel beds, cobbles, rocks, boulders, rock bars or aquatic vegetation.

(2) In this clause, "**aquatic vegetation**" means native vegetation that inhabits freshwater but does not include noxious weeds within the meaning of the *Noxious Weeds Act 1993*.

Part 15 – Threatened species conservation

Division 1 – Restriction of actions in or near critical habitat of greynurse shark

264 Preliminary

(1) This Division applies:

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

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

(c) in respect of all other critical habitat of the greynurse shark--at all times.

(2) In this Division: "**set line**" means any line not held in the hand, or not attached to fishing gear held in the hand, that is used or intended to be used for the purpose of taking fish. "**wire trace line**" means a line that is made from or includes one or more metal strands.

265 Restrictions on fishing

A person must not, on or in critical habitat of the greynurse shark:

(a) if in a boat that is anchored, moored or otherwise held stationary, take fish by means of a line:

(i) using bait (whether dead or alive), or

(ii) using a fly other than an artificial fly or a lure other than an artificial lure, or

(iii) that is a wire trace line, or

(b) if on land, take fish by means of a wire trace line, or

(c) take fish by means of a line that has weights totalling more than 500 grams attached to it, or

(d) take fish by means of a set line, or

(e) take fish by means of a net other than a landing net.

Maximum penalty: 100 penalty units.

266 Restrictions on diving and other activities

A person must not, on or in critical habitat of the greynurse shark, do any of the following:

(a) swim or dive between sunset and sunrise while using any apparatus capable of supplying air to facilitate breathing underwater,

(b) block an entrance to a cave or gutter containing a shark,

(c) feed or touch a shark,

(d) chase or harass a shark,

(e) wear or use an electronic shark repelling device,

(f) use a powered scooter.

Maximum penalty: 100 penalty units.

267 Use of certain fishing gear prohibited in vicinity of critical habitat of greynurse shark

(1) A person must not, in the vicinity of the critical habitat of the greynurse shark, take fish by means of a wire trace line or set line from a boat that is anchored, moored or otherwise held stationary. Maximum penalty: 100 penalty units.

(2) In this clause: "**vicinity of the critical habitat of the greynurse shark**" means the areas identified as "**buffer zones**" in the maps in Schedule 2 showing the areas of the critical habitat of the greynurse shark. The buffer zones are generally the areas within 800 metres of the critical habitat.

Division 2 – Defences to threatened species offences

268 Activities that are not routine activities in connection with lawful taking of fish or marine vegetation

For the purposes of section 220ZF (1) (d) of the Act, any activity, that, by its nature, results in, or is likely to result in, the repeated taking of a threatened species of fish (within the meaning of Part 7A of the Act) is declared not to be a routine activity.

269 Limitations on routine farming practice activities

(1) A routine farming practice activity referred to in section 220ZFA (1) (b) of the Act is limited by excluding any activity that involves buying, selling or being in possession of

any fish or marine vegetation that is, or is part of, a threatened species, an endangered population or an endangered ecological community (within the meaning of Part 7A of the Act).

(2) A routine farming practice activity referred to in section 220ZFA (1) (b) of the Act is limited by excluding any activity carried out for the purposes of preventing, reducing, minimising or eliminating:

(a) damage to or loss of crops, livestock or farming infrastructure (such as dams, fences, buildings, sheds, windmills, bores, air strips, stockyards and farm roads),

or

(b) injury to the health of livestock,

if the activity results in or is likely to result in the harming of:

(c) any fish that is, or is part of, a threatened species, an endangered population or an endangered ecological community (within the meaning of Part 7A of the Act),

or

(d) any protected marine vegetation.

(3) In this clause, "**protected marine vegetation**" means marine vegetation to which section 204A, 204B or 205 of the Act applies.

Part 16 – Listing criteria

This Part prescribes the criteria for a determination by the Fisheries Scientific Committee of the matters required to establish eligibility for listing in accordance with Part 7A of the Act:

(a)

of a species as a critically endangered species, endangered species or vulnerable species, or

(b)

of a population as an endangered population, or

(c)

of an ecological community as a critically endangered ecological community, endangered ecological community or vulnerable ecological community.

Division 1 – Criteria for listing of species

270 Criteria for listing determinations by Fisheries Scientific Committee

(1) Critically endangered species For the purposes of section 220F (2) of the Act, a species is facing an extremely high risk of extinction in New South Wales in the immediate future if, in the opinion of the Fisheries Scientific Committee, it meets the criteria specified for critically endangered species in this Division.

(2) Endangered species For the purposes of section 220F (3) of the Act, a species is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Fisheries Scientific Committee, it meets the criteria specified for endangered species in this Division.

(3) Vulnerable species For the purposes of section 220F (4) of the Act, a species is facing a high risk of extinction in New South Wales in the medium-term future if, in the opinion of the Fisheries Scientific Committee, it meets the criteria specified for vulnerable species in this Division.

271 Criteria--reduction in abundance, geographic distribution or genetic diversity

(1) It is observed, estimated, inferred or reasonably suspected that the species has undergone, or is likely to undergo, within a time frame appropriate to the life cycle and habitat characteristics of the taxon:

(a) for "**critically endangered species**" --an extremely large reduction in one or more of the following:

- (i) an index of abundance appropriate to the taxon,
 - (ii) geographic distribution,
 - (iii) genetic diversity, or
 - (b) for "**endangered species**" --a very large reduction in one or more of the following:
 - (i) an index of abundance appropriate to the taxon,
 - (ii) geographic distribution,
 - (iii) genetic diversity, or
 - (c) for "**vulnerable species**" --a large reduction in one or more of the following:
 - (i) an index of abundance appropriate to the taxon,
 - (ii) geographic distribution,
 - (iii) genetic diversity.
- (2) The Fisheries Scientific Committee must have regard to the following in determining the extent of the reduction referred to in subclause (1):
- (a) the rate of and trends in the reduction,
 - (b) the potential of the species to maintain relatively stable abundance under high levels of mortality,
 - (c) the ability of the species to recover rapidly from low numbers,
 - (d) the reproductive potential of the species in relation to the following:
 - (i) reproductive ecology and behaviour and the relationship of these to any threatening process or processes, and the probability of recruitment failure,
 - (ii) historical, anecdotal or scientific data suggesting a reduction in the production of eggs or progeny compared to the unexploited state, to an extent that the ability of the species to maintain viable populations has been compromised,
 - (iii) evidence of a reduction in the generation time and life span of the species relative to the unexploited state,
 - (iv) population density, and the significance of population density in the species' reproductive strategies,
 - (v) effective population size,
 - (e) other aspects of the life history and ecology of the species, including any of the following:
 - (i) age and growth patterns,
 - (ii) habitat types and usages,
 - (iii) susceptibility to disease,
 - (iv) obligate migration requirements,
 - (f) evidence of recovery from low numbers following the introduction of protection measures or changes to management strategies,
 - (g) the current management strategies in relation to life history and reproductive ecology,
 - (h) assessment of the probability of extinction,
 - (i) evidence of declining populations across the species range for wide ranging or naturally rare or uncommon species,
 - (j) whether the species is at the edge of its geographic distribution,
 - (k) restricted or disjunct populations of naturally rare and uncommon species,
 - (l) the status of the species outside the State as appropriate for the taxon,
 - (m) the precautionary principle, namely, that if there are threats of serious or irreversible damage to the species, lack of full scientific certainty should not be used as a reason for postponing measures to prevent that damage,
 - (n) other supporting information, including the following:
 - (i) expert advice,

- (ii) anecdotal information where there is independent verification,
- (iii) written evidence, especially of a historical nature,
- (iv) any other corroborating evidence.

272 Criteria--threatening processes

- (1) For "**critically endangered**", "**endangered**" and "**vulnerable species**", there is, or there is observed, estimated, inferred or reasonably suspected to be, a historical, current or potential threatening process, or threatening processes affecting the species.
- (2) The Fisheries Scientific Committee must have regard to the following in determining the relevant extent of the effect of the threatening process or processes:
 - (a) the number and nature of the threatening processes,
 - (b) the potential for synergistic effects between threatening processes,
 - (c) the extent of the threatening processes relative to the geographic distribution of the species,
 - (d) the impact of the threatening processes on the diversity and quality of the species' habitat,
 - (e) the level of protection offered to the species within existing reserve systems, other forms of refuge or by current management strategies.

Division 2 – Criteria for listing of endangered populations

273 Criteria for listing determinations by Fisheries Scientific Committee

For the purposes of section 220FA (1) of the Act, a population is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Fisheries Scientific Committee:

- (a) it is clearly defined, and
- (b) it satisfies any one or more of the following:
 - (i) it is disjunct or near the limit of its geographic range,
 - (ii) it is, or is likely to be, genetically, biologically, morphologically or ecologically distinct,
 - (iii) it is otherwise of significant conservation value, and
- (c) it meets the criteria specified in this Division.

274 Criteria--reduction in abundance, geographic distribution or genetic diversity

- (1) It is observed, estimated, inferred or reasonably suspected that the population has undergone, or is likely to undergo, within a time frame appropriate to the life cycle and habitat characteristics of the taxon, a very large reduction in one or more of the following:
 - (a) an index of abundance appropriate to the taxon,
 - (b) geographic distribution,
 - (c) genetic diversity.
- (2) The Fisheries Scientific Committee must have regard to the following in determining the extent of the reduction referred to in subclause (1):
 - (a) the rate of and trends in the reduction,
 - (b) the resilience of the population in relation to current or potential threatening processes,
 - (c) the ability of the population to recover rapidly from low numbers,
 - (d) the reproductive potential of the population in relation to the following:
 - (i) reproductive ecology and behaviour and the relationship of these to any threatening process or processes, and the probability of recruitment failure,
 - (ii) historical, anecdotal or scientific data suggesting a reduction in the production of eggs or progeny compared to the unexploited state, to an extent that the ability of the species to maintain viable populations has been compromised,

- (iii) evidence of a reduction in the generation time and life span of the species relative to the unexploited state,
- (iv) population density, and the significance of population density in the species' reproductive strategies,
- (v) effective population size,
- (e) evidence of recovery from low numbers following the introduction of protection measures or changes to management strategies,
- (f) the current management strategies in relation to life history and reproductive ecology,
- (g) assessment of the probability of extinction,
- (h) evidence of declining abundance across the population's range for wide ranging or naturally rare or uncommon species,
- (i) other aspects of the life history and ecology of the population, including any of the following:
 - (i) age and growth patterns,
 - (ii) habitat types and usages,
 - (iii) susceptibility to disease,
 - (iv) obligate migration requirements,
- (j) restricted or disjunct populations of naturally rare and uncommon species,
- (k) the precautionary principle, namely, that if there are threats of serious or irreversible damage to the population, lack of full scientific certainty should not be used as a reason for postponing measures to prevent that damage,
- (l) other supporting information, including the following:
 - (i) expert advice,
 - (ii) anecdotal information where there is independent verification,
 - (iii) written evidence, especially of a historical nature,
 - (iv) any other corroborating evidence.

275 Criteria--threatening processes

There is, or there is observed, estimated, inferred or reasonably suspected to be, a historical, current or potential threatening process, or threatening processes affecting the population, having regard to the following:

- (a) the number and nature of the threatening processes,
- (b) the potential for synergistic effects between threatening processes,
- (c) the extent of the threatening processes relative to the geographic distribution of the population,
- (d) the impact of the threatening processes on the diversity and quality of the population's habitat,
- (e) the level of protection offered to the population within existing reserve systems, other forms of refuge or by current management strategies.

Division 3 – Criteria for listing of ecological communities

276 Criteria for listing determinations by Fisheries Scientific Committee

(1) Critically endangered ecological communities For the purposes of section 220FB (1) of the Act, an ecological community is facing an extremely high risk of extinction in New South Wales in the immediate future if, in the opinion of the Fisheries Scientific Committee:

- (a) it is defined by species occupying a particular area, and
- (b) it meets the criteria specified for critically endangered ecological communities in this Division.

(2) Endangered ecological communities For the purposes of section 220FB (2) of the Act, an ecological community is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Fisheries Scientific Committee:

- (a) it is defined by species occupying a particular area, and
- (b) it meets the criteria specified for endangered ecological communities in this Division.

(3) Vulnerable ecological communities For the purposes of section 220FB (3) of the Act, an ecological community is facing a high risk of extinction in New South Wales in the medium-term future if, in the opinion of the Fisheries Scientific Committee:

- (a) it is defined by species occupying a particular area, and
- (b) it meets the criteria specified for vulnerable ecological communities in this Division.

277 Criteria--reduction in ecological function, geographic distribution or genetic diversity

(1) It is observed, estimated, inferred or reasonably suspected that the ecological community has undergone, or is likely to undergo, within a time frame appropriate to the life cycle and habitat characteristics of the component species:

(a) for "**critically endangered ecological communities**" --an extremely large reduction in one or more of the following:

- (i) ecological function,
- (ii) geographic distribution,
- (iii) genetic diversity, or

(b) for "**endangered ecological communities**" --a very large reduction in one or more of the following:

- (i) ecological function,
- (ii) geographic distribution,
- (iii) genetic diversity, or

(c) for "**vulnerable ecological communities**" --a large reduction in one or more of the following:

- (i) ecological function,
- (ii) geographic distribution,
- (iii) genetic diversity.

(2) The Fisheries Scientific Committee must have regard to the following in determining the extent of the reduction referred to in subclause (1):

- (a) the rate of and trends in the reduction,
- (b) the resilience of the ecological community in relation to current or potential threatening processes,
- (c) evidence of recovery of the ecological community following the introduction of protection measures or changes to management strategies,
- (d) assessment of the probability of extinction,
- (e) the precautionary principle, namely, that if there are threats of serious or irreversible damage to the ecological community, lack of full scientific certainty should not be used as a reason for postponing measures to prevent that damage,
- (f) other supporting information, including the following:
 - (i) expert advice,
 - (ii) anecdotal information where there is independent verification,
 - (iii) written evidence, especially of a historical nature,
 - (iv) any other corroborating evidence.

278 Criteria--threatening processes

(1) For "**critically endangered**", "**endangered**" and "**vulnerable ecological communities**", there is, or there is observed, estimated, inferred or reasonably suspected to be, a historical, current or potential threatening process, or threatening processes affecting the ecological community.

(2) The Fisheries Scientific Committee must have regard to the following in determining the relevant extent of the effect of the threatening process or threatening processes:

- (a) the number and nature of the threatening processes,

- (b) the potential for synergistic effects between threatening processes,
- (c) the extent of the threatening processes relative to the geographic distribution of the ecological community,
- (d) the impact of the threatening processes on the diversity and quality of the ecological community's habitat,
- (e) the level of protection offered to the ecological community within existing reserve systems, other forms of refuge or by current management strategies.

Division 4 – Interpretation

279 Application of Division

- (1) This Division applies for the purposes of the interpretation and application of the criteria prescribed by this Part.
- (2) Use in a provision of this Division of the term "population" does not limit the operation of the provision to Division 2 and use of the term "species" does not limit the operation of a provision to Division 1.

280 Geographic distribution

- (1) Geographic distribution is the area or areas, or the volume of occupancy, in which a species, population or ecological community occurs, excluding cases of vagrancy in species.
- (2) This may be assessed by estimating:
 - (a) the extent of occurrence (the area of the total geographic range that includes all extant populations of the species or all extant occurrences of the ecological community), or
 - (b) the area or volume of occupancy (the area or volume within the total range that is currently occupied by the species or ecological community, that is, it excludes unsuitable and unoccupied habitat), or
 - (c) the area or volume of suitable habitat (the area or volume within the total range that includes occupied and unoccupied suitable habitat, but excludes unsuitable habitat).
- (3) The scale at which a geographic distribution is assessed should be appropriate to the biology of the species (or component species in ecological communities), the nature of threats and available data.

281 Effective population size

Effective population size is the number of mature individuals of a species or population that contribute to the production of viable offspring and the maintenance of genetic variation.

Effective population size is usually much less than total population size due to the presence of juveniles, old (senescent), diseased, moribund and other non-breeding individuals, uneven sex ratios, unsuitable environmental conditions for breeding and recruitment at some localities and in some years, variation between family sizes and fluctuating population sizes between generations.

282 Ecological function

- (1) Ecological function encompasses the ecological and evolutionary processes and interactions between living and non-living components of ecosystems and ecological communities at all spatial and temporal scales.
- (2) Reductions in ecological function may be indicated by the following:
 - (a) a change to community structure,
 - (b) a change in species composition,
 - (c) the disruption of ecological processes,
 - (d) the invasion and establishment of exotic species,
 - (e) the degradation of habitat,
 - (f) the fragmentation of habitat,
 - (g) the declining abundance or distribution of constituent species within an ecological community.

283 Relevance of matters and adequacy and accuracy of information

If the Fisheries Scientific Committee is required to have regard to a particular matter, the Committee must consider the matter:

- (a) to the extent that it is relevant to the assessment of a proposed listing, and
- (b) to the extent that relevant information is available in relation to the matter, having regard to the adequacy and accuracy of the information.

Part 17 – Administration

Division 1 – The Director-General

284 Seal of the Director-General

- (1) The Director-General is to have a seal.
- (2) The seal may be used for official purposes, including to certify the issue of a document (such as a share in a share management fishery) under the Act.

Division 2 – Establishment, composition and functions of ministerial advisory councils

285 Definitions

In this Division:

"advisory council" means an advisory council established under section 229 of the Act.

"member" means a member of an advisory council.

286 Establishment of advisory councils

For the purposes of section 229 of the Act, the following advisory councils are to be established:

- (a) a Seafood Industry Advisory Council,
- (b) an Advisory Council on Recreational Fishing,
- (c) an Aboriginal Fishing Advisory Council.

287 Seafood Industry Advisory Council

- (1) The Seafood Industry Advisory Council is to be composed of the following members:
 - (a) one person appointed on the nomination of each Management Advisory Committee referred to in Division 4 (that is, one member for each Management Advisory Committee),
 - (b) one person appointed to represent the retail fish industry,
 - (c) one person appointed to represent the wholesale fish industry,
 - (d) one person appointed to represent commercial fishers co-operatives,
 - (e) 2 persons appointed to represent the aquaculture industry, one of whom is nominated by the Peak Oyster Advisory Group established by the Department,
 - (f) one person appointed on the nomination of the Indigenous Fisheries Strategy Working Group established by the Department or such other body representing Indigenous persons as the Minister considers appropriate,
 - (g) one person appointed on the nomination of the Nature Conservation Council of New South Wales.
- (2) The Minister may, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Seafood Industry Advisory Council.
- (3) The Seafood Industry Advisory Council is to include the following members, who are not entitled to vote at meetings of the Council:
 - (a) the Director-General or a nominee of the Director-General,
 - (b) the Chief Executive Officer of the NSW Food Authority or a nominee of the Chief Executive Officer of the NSW Food Authority,
 - (c) such other persons as the Minister considers appropriate.

288 Advisory Council on Recreational Fishing

(1) The Advisory Council on Recreational Fishing is to be composed of the following members:

(a) persons who, in the opinion of the Minister, have expertise in one or more of the following areas:

- (i) estuary fishing,
- (ii) offshore fishing,
- (iii) freshwater fishing,
- (iv) underwater fishing,
- (v) sale of fishing tackle,
- (vi) the media (reporting on fishing),
- (vii) charter boat fishing,
- (viii) Aboriginal culture,

(b) one person appointed on the nomination of the Nature Conservation Council,

(c) the Director-General or a nominee of the Director-General,

(d) such other persons as the Minister considers appropriate.

(2) The Minister may, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Advisory Council on Recreational Fishing.

289 Aboriginal Fishing Advisory Council

(1) The Aboriginal Fishing Advisory Council is to be composed of the following members:

(a) Aboriginal persons appointed to represent different regions of the State (not more than 10 persons in total),

(b) one other Aboriginal person,

(c) one person appointed as a representative of NTSCORP Limited,

(d) one person appointed as a representative of the New South Wales Aboriginal Land Council,

(e) a senior officer of the Department.

(2) The member of the Aboriginal Fishing Advisory Council who is a senior officer of the Department is not entitled to vote at meetings of the Council.

290 Appointment of nominees

(1) If a member of an advisory council is to be appointed on the nomination of a Management Advisory Committee or the Nature Conservation Council, the Minister is to request the body concerned to nominate two candidates for appointment to the advisory council.

(2) The Minister may decline to accept the nomination of any candidate. In such a case the Minister:

(a) is to advise the body concerned of that decision and of the reason for the decision, and

(b) if the Minister considers it appropriate, is to give the body concerned an opportunity to nominate another candidate.

(3) If a Management Advisory Committee or the Nature Conservation Council fails to nominate a candidate for appointment to the advisory council within 60 days after being requested to do so by the Minister, or fails to nominate within that period a candidate whose nomination is accepted by the Minister, the Minister may appoint any person whom the Minister considers suitable to represent the interests of the body concerned as a member of the advisory council, instead of a person nominated by that body.

Division 3 – Provisions relating to members and procedure of advisory councils

291 Definitions

In this Division:

"advisory council" means an advisory council established under section 229 of the Act.

"MAC" means a Management Advisory Committee.

"MAC nominee" means a member of an advisory council appointed on the nomination of a MAC.

"member" means a member of an advisory council.

292 Terms of office

Subject to this Division, a member holds office for the term specified in his or her instrument of appointment (not exceeding 3 years) but is eligible (if otherwise qualified) for re-appointment.

293 Allowances for members

A member is entitled to be paid such allowances as the Minister from time to time determines, in accordance with any relevant Government policies or guidelines, in respect of the member.

294 Deputies

- (1) A member may, from time to time, appoint a person to be the deputy of the member, and may at any time revoke any such appointment.
- (2) Such an appointment may be made only with the approval of the Minister. The Minister may revoke such approval at any time.
- (3) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (4) While acting in the place of a member, a person:
 - (a) has all the functions of the member and is taken to be a member, and
 - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (5) This clause does not apply to a member of the Aboriginal Fishing Advisory Council referred to in clause 289 (1) (a) or (b).

295 Vacancy in office of member

The office of a member of an advisory council becomes vacant if:

- (a) the member dies, or
- (b) the member completes a term of office and is not re-appointed, or
- (c) the member resigns the office by instrument in writing addressed to the Minister, or
- (d) the member is removed from office by the Minister under clause 296, or
- (e) the member is absent from 3 consecutive meetings of the advisory council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or Director-General or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister or Director-General for having been absent from those meetings, or
- (f) in the case of a member of the Seafood Industry Advisory Council or the Advisory Council on Recreational Fishing, the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) the member becomes a mentally incapacitated person, or
- (h) in the case of a member of the advisory council who is a MAC nominee, the member ceases to be a member of the MAC, or
- (i) in the case of a member appointed as a representative of NTSCORP Limited or the New South Wales Aboriginal Land Council, the body advises the Minister that the body

- no longer wishes to be represented by that member, or
- (j) in the case of a member of the advisory council appointed on the nomination of the Nature Conservation Council, the Nature Conservation Council withdraws its nomination, or
- (k) in the case of a member who is appointed because he or she is the Director-General or a nominee of the Director-General, the member ceases to be the Director-General or the Director-General withdraws his or her nomination of the member, or
- (l) in the case of a member who is appointed because he or she is an officer of a government department, the member ceases to be an officer of that department.

296 Removal of member from office by Minister

- (1) The Minister may remove a member from office in accordance with this clause.
- (2) The Minister is to consult the advisory council of which the person is a member before removing him or her from office.
- (3) The Minister may remove the member from office:
- (a) after the period of 30 days has elapsed since the Minister first gave notice to the advisory council concerned of the proposal to remove the member from office, or
 - (b) if the removal of the member is agreed to by the advisory council concerned, at any time.
- (4) The Minister must remove a member of the Aboriginal Fishing Advisory Council from office if the Minister is satisfied, after consultation with the Council, that the member has been convicted of an offence involving dishonesty or financial misconduct or an offence relating to the management of the affairs of a business or a corporation.

297 Filling of vacancy in office of member

- (1) If the office of a member of an advisory council becomes vacant, the Minister is to appoint a person to fill the vacancy.
- (2) The Minister may appoint a person to fill a vacancy by calling for expressions of interest in the position, requesting nominations for the position or appointing a person who was previously nominated for the position.

298 Chairperson and deputy chairperson of Seafood Industry Advisory Council and Advisory Council on Recreational Fishing

- (1) The Minister is to appoint the chairperson of each advisory council.
- (2) The chairperson is to be a person who:
- (a) in the opinion of the Minister, has no direct or indirect pecuniary interest in the fishery concerned, and
 - (b) is not a member of the advisory council.
- (3) The Minister may appoint a deputy chairperson for any advisory council. The appointee may be a member of the advisory council concerned.
- (4) Both the chairperson and the deputy chairperson (if any) are entitled to attend and (in accordance with this clause) chair meetings of the advisory council.
- (5) A meeting of an advisory council is to be chaired:
- (a) by the chairperson of the advisory council, or
 - (b) in the absence of the chairperson:
 - (i) by the deputy chairperson of the advisory council, or
 - (ii) in the absence of the deputy chairperson (or if no deputy chairperson has been appointed)--by the person appointed by the Minister to chair the meeting in such circumstances (who may be a member of the advisory council), or
 - (iii) in the absence of the person appointed under subparagraph (ii)--by a member of the advisory council elected by the members present to chair the meeting.
- (6) The person chairing a meeting of an advisory council is entitled to vote at the meeting

only if the person is a member of that council.

(7) This clause does not apply to the Aboriginal Fishing Advisory Council.

299 Chairperson and deputy chairperson of Aboriginal Fishing Advisory Council

(1) The Aboriginal Fishing Advisory Council is to appoint its own chairperson and deputy chairperson from among its members and must advise the Minister of the persons appointed.

(2) A meeting of the Aboriginal Fishing Advisory Council is to be chaired:

(a) by the chairperson of the Council, or

(b) in the absence of the chairperson:

(i) by the deputy chairperson of the Council, or

(ii) in the absence of the deputy chairperson (or if no deputy chairperson has been appointed)--by the person appointed by the Minister to chair the meeting in such circumstances (who is a member of the Council), or

(iii) in the absence of the person appointed under subparagraph (ii)--by a member of the Council elected by the members present to chair the meeting.

300 General procedure for calling and holding meetings of advisory councils

(1) The procedure for the calling and holding of meetings of the Seafood Industry Advisory Council and the Advisory Council on Recreational Fishing is to be determined by the Minister.

(2) The procedure for the calling and holding of meetings of the Aboriginal Fishing Advisory Council is to be determined by the chairperson of the Council in consultation with the Minister.

(3) During any vacancy in the office of chairperson of the Aboriginal Fishing Advisory Council, the procedure for calling and holding of meetings of the Council is to be determined by the Minister.

(4) An advisory council is to hold at least 2 meetings each calendar year, unless the advisory council otherwise determines.

301 Transaction of business outside meetings or by telephone

(1) An advisory council may, with the written approval of the Director-General, transact any of its business by the circulation of papers among all the members of the advisory council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the advisory council.

(2) An advisory council may, with the written approval of the Director-General, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purposes of:

(a) the approval of a resolution under subclause (1), or

(b) a meeting held in accordance with subclause (2),

the chairperson and each member have the same voting rights as they have at an ordinary meeting of the advisory council.

(4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the advisory council.

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

302 Quorum

(1) The quorum for a meeting of the Seafood Industry Advisory Council or the Advisory Council on Recreational Fishing consists of a majority of its members for the time being.

(2) The quorum for a meeting of the Aboriginal Fishing Advisory Council consists of a two-thirds majority of its members for the time being, excluding any members not entitled to vote at meetings of the Council.

303 Voting

A recommendation supported by a majority of votes cast at a meeting of an advisory council at which a quorum is present is the recommendation of the advisory council.

304 Disclosure of pecuniary interests

(1) A member of an advisory council:

(a) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the advisory council, and

(b) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the chairperson of the advisory council.

(2) A disclosure by a member of the advisory council at a meeting of the advisory council that the member:

(a) is a member, or is in the employment, of a specified company or other body, or

(b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under this clause.

(3) After a member of an advisory council has disclosed the nature of an interest in any matter, the member must not, if the chairperson of the advisory council so determines:

(a) be present during any deliberation of the advisory council with respect to the matter, or

(b) take part in any decision of the advisory council with respect to the matter.

(4) A contravention of this clause does not invalidate any decision of the advisory council.

305 Functions of members

(1) The members of an advisory council are to ensure that the advisory council exercises its advisory functions conferred by section 229 (3) of the Act and this Regulation.

(2) The functions of the members do not include the expenditure of funds on behalf of the advisory council or representing the Minister, unless they are expressly authorised to do so by the Minister.

Division 4 – Composition of Management Advisory Committees and qualifications for election

306 Definitions

(1) In this Division: "**election**" means an election conducted for the purposes of electing one or more members of a MAC as provided by section 230 (2) (a) of the Act. "**endorsement**" means an endorsement on a commercial fishing licence that authorises a person to take fish for sale in a share management fishery or a restricted fishery. "**industry member**", of a MAC, means a member of a MAC who is elected and appointed pursuant to section 230 (2) (a) of the Act. "**MAC**" means a Management Advisory Committee.

(2) Despite clause 3 (6), the notes to the Table to clause 307 form part of this Regulation.

307 Composition of MAC

(1) A MAC that is established for each share management fishery that is specified in Column 1 of the Table to this clause is to be comprised of:

(a) the number of industry members set out in Column 2 next to the fishery concerned, elected in accordance with this Division, and

(b) the members appointed by the Minister pursuant to section 230 (2) (b) of the

Act.

(2) If Column 3 of the Table to this clause specifies the class of endorsement holder or shareholder to be represented by an industry member, the MAC is to be composed of industry members representing endorsement holders or shareholders of that class.

(3) A single MAC is established for the ocean trawl fishery and the southern fish trawl restricted fishery. Those fisheries are taken, for the purposes of this Part, to be a single fishery, which is referred to as the ocean trawl fishery and is treated as a share management fishery for the purposes of this Part.

(4) For that purpose, a reference in this Part to a class of shares or a shareholder in the ocean trawl fishery, in relation to the part of the fishery that is the southern fish trawl restricted fishery, is taken to be a reference to an endorsement or an endorsement holder in the southern fish trawl restricted fishery (as the case requires).

The number of appointed members of a MAC is to be less than the number of industry members of the MAC. See clause 335 (2).

Table Composition of MACs (industry members)

Column 1	Column 2	Column 3
Name of fishery	Number of industry members	Class of shareholders or endorsement holders to be represented
Abalone fishery	5	Not applicable
Ocean hauling fishery	8	7 members representing shareholders who hold shares in each of the regions of the fishery (that is, 1 member for each region), being shareholders who hold the Ocean hauling--general ocean hauling class of shares and at least 1 of the following classes of shares:(a) Ocean hauling--hauling net (general purpose),(b) Ocean hauling--garfish net (hauling),(c) Ocean hauling--pilchard, anchovy and bait net (hauling).1 member representing shareholders who hold Ocean hauling--purse seine net class of shares.
Ocean trap and line fishery	7	3 members representing shareholders who are resident in the north of the State, with those members representing shareholders who hold the following classes of shares (that is, 1 member for each class of share):(a) Ocean trap and line--line fishing western zone,(b) Ocean trap and line--line fishing eastern zone,(c) Ocean trap and line--demersal fish trap.
		3 members representing shareholders who are resident in the south of the State, with those members representing shareholders who hold the following classes of shares (that is, 1 member for each class of share):(a) Ocean trap and line--line fishing western zone,(b) Ocean trap and line--line fishing eastern zone,(c) Ocean trap and line--demersal fish trap.1 member representing shareholders who hold Ocean trap and line-- spanner crab northern zone or Ocean trap and line--spanner crab southern zone class of shares.
Ocean trawl fishery	6	1 member representing shareholders in the upper north coast region of the fishery who hold at least one of the following classes of shares:(a) Ocean trawl--inshore prawn,(b) Ocean trawl--offshore prawn,(c) Ocean trawl--deepwater prawn.1 member representing shareholders in the Clarence region of the fishery who hold at least one of the following classes of shares:(a) Ocean trawl--inshore

		prawn,(b) Ocean trawl--offshore prawn,(c) Ocean trawl--deepwater prawn.1 member representing shareholders in the north coast region of the fishery who hold at least one of the following classes of shares:(a) Ocean trawl--inshore prawn,(b) Ocean trawl--offshore prawn,(c) Ocean trawl--deepwater prawn.
		1 member representing shareholders in the central region of the fishery who hold at least one of the following classes of shares:(a) Ocean trawl--inshore prawn,(b) Ocean trawl--offshore prawn,(c) Ocean trawl--deepwater prawn.2 members representing shareholders in the metropolitan, upper south coast and lower south coast regions of the fishery (or any combination of those regions) who hold both:(a) Ocean trawl--inshore prawn, Ocean trawl--offshore prawn, or Ocean trawl--deepwater prawn shares, and(b) Ocean trawl--fish northern zone shares or an endorsement in the southern fish trawl restricted fishery.
Estuar y general fishery	8	6 members representing shareholders who hold shares in each of the upper north coast, Clarence, north coast, metropolitan, upper south coast and lower south coast regions of the fishery (that is, 1 member for each of those regions). 1 member representing shareholders who hold shares in the central north region of the fishery. 1 member representing shareholders who hold shares in the central south region of the fishery.
Estuar y prawn trawl fishery	3	1 member representing shareholders who hold the Estuary prawn trawl--Clarence River class of shares. 1 member representing shareholders who hold the Estuary prawn trawl--Hunter River class of shares. 1 member representing shareholders who hold the Estuary prawn trawl--Hawkesbury River class of shares.
Lobste r fishery	5	Not applicable

1 For the purposes of the ocean trap and line fishery: "**north of the State**" means that part of the State lying generally to the north of a line drawn due east and due west from Barrenjoey Head. "**south of the State**" means that part of the State lying generally to the south of a line drawn due east and due west from Barrenjoey Head.

2 For the purposes of the ocean trawl fishery and ocean hauling fishery, the following are the regions of those fisheries:

- (a) Upper north coast. That part of the State lying generally between the border between the States of Queensland and New South Wales and the parallel 29°15' south latitude.
- (b) Clarence. That part of the State lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude.
- (c) North coast. That part of the State lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude.
- (d) Central. That part of the State lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude.
- (e) Metropolitan. That part of the State lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude.
- (f) Upper south coast. That part of the State lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude.
- (g) Lower south coast. That part of the State lying generally between the parallel 35°25' south latitude and the border between the States of New South Wales and Victoria.

3 For the purposes of the estuary general fishery, the following are the regions of the fishery:

- (a) Upper north coast. That part of the State lying generally between the border between the States of Queensland and New South Wales and the parallel 29°15' south latitude.
- (b) Clarence. That part of the State lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude.
- (c) North coast. That part of the State lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude.

- (d) Central north. That part of the State lying generally between the parallel 31°44' south latitude and the parallel 32°30' south latitude.
- (e) Central south. That part of the State lying generally between the parallel 32°30' south latitude and the parallel 33°25' south latitude.
- (f) Metropolitan. That part of the State lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude.
- (g) Upper south coast. That part of the State lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude.
- (h) Lower south coast. That part of the State lying generally between the parallel 35°25' south latitude and the border between the States of New South Wales and Victoria.

4 For the purposes of the Table, a fisher holds an endorsement in a particular part of a fishery if the endorsement authorises the holder to take fish for sale in that part of the fishery.

308 Qualifications for election to MAC

(1) In order to qualify for election as an industry member for a MAC for a share management fishery, a person must be:

- (a) a shareholder in the fishery or, if the industry member is to be elected to represent holders of a particular class or classes of shares, a shareholder who holds shares of that class or those classes, or
- (b) a person the Minister considers likely to be a shareholder referred to in paragraph (a), or
- (c) an individual nominated by a person in paragraph (a) or (b) who:
 - (i) is the fisher nominated by that person under section 69 of the Act, or
 - (ii) owns the highest (or equal highest) percentage of that person's fishing business and is directly involved in the administration of that business, or
 - (iii) owns at least 25 per cent of that person's fishing business and is directly involved in the administration of that business.

(2) Only one nomination is permitted per shareholder or likely shareholder in relation to each election.

309 General restrictions on election to a MAC

(1) A person is not qualified to be elected to a position of industry member on a MAC if the person:

- (a) is already a member of that MAC (unless the person is seeking re-election to the MAC) or another MAC, or
- (b) is already a candidate for election to any other MAC.

(2) Officers and employees of the Department are not qualified to be elected to a position of industry member on a MAC.

(3) A person is not qualified to stand as a candidate in an election for a period of 5 years after the person:

- (a) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
- (b) is convicted of an offence under the Act or the regulations or an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat.

310 Qualifications to vote

In order to be qualified to vote in an election for the position of industry member on a MAC for a share management fishery, a person must be:

- (a) a shareholder in the fishery or, if the industry member is to be elected to represent holders of a particular class of shares, a shareholder who holds shares of that class, or
- (b) a person the Minister considers likely to be a shareholder referred to in paragraph (a), or

(c) if the person in paragraph (a) or (b) is not a natural person, an individual nominated by that person.

Division 5 – Procedure for election of industry members of Management Advisory Committees

311 Definitions

In this Division:

"close of the ballot", in relation to an election, means the time and date for the close of the ballot for the election that have been fixed under this Regulation by notice under clause 313 or, if that close has been extended, the time and date fixed under clause 314.

"close of nominations", in relation to an election, means the time and date for the close of nominations for the election that have been fixed under this Regulation by notice under clause 313 or, if that close has been extended, the time and date fixed under clause 314.

"close of the roll", in relation to an election, means the time and date for the close of the roll for the election that have been fixed under this Regulation by notice under clause 313 or, if that close has been extended, the time and date fixed under clause 314.

"election" means an election conducted for the purposes of electing one or more members of a MAC as provided by section 230 (2) (a) of the Act.

"industry member", of a MAC, means a member of a MAC who is elected and appointed pursuant to section 230 (2) (a) of the Act.

"MAC" means a Management Advisory Committee.

"returning officer" means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer.

"roll", in relation to an election, means the roll prepared for the election by the Director-General under this Division.

312 Notice that election is required

When an election is required under section 230 (2) (a) of the Act, the Director-General is:

- (a) to give the returning officer written notice that an election is required, and
- (b) to prepare, certify and deliver to the returning officer a roll containing the full names and addresses of the persons who, in the opinion of the Director-General, are qualified to vote in the election, to stand as a candidate and to nominate a candidate in the election.

313 Notification of election

- (1) The returning officer is to publish written notice of an election as soon as practicable after having been notified in writing by the Director-General that the election is required.
- (2) The notice is to be published in at least one newspaper that circulates throughout New South Wales and in such other local newspaper (if any) as the returning officer considers appropriate.
- (3) The notice of the election must:
 - (a) fix a time and date for the close of nominations, and
 - (b) fix a time and date for the close of the roll, and
 - (c) state that if the election is contested a ballot will be held, and fix a time and

date for the close of the ballot.

The notice may contain such other information concerning the election as the returning officer considers appropriate.

(4) The close of nominations and the close of the roll must be not earlier than 21 days, and not later than 28 days, after the date on which the notice is published.

(5) The returning officer must also forward to each person included in the roll a notice setting out the matters set out in the notice of election and including such other information as the returning officer considers appropriate.

314 Postponement of closing dates

(1) The returning officer may postpone (for a period not exceeding 14 days) the close of nominations, the close of the roll or the close of the ballot by written notice in a form similar to, and published in the same manner as, the notice referred to in clause 313.

(2) The returning officer may exercise the power conferred by this clause more than once in respect of an election.

315 Nomination of candidates

(1) A person is qualified to nominate a candidate for an election if, and only if, the person is entitled to vote in the election.

(2) A person is not entitled to nominate more than the number of candidates that are required to be elected to represent the person.

(3) A nomination of a candidate:

(a) must be in a form approved by the returning officer, and

(b) must be made by no fewer than 2 persons (other than the candidate) who are qualified to nominate a candidate, and

(c) must be lodged with the returning officer before the close of nominations.

(4) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.

316 Withdrawal of nomination

A candidate may withdraw his or her nomination by notice in writing addressed to the returning officer at any time before the close of nominations.

317 Exhibition of roll

(1) The Director-General is to cause copies of the roll to be exhibited for public inspection at offices of the Department for a period of at least 14 days ending at the close of the roll.

(2) The Director-General may cause the copies of the roll to be exhibited at such other places the Director-General considers appropriate.

318 Application for enrolment by person not already enrolled

(1) A person may apply to the Director-General, in a form approved by the Director-General, for inclusion in the roll.

(2) The application must be lodged on or before the close of the roll.

(3) On receipt of the application the Director-General must:

(a) if satisfied that the applicant is qualified to vote in the election, accept the application and enter the name and address of the applicant in the roll, or

(b) if not so satisfied, reject the application and inform the applicant in writing that the application has been rejected.

(4) The Director-General may, before the close of the roll, make any other necessary correction of the roll.

(5) A determination by the Director-General as to whether or not a person is likely to be a shareholder or commercial fisher in a fishery is final and conclusive.

319 Uncontested election

(1) In the case of an election for industry members of a MAC for a share management fishery for which members are not elected to represent shareholders of a particular class of shares in the fishery, if by the close of nominations the number of candidates duly nominated for election does not exceed the number of industry members of which the MAC is composed, the returning officer is to declare all those candidates duly elected.

(2) In the case of an election for industry members of a MAC for a share management fishery for which members are elected to represent shareholders who hold shares of a particular class in the fishery, if by the close of nominations the number of candidates duly nominated for election to represent shareholders who hold shares of a particular class does not exceed the number required to be elected to represent those shareholders (as specified in relation to the fishery concerned in Column 3 of the Table to clause 307), the returning officer is to declare those candidates duly elected.

(3) If the number of candidates in the election exceeds the number required to be elected, a ballot must be held.

320 Up-dating of roll

(1) As soon as practicable after it becomes apparent to the returning officer that a ballot must be held, the returning officer is to notify the Director-General of that fact.

(2) Within 7 days after having been so notified by the returning officer, the Director-General is to certify and deliver to the returning officer a copy of the roll, as in force at the close of the roll, together with an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

(3) This clause does not apply to an election that is held as a consequence of an earlier election that has failed but in respect of which the relevant roll has been furnished to the returning officer under this clause.

321 Printing of ballot-papers

(1) The returning officer must, as soon as practicable after the close of nominations in an election:

(a) determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and

(b) cause sufficient ballot-papers to be printed so that a ballot-paper may be forwarded to each person included in each of the rolls.

(2) A ballot-paper for an election must contain:

(a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and

(b) if, in the opinion of the returning officer, the names of two or more of the candidates are so similar as to cause confusion, such other matter as will, in the opinion of the returning officer, distinguish between those candidates, and

(c) such directions as to the manner in which a vote is to be recorded, and the ballot-paper returned to the returning officer, as the returning officer considers appropriate.

322 Distribution of ballot-papers

The returning officer must, as soon as practicable after the printing of the ballot-papers for an election, forward to each person included in the roll for the election:

(a) a ballot-paper initialled by the returning officer or by a person authorised by the returning officer in that behalf, and

(b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "Name and address of voter" and "Signature of voter", together with appropriate spaces for the insertion of the person's name, address and signature.

323 Duplicate ballot-papers

(1) At any time before the close of the ballot, the returning officer may supply a duplicate ballot-paper to any voter to whom a ballot-paper was forwarded if the voter satisfies the returning officer by statutory declaration that the ballot-paper has been spoilt, lost or destroyed, and that the voter has not already voted in the election to which the ballot-paper relates.

(2) The returning officer is to maintain a record of all duplicate ballot-papers supplied under this clause.

324 Recording of votes

In order to vote in an election, an elector must:

- (a) complete the ballot-paper in accordance with the directions printed on it, and
- (b) place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer and forwarded with the ballot-paper, and
- (c) seal the envelope, and
- (d) insert his or her full name and address on the back of the envelope and sign the back of the envelope, and
- (e) return the envelope to the returning officer so that it is received by the returning officer before the close of the ballot.

325 Receipt of ballot-papers

(1) In any ballot, the returning officer must reject any envelope purporting to contain a ballot-paper, being an envelope:

- (a) that is not received by the returning officer before the close of the ballot, or
- (b) that is unsealed,

without opening the envelope or inspecting the ballot-paper.

(2) On receipt, before the close of the ballot, of an envelope purporting to contain a ballot-paper, the returning officer must examine the name on the back of the envelope and:

- (a) if the returning officer is satisfied that a person of that name is included in the relevant roll for the election, accept the ballot-paper in the envelope for scrutiny without opening the envelope and draw a line through that person's name in the roll, or
- (b) if the returning officer is not so satisfied, or if a signature does not appear on the back of the envelope, reject the ballot-paper in the envelope without opening the envelope.

(3) If it appears to the returning officer that the signature on the back of any such envelope is not the signature of the person whose name and address appear on the back of the envelope, the returning officer may make such inquiries as the returning officer thinks fit. If the returning officer is satisfied after making those inquiries that the signature is not the signature of that person, the returning officer is to reject the ballot-paper in the envelope without opening the envelope.

326 Ascertaining result of ballot

The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

327 Scrutineers

Each candidate in a ballot is entitled to appoint, by notice in writing to the returning officer, a scrutineer to represent the candidate at all stages of the scrutiny.

328 Scrutiny of votes

(1) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:

- (a) it is neither initialled by the returning officer (or by a person authorised by the returning officer in that behalf) nor bears a mark prescribed as an official mark for

the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or

(b) it has on it any mark or writing that, in the opinion of the returning officer, could enable any person to identify the voter who completed it, or

(c) it has not been completed in accordance with the directions shown on it.

(2) A ballot-paper must not be rejected as informal merely because:

(a) there is any mark or writing on it that is not authorised or required by this Division (not being a mark or writing referred to in subclause (1) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or

(b) the number of candidates the voter has recorded a vote for is less than the number to be elected.

(3) The scrutiny of votes in a ballot is to be conducted as follows:

(a) the returning officer must produce unopened the envelopes containing the ballot-papers accepted for scrutiny under clause 325 in respect of the ballot, other than any envelope purporting to contain a ballot-paper rejected under clause 325 (3),

(b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,

(c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers,

(d) the returning officer must then examine each ballot-paper and reject those that are informal,

(e) the returning officer must then proceed to count the votes and ascertain the result of the election in accordance with clause 326.

329 Counting of votes

(1) In any election the method of counting votes is to be the "first past the post" method, that is, the candidate or candidates with the most votes is or are taken to be elected.

(2) If the number of candidates to be elected cannot be determined because of an equality of votes, the candidate taken to be elected is the candidate whose name is drawn by lot from a receptacle containing the names of each of the candidates having equal votes.

330 Notification of result of election

(1) As soon as practicable after a candidate has been elected, the returning officer must notify the Minister, in writing, of the name of the candidate or candidates so elected.

(2) The Minister is to publish written notice of the appointment of elected industry members in the Gazette.

331 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Division to make a decision on any matter relating to the conduct of a ballot in an election, the decision of the returning officer on that matter is final.

332 Offence

Any person who:

(a) votes, or attempts to vote, more than once in any election, or

(b) votes, or attempts to vote, in an election in which the person is not entitled to vote, or

(c) makes a false or intentionally misleading statement (not being a statement verified by statutory declaration):

(i) to the returning officer in connection with an election, or

(ii) in any document that the person furnishes for the purposes of an election,

is guilty of an offence.

Maximum penalty: 5 penalty units.

333 Death of a candidate

Where a candidate dies after the close of nominations and before the close of the ballot for an election:

- (a) the returning officer must cause a notification of the death to be published in the Gazette, and
- (b) all proceedings in the election taken after the Director-General notified the returning officer that the election was required to be held are to be of no effect and those proceedings must be taken again.

Division 6 – Provisions relating to members and procedure of Management Advisory Committees

334 Definitions

In this Division:

"industry member" means a member of a MAC elected and appointed pursuant to section 230 (2) (a) of the Act.

"MAC" means a Management Advisory Committee.

"member" means a member of a MAC.

"non-elected member" means a member of a MAC appointed pursuant to section 230 (2) (b) of the Act.

335 Non-elected members

(1) For the purposes of section 230 (2) (b) of the Act, non-elected members are to be appointed from among the following interested groups:

- (a) the Department,
- (b) groups representing recreational fishers,
- (c) the Nature Conservation Council,
- (d) groups representing indigenous Australians,
- (e) such other groups as the Minister considers appropriate.

(2) The number of non-elected members appointed to a MAC is to be less than the number of industry members of the MAC.

(3) At least one of the non-elected members appointed to each MAC is to be a person selected from a panel of nominees of the Nature Conservation Council.

336 Appointment of Nature Conservation Council representatives

(1) For the purposes of clause 335 (1) (c), the Minister is to request the Nature Conservation Council to nominate one or more persons from among its officers and members as a candidate or as candidates for appointment to the MAC concerned.

(2) The Minister may decline to accept the nomination of any such candidate. In such a case the Minister:

- (a) is to advise the Nature Conservation Council of that decision and of the reason for that decision, and
- (b) if the Minister considers it appropriate, is to give the Nature Conservation Council an opportunity to nominate another candidate or candidates.

(3) If the Nature Conservation Council:

- (a) fails to nominate a candidate, or a sufficient number of candidates, for appointment to the relevant MAC within 60 days after being requested to do so by

the Minister, or

(b) fails to nominate within that period a candidate, or a sufficient number of candidates, whose nomination is, or whose nominations are, accepted by the Minister,

the Minister may appoint as a member of that MAC any person or persons whom the Minister considers suitable to represent the interests of the Council, instead of a person nominated by the Council.

337 Deputies of members

(1) A member may, from time to time, appoint a person to be the deputy of the member, and may at any time revoke any such appointment.

(2) Such an appointment may be made only with the approval of the Minister. The Minister may revoke such approval at any time.

(3) In the absence of a member, the member's deputy:

(a) may, if available, act in the place of the member, and

(b) while so acting, has all the functions of the member and is to be taken to be the member.

(4) A person, while acting in the place of a member, is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

338 Terms of office

Subject to this Division:

(a) an industry member holds office for a term of 3 years but is eligible (if otherwise qualified) for re-election and re-appointment, and

(b) a non-elected member holds office for the term specified in his or her appointment (not exceeding 3 years) but is eligible (if otherwise qualified) for re-appointment.

339 Allowances for members

A member is entitled to be paid such allowances as the Minister from time to time determines in respect of the member.

340 Vacancy in office of a member

(1) The office of a member becomes vacant if the member:

(a) dies, or

(b) completes a term of office and is not re-elected or re-appointed, or

(c) resigns the office by instrument in writing addressed to the Minister, or

(d) is removed from office by the Minister under this clause, or

(e) is absent from 3 consecutive meetings of the MAC of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for having been absent from those meetings, or

(f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

(g) becomes a mentally incapacitated person.

(2) The Minister may remove a non-elected member from office at any time.

(3) The Minister may remove an industry member from office if the member:

(a) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

(b) is convicted of an offence under the Act or the regulations or an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing

- gear or a boat, or
- (c) ceases to be qualified to be elected to the MAC (see Division 4 of this Part), or
- (d) has, in the opinion of the Minister, ceased to effectively represent the shareholders or commercial fishers he or she was elected to represent, or
- (e) has, in the opinion of the Minister, engaged in conduct that is likely to bring the fishing industry into disrepute, or
- (f) has been formally reprimanded by the chairperson of the MAC of which he or she is a member for unruly or disruptive behaviour at a meeting of the MAC on not less than 3 occasions (whether occurring at the same meeting or at different meetings of the MAC).

341 Filling of vacancy in office of member

- (1) If the office of an industry member becomes vacant because the term of office of the member has ended, an election is to be held in accordance with Division 5 of this Part for the purpose of appointing a new member.
- (2) If a vacancy occurs in the office of an industry member otherwise than because the term of office of the member has ended, the Minister may appoint a person to fill the office for the remainder of that term, being a person who would be qualified to be elected to the office and who the Minister decides, after consultation with the relevant industry sector, is appropriate for that office.

342 General procedure for calling and holding meetings of a MAC

- (1) The procedure for the calling and holding of meetings of a MAC is to be determined by the Minister.
- (2) The Minister is to call at least 2 meetings of a MAC each calendar year, unless otherwise determined by the MAC.

343 Transaction of business outside meetings or by telephone

- (1) A MAC may, with the written approval of the Director-General, transact any of its business by the circulation of papers among all the members of the MAC for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the MAC.
- (2) A MAC may, with the written approval of the Director-General, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),the chairperson and each member have the same voting rights as they have at an ordinary meeting of the MAC.
- (4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the MAC.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

344 Quorum

The quorum for a meeting of a MAC consists of the majority of its industry members for the time being.

345 Voting

A decision supported by a majority of votes cast at a meeting of a MAC at which a quorum is present is the decision of the MAC, but only if the majority of members present are industry members.

Part 18 – Enforcement

346 Class of persons that may be appointed as fisheries officers

For the purposes of section 243 (1) (d) of the Act, the prescribed class of persons consists of persons appointed to enforce a law relating to commercial fishing operations of the Commonwealth, another State or a Territory.

347 Forfeiture offences

For the purposes of section 265 (2) of the Act, the following fisheries offences are declared to be forfeiture offences:

- (a) an offence against section 14 of the Act (Offences relating to closures),
- (b) an offence against section 16 of the Act (Prohibited size fish),
- (c) an offence against section 17 of the Act (Bag limits--taking of fish),
- (d) an offence against section 18 of the Act (Bag limits--possession of fish),
- (e) an offence against section 19 of the Act (Protected fish),
- (f) an offence against section 20 of the Act (Fish and waters protected from commercial fishing),
- (g) an offence against section 20A of the Act (Fish and waters protected from recreational fishing),
- (h) an offence against section 21B of the Act (Trafficking in fish),
- (i) an offence against section 24 of the Act (Lawful use of nets or traps),
- (j) an offence against section 25 of the Act (Possession of illegal fishing gear),
- (k) an offence against section 35 of the Act (Possessing fish illegally taken),
- (l) an offence against section 65 of the Act (Contravention of plan),
- (m) an offence against section 68 of the Act (Endorsements on licences),
- (n) a share forfeiture offence (within the meaning of section 75 of the Act),
- (o) an offence against section 102 of the Act (Commercial fishers required to be licensed),
- (p) an offence against section 104 of the Act (Provisions relating to licensing of commercial fishers),
- (q) an offence against section 108 of the Act (Provisions relating to licensing of boats),
- (r) an offence against section 112 of the Act (Commercial fishing licence to be endorsed for restricted fishery),
- (s) an offence against section 220ZA (Harming threatened species, populations or ecological communities),
- (t) an offence against section 220ZB (Buying, selling or possessing threatened species),
- (u) an offence against section 220ZC (Damage to critical habitat),
- (v) an offence against section 247 of the Act (Obstructing, impersonating etc fisheries officers),
- (w) an offence against the *Fisheries Management (Aquatic Reserves) Regulation 2002*,
- (x) an offence against clause 70 of this Regulation (Dynamite and explosive substances),
- (y) an offence against clause 72 of this Regulation (Use of electrical devices prohibited in all waters).

Under section 265 of the Act, a fisheries officer may seize a boat or motor vehicle that the officer has reason to believe has been used by a person engaged in commercial fishing activities for the purpose of committing a forfeiture offence.

348 Penalty notices

- (1) For the purposes of section 276 of the Act:
 - (a) an offence under a provision of the Act or the regulations specified in Column 1 of Schedule 7 is a prescribed offence, and
 - (b) an amount shown in Column 2 of Schedule 7 opposite the prescribed offence

is the amount of penalty prescribed for the offence if that offence is dealt with under section 276 of the Act.

(2) If the reference to a provision in Column 1 of Schedule 7 is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

(3) For the purposes of section 276 (9) of the Act, in relation to each offence referred to in Schedule 7, the prescribed class of persons who are authorised officers in relation to those offences is the class of fisheries officers.

349 Payment by instalments

(1) Despite any other provision of this Regulation, but subject to the Act, the Minister may approve the payment by instalments of any fee, charge or other sum of money payable under the Act or this Regulation.

(2) An approval may establish guidelines in accordance with which instalments are to be paid.

(3) An approval may require interest to be paid on late instalments, at a rate not exceeding the rate payable on judgments of the Supreme Court.

(4) If a person fails to pay an instalment on or before the due date, the total amount of all instalments unpaid on that date, together with any interest, becomes due and payable.

Part 19 – Savings and transitional provisions

350 Definition

In this Part, "**repealed regulation**" means the *Fisheries Management (General) Regulation 2002*.

351 Offences under 1935 Act

In this Regulation, a reference to an offence under the Act or the regulations is taken to include a reference to an offence under the *Fisheries Act 1935* (formerly the *Fisheries and Oyster Farms Act 1935*) or regulations made under that Act.

352 Continuation of existing restricted fisheries

(1) The sea urchin and turban shell restricted fishery declared under this Regulation is a continuation of the restricted fishery declared under the repealed regulation.

(2) The southern fish trawl restricted fishery declared under this Regulation is a continuation of the restricted fishery declared under the repealed regulation.

(3) The inland fishery restricted fishery declared under this Regulation is a continuation of the restricted fishery declared under the repealed regulation.

353 Committees, Councils and Panels

(1) Any Committee, Council or Panel established under or in accordance with the repealed regulation and in existence on the repeal of that regulation is taken to be established under or in accordance with (as the case may be) this Regulation.

(2) Any person who is a member of any such Committee, Council or Panel on the repeal of the repealed regulation is taken to have been appointed or elected to that Committee, Council or Panel under or in accordance with the Act or this Regulation.

(3) Any person who is the chairperson of any such Committee, Council or Panel on the repeal of the repealed regulation is taken to have been appointed as such under this regulation.

354 Penalties imposed by Local Court

The amendment made to section 277 (2) by the *Fisheries Management Amendment Act 2009* applies only in respect of an offence committed on or after 1 April 2010.

355 Records of sale and possession of fish

- (1) New section 123 applies in respect of fish sold on or after 1 April 2010.
- (2) Repealed section 123 continues to apply in respect of fish sold before 1 April 2010.
- (3) A record concerning the sale or possession of fish that was made in respect of fish sold before 1 April 2010 and that complied with the requirements with respect to records of sale or possession applicable under repealed section 123 is taken:
 - (a) to be a record of acquisition or possession for the purposes of new section 123 or new section 123A (as the case requires), and
 - (b) to comply with the requirements of new sections 123 and 123A.
- (4) In this clause: "**new section 123**" means section 123 as substituted by the *Fisheries Management Amendment Act 2009*. "**new section 123A**" means section 123A as inserted by the *Fisheries Management Amendment Act 2009*. "**repealed section 123**" means section 123 as in force immediately before 1 April 2010.

356 Savings

Any act, matter or thing that, immediately before the repeal of the *Fisheries Management (General) Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

357 (Repealed)

Schedule 1 Ocean waters

(Clause 3 (1))

Ocean waters

1

"**Ocean waters**" means waters east of the natural coast line of New South Wales.

2

The "**natural coast line**" is defined by a line drawn along the high water mark of the sea.

3

Where an estuary meets the coast, the "**natural coast line**" is defined as follows (unless item 4 applies):

- (a) if an estuary has two breakwalls at the confluence with the South Pacific Ocean, by a line drawn across the easternmost extremity of both break walls,
- (b) if an estuary has only one breakwall, by a line drawn from the easternmost extremity of the breakwall to the northern or southern extremity of the high water mark on the opposite bank,
- (c) if an estuary enters the South Pacific Ocean and there are no defined points available, by a line drawn across the entrance between the easternmost extremity of the drying points on each bank.

4

In relation to the following waters, the "**natural coast line**" is defined as follows:

- (a) Port Stephens--by a line drawn between the southern extremity of Yacaaba Point to the Northern extremity of Tomaree Point,
- (b) Broken Bay--by a line drawn from the southern extremity of Box Head to the northern extremity of Barrenjoey Head,
- (c) Port Jackson--by a line drawn from the southern extremity of North Head to the northern extremity of South Head,
- (d) Botany Bay--by a line drawn from Endeavour Light to the northern extremity of

Sutherland Point,

(e) Port Hacking--by a line drawn from the southernmost extremity of Hungry Point to the northernmost extremity of Cabbage Tree or Pulpit Point,

(f) Jervis Bay--by a line drawn from the southeastern point of Point Perpendicular to the southeastern point of Bowen Island then to the northeastern point of Governor Head,

(g) Wogonga River--by a line drawn northwest across the entrance from the northernmost extremity of Wogonga Head,

(h) Batemans Bay--by a line drawn from the southwestern extremity of Square Point to the northernmost extremity of Observation Point.

Schedule 2 Maps of critical habitat of grey nurse shark

(Clause 3 (1))

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Schedule 3 Fish and waters protected from commercial fishing

(Clause 9)

1 Back Lake (also known as Back Lagoon)

(1) Waters: The whole of the waters of Back Lake and its tributaries, from its confluence with the South Pacific Ocean to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

2 Bega River

(1) Waters: The whole of the waters of Bega River and its tributaries, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

3 Bellinger River (including Kalang River)

(1) Waters: The whole of the waters of Bellinger River and its tributaries (including Kalang River and its tributaries), from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

4 Bermagui River

(1) Waters: The whole of the waters of Bermagui River and its tributaries, from a line drawn between the eastern extremity of the northern breakwall south to Bermagui Point upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing, except the carriage of stowed fishing gear by boat directly from Bermagui Harbour to ocean waters.

5 Botany Bay

(1) Waters: The whole of the waters of Botany Bay and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing, other than the taking of lobster in accordance with the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* and abalone in accordance with the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*.

6 Burrill Lake

(1) Waters: The whole of the waters of Burrill Lake and Burrill Lake Entrance Channel and their tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

7 Camden Haven River

(1) Waters: The whole of the waters of Camden Haven River and its tributaries (including Gogleys Lagoon), from a line drawn between the eastern extremities of its northern and southern breakwalls upstream to North Haven Bridge and Dunbogan Bridge (including the waters under those bridges).

(2) Prohibited class of commercial fishing: All commercial fishing.

8 Clarence River--Hauling net

(1) Waters: That part of Clarence River enclosed within a line drawn across the river

entrance from the eastern extremity of the northern breakwall to the eastern extremity of the southern breakwall, and then upstream to a line drawn from the Maritime Authority of NSW Front Lead Beacon No 122 at mean high water mark on the northern side of Hickey Island, then northwesterly to the Maritime Authority of NSW Navigation Aid No 097 located on the downstream side of the easternmost opening in Middle Wall, then northeasterly across to the western extremity of Moriartys Wall.

(2) Prohibited class of commercial fishing: All commercial fishing, except the class of commercial fishing that consists of the lawful use of a hauling net (general purpose) on and from 1 April in any year up to and including 31 August in that year in the waters adjacent to Wave Trap Beach located at the western end of the northern breakwall at the entrance of Clarence River.

9 Clarence River

(1) Waters: The following waters of Clarence River:

(a) the whole of the waters of Oyster Channel from a line drawn from the Departmental marker post RFH1, located on the southern shore adjacent to the intersection of Micalo and Yamba Roads, northeasterly to the Departmental marker post RFH2 located on the shore north of Whyna Island, then following the mean high water mark upstream to a Departmental marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420m upstream from the Oyster Channel road bridge, then westerly following the powerlines to a Departmental marker post RFH4 on the shore of Micalo Island,

(b) the whole of the waters of Romiaka Channel south from a line drawn from the Departmental marker post RFH5, located on the shore of the northern extremity of Romiaka Island, northerly across to the Departmental marker post RFH6 on the shore at Palmers Island, west of Ungundam Island, and then upstream to a line drawn from the Departmental marker post RFH7 located on the shore of Romiaka Island at the southern end of the rock retaining wall on "Burn's farm", then westerly across Romiaka Channel to the Departmental marker post RFH8 on the shore of Palmers Island,

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

(2) Prohibited class of commercial fishing: All commercial fishing.

10 Deep Creek

(1) Waters: The whole of the waters of Deep Creek and its tributaries, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

11 Hastings River

(1) Waters: The whole of the waters of Hastings River and its tributaries, from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

12 Lake Brunderee

(1) Waters: The whole of the waters of Lake Brunderee and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

13 Lake Conjola

(1) Waters: The whole of the waters of Lake Conjola and Berringer Lake and their

tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

14 Lake Macquarie

(1) Waters: The whole of the waters of Lake Macquarie and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

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

(1) Waters: The whole of the waters of Little Lake immediately south of Tilba Lake and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

16 Manning River

(1) Waters: The whole of the waters of Manning River and its tributaries (including Scotts Creek), from its confluence with the South Pacific Ocean upstream to and including:

(a) Ghinni Ghinni Creek, from a line drawn from a point on the south western shoreline at the mouth of Ghinni Ghinni Creek at 31°52.984'S, 152°33.565'E in a generally easterly direction to the shoreline of Oxley Island at 31°53.066'S, 152°34.011'E, and

(b) Berady Creek, from a line drawn from the upriver bank of Berady Creek due east to the eastern side of Manning River, in the south channel.

(2) Prohibited class of commercial fishing: All commercial fishing.

17 Meroo Lake

(1) Waters: The whole of the waters of Meroo Lake and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

18 Mummaga Lake (also known as Dalmeny Lake)

(1) Waters: The whole of the waters of Mummaga Lake and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

19 Narrawallee Inlet

(1) Waters: The whole of the waters of Narrawallee Inlet and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

20 Nelson Lagoon (also known as Nelson Lake)

(1) Waters: The whole of the waters of Nelson Lagoon and its tributaries, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

21 Nullica River

(1) Waters: The whole of the waters of Nullica River and its tributaries, from its confluence with Twofold Bay upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

22 Pambula River and Yowaka River

(1) Waters: The whole of the waters of Pambula River and Yowaka River and their tributaries, upstream from a line drawn from the southern end of Tea Tree Point and then due west to the boat ramp.

(2) Prohibited class of commercial fishing: All commercial fishing.

23 Richmond River--Hauling net

(1) Waters: That part of Richmond River from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to a line drawn across the river between the Burns Point Ferry ramps, including tributaries and canal estates.

(2) Prohibited class of commercial fishing: All commercial fishing, except the class of commercial fishing that consists of the lawful use of a hauling net (general purpose) to take sea mullet (*Mugil cephalus*) during April to July each year from the waters enclosed north of a line drawn from the southernmost extremity of the rock embankment at the eastern end of Missingham Bridge to a point approximately 225 metres in an east south east direction along the northern breakwater adjacent to Shaws Bay.

24 Richmond River--Crab and eel traps

(1) Waters: That part of Richmond River from a line drawn across the river between the Burns Point Ferry ramps upstream to a line drawn east across the river from the southeastern corner of Portion 21 at the eastern end of Emigrant Point Lane, including Emigrant Creek and other tributaries and canal estates.

(2) Prohibited class of commercial fishing: All commercial fishing, except the class of commercial fishing that consists of the lawful use of a crab trap or an eel trap.

25 St Georges Basin

(1) Waters: The whole of the waters of St Georges Basin and its tributaries (including Sussex Inlet).

(2) Prohibited class of commercial fishing: All commercial fishing.

26 Tabourie Lake

(1) Waters: The whole of the waters of Tabourie Lake and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

27 Tomaga River

(1) Waters: The whole of the waters of Tomaga River and its tributaries.

(2) Prohibited class of commercial fishing: All commercial fishing.

28 Towamba River (also known as Kiah River)

(1) Waters: The whole of the waters of Towamba River and its tributaries, from its confluence with Twofold Bay upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

29 Tuross Lake (including Tuross River and Borang Lake)

(1) Waters: The whole of the waters of Tuross Lake and its tributaries (including Tuross River and Borang Lake).

(2) Prohibited class of commercial fishing: All commercial fishing.

30 Tweed River

(1) Waters: The following waters of Tweed River:

(a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to Boyds Bay Bridge (including the waters under the bridge) and a line drawn from the southern point of Rocky Point due east to Fingal Road, including Jack Evans Boat Harbour, the Southern Boat Harbour, tributaries and canal estates,

(b) the canal estate off Bingham Bay known as Seagulls Canal, as well as its continuation on the other side of The Lakes Drive,

(c) the canal estate off Cobaki Broadwater known as Tweed West Canals,

(d) the tributary behind Caddy's Island known as Blue Water Canals,

(e) the canal estate behind Crystal Waters Drive known as Crystal Waters Canal,

(f) the canal estate west of Boyd's Island known as Endless Summer Canal Estate,

(g) the canal estate generally north of Chinderah Island known as Oxley Cove,

(h) Wommin Lagoon,

(i) Wommin Lake.

(2) Prohibited class of commercial fishing: All commercial fishing.

31 Wonboyn River and Wonboyn Lake

(1) Waters: The whole of the waters of Wonboyn River (including Wonboyn Lake) and its tributaries, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited class of commercial fishing: All commercial fishing.

32 Wonboyn Beach

(1) Waters: The whole of the waters adjacent to the shoreline and 500 metres seaward of the mean high water mark of the entire length of Wonboyn Beach between Green Cape Peninsula in the north and Greenglade in the south, including Bay Cliff Headland.

(2) Prohibited class of commercial fishing: All commercial fishing involving the use of a net.

Schedule 4 Fish and waters protected from recreational fishing

(Clause 10)

Part 1 – Ocean and estuarine waters

1 All waters--Australian bass and estuary perch

- (1) Waters: All waters except the backed up waters of any freshwater impoundments and their tributaries, upstream from where they enter the backed up waters of any freshwater impoundments.
- (2) Prohibited fishing method: Any method other than by catch and release fishing (so that any fish caught are immediately returned to the water unharmed).
- (3) Species of fish that must not be taken: Australian bass (*Macquaria novemaculeata*) and estuary perch (*Macquaria colonorum*).
- (4) Period: June to August (inclusive) in each year.

2 Tweed River Entrance

- (1) Waters: The whole of the waters of Tweed River, from its confluence with the South Pacific Ocean upstream to a line drawn east-west across the river and intersecting the northernmost extremity of Ukerebagh Island.
- (2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

3 Tweed River (Wommin Lake and Wommin Lagoon)

- (1) Waters: The whole of the waters of Wommin Lake and Wommin Lagoon, adjacent to the main road from Chinderah to Fingal (Fingal Road).
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:
 - (a) a dip or scoop net (prawns),
 - (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

4 Tweed River (Bray Park Weir)

- (1) Waters: That part of the tidal waters of the Tweed River within 400 metres downstream from the weir face of Bray Park Weir.
- (2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:
 - (a) a landing net,
 - (b) a bait trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

5 Rous River

- (1) Waters: The whole of the waters of Rous River and its tributaries, from the Boat Harbour Bridge upstream to its source.
- (2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

6 Richmond River (Lower Reaches)--Traps

- (1) Waters: The whole of the waters of Richmond River and its tributaries, from a line

drawn between the eastern extremities of the northern and southern breakwaters, upstream to the Burns Point ferry crossing.

(2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

7 Richmond River (Southern Burns Point)

(1) Waters: The whole of the waters within a 50 metre radius of the southern Burns Point ferry approach ramp on Richmond River at Ballina.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

8 Richmond River (Ballina Quays)--Nets

(1) Waters: The whole of the waters of Richmond River known as Ballina Quays, north of a line drawn from the southwestern corner of Lot 1 Riverside Drive, bearing 231°31' to the southwestern bank of Ballina Quays.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

9 Richmond River (Artificial Lakes)--Nets

(1) Waters: The whole of the tidal waters of the artificial lakes known as Prospect Lake, Chickiba Lake at East Ballina, Shaws Bay and Saltwater Lagoon (north of the northern training wall and breakwater) and their tributaries.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

10 Richmond River and Wilsons River (Upper Reaches)--Traps

(1) Waters: The whole of the tidal waters of Richmond River and its tributaries (including Wilsons River and its tributaries), upstream from Woodburn road bridge.

(2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

11 Evans River (Entrance)

(1) Waters: The whole of the waters of Evans River and its tributaries, from a line drawn between the northernmost points of the eastern and western breakwaters at the entrance to Evans River, upstream to Elm Street road bridge.

(2) Prohibited fishing method: Any method involving the use of the following:

(a) a lobster trap,

(b) a crab trap,

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

12 Iluka (Woody Bay)

(1) Waters: The whole of the waters of Woody Bay enclosed by a line drawn from the broad arrow mark engraved in the rock at the northeasterly end of the Woody Head camping ground (29°21.890'S, 153°22.440'E), then in a northerly direction for approximately 300 metres to the broad arrow mark marked FD engraved in the rock near

Seagull Hole (29°21.780'S, 153°22.430'E), then in a southwesterly direction to the Maritime Authority of NSW navigation buoy (29°21.850'S, 153°22.274'E), then in a southwesterly direction to the post marked "NSWF" on the foreshore (29°21.940'S, 153°22.260'E), then along the mean high water mark to the point of commencement.

(2) Prohibited fishing method: Any method involving the use of a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

13 Clarence River (Crystal Bay)--Nets

(1) Waters: The whole of the waters of Crystal Bay, upstream from a line drawn from the centre of the turning circle of Westringa Place to the northernmost point of Witonga Drive.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

14 Clarence River--Crab traps

(1) Waters: The whole of the waters of Clarence River and its tributaries, upstream from a line drawn across the river from the boat ramp adjacent to the Maclean Court House (that is, the Old Ashby Ferry crossing).

(2) Prohibited fishing method: Any method involving the use of a crab trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

15 Clarence River (Sportsman's Creek)--Nets

(1) Waters: The whole of the waters of Sportsman's Creek and its tributaries, from the weir above Lawrence upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

16 Clarence River (Headwaters)--Nets

(1) Waters: The whole of the waters of Mann River (Mitchell River), Nymbodia River and the upper reaches of Clarence River and their tributaries upstream from a line drawn across Clarence River at the power line above the rapids approximately 5 km upstream from Copmanhurst.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

17 Orara River

(1) Waters: The whole of the tidal waters of Orara River and its tributaries, upstream from its junction with Jacky's Creek to Bawden Bridge.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

18 Lake Arragan

(1) Waters: The whole of the waters of Lake Arragan.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a dip or scoop net (prawns),

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

19 Coffs Harbour Entrance

(1) Waters: The whole of the waters within the following boundaries: commencing at the northern extremity of the eastern breakwater at 30°18.535'S, 153°09.164'E then northerly to 30°18.200'S, 153°09.100'E then easterly to 30°18.200'S, 153°09.500'E, then southerly to 30°18.800'S, 153°09.500'E, then westerly to 30°18.800'S, 153°09.100'E, then northerly to the point of commencement.

(2) Prohibited fishing method: Any method involving the use of a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

20 Coffs Harbour (Harbour)

(1) Waters: The whole of the waters of Coffs Harbour, west of a line drawn from the northern extremity of the eastern breakwater at 30°18.535'S, 153°09.164'E, north to Muttonbird Island, but not including waters enclosed by the following bearings: 30°18.400'S, 153°08.800'E, 30°18.500'S, 153°08.800'E, 30°18.500'S, 153°09.100'E, 30°18.400'S, 153°09.100'E.

(2) Prohibited fishing method: Any method involving the use of a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

21 Boambee, Bonville and Pine Creeks

(1) Waters: The whole of the waters of Boambee, Bonville and Pine Creeks and their tributaries, from the South Pacific Ocean upwards to their source.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

22 Bellinger River

(1) Waters: The whole of the waters of Bellinger River and its tributaries, downstream from a line drawn east-west across the river and intersecting the northern extremity of the northern breakwater.

(2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

23 Kalang River

(1) Waters: The whole of the waters of Kalang River and Urunga Lagoon and their tributaries, downstream from a line drawn northeast across the river from the northern extremity of the southern training wall.

(2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

24 Nambucca River and Warrell Creek--Weekend netting

(1) Waters: The whole of the tidal waters of Nambucca River and Warrell Creek and their tributaries, downstream from Lanes Bridge, Bowraville (Nambucca River arm), Boatharbour Bridge (Taylors arm) and the Pacific Highway road bridge at Cockburns Lane (Warrell Creek arm).

(2) Prohibited fishing method: Any method involving the use of a net, other than the

following:

- (a) a hand-hauled prawn net,
- (b) a dip or scoop net (prawns),
- (c) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: 6pm Friday to 6pm Sunday in each week, or to 6pm Monday if Monday is a public holiday and on any weekday (other than a Monday) that is a public holiday, from 6am to 6pm.

25 Nambucca River Entrance--Nets

(1) Waters: The whole of the waters of that part of Nambucca River from its confluence with the South Pacific Ocean (including the waters of Inner Harbour and Siberia Lagoon) upstream to the causeway to Stuart's Island and a line extending from the southern end of the causeway on Stuart's Island generally east along the mean high water mark to 30°39.270'S, 152°59.770'E (on the southeastern side of Stuart's Island), then across the Nambucca River to 30°39.410'S, 153°00.170'E (on the northernmost point of the western bank of Warrell Creek), then across Warrell Creek to 30°39.410'S, 153°00.360'E (on the eastern bank of Warrell Creek).

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a hoop or lift net,
- (c) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

26 Warrell Creek--Nets and traps

(1) Waters: The whole of the tidal waters of Warrell Creek and its tributaries, from the Scotts Head boat ramp adjacent to Warrell Creek Reserve upstream to the Pacific Highway road bridge at Cockburns Lane.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

- (a) a landing net,
- (b) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

27 Deep Creek

(1) Waters: The whole of the tidal waters of Deep Creek and its tributaries, from the South Pacific Ocean upstream to Sullivans road bridge at Valla.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

28 Yarrahapinni Wetlands National Park

(1) Waters: The whole of the waters of Yarrahapinni Wetlands National Park and its tributaries, upstream from its confluence with Macleay River at the existing flood mitigation gates and associated levy banks located in Anderson's Inlet.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

29 Macleay River

(1) Waters: The whole of the tidal waters of Macleay River and its tributaries, from the Kempsey railway bridge upstream to Belgrave Falls, Kempsey.

(2) Prohibited fishing method: Any method involving the use of a net, other than a

landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

30 South West Rocks Creek

(1) Waters: The whole of the waters of South West Rocks Creek, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

31 Belmore River

(1) Waters: The whole of the waters of that part of Belmore River and its tributaries, from its source downstream to Gladstone road bridge.

(2) Prohibited fishing method: Any method involving the use of a net or a trap, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net,

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

32 Korogoro Creek (Hat Head)

(1) Waters: The whole of the waters of Korogoro Creek and its tributaries, from its source to its confluence with the South Pacific Ocean.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

33 Killick Creek

(1) Waters: The whole of the waters of Killick Creek and its tributaries, upstream from its confluence with the South Pacific Ocean.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a hand-hauled prawn net,

(c) a push or scissors net (prawns),

(d) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

34 Camden Haven

(1) Waters: The whole of the waters of Camden Haven Inlet upstream from its confluence with the South Pacific Ocean to a line drawn from the western rock wall of the public baths adjacent to Pioneer Street to the western point of the entrance to Gogleys Creek and including the waters of the creek to a line drawn directly south of the southernmost point of Gogleys Island.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

35 Crowdy Head Boat Harbour--Lobster

- (1) Waters: The whole of the waters of Crowdy Head boat harbour and the adjoining South Pacific Ocean up to a line drawn from the northernmost extremity of the southern breakwater to the westernmost extremity of the northern breakwater, that part of the South Pacific Ocean extending 100 metres in a westerly direction from the abovementioned line, and that part of the South Pacific Ocean extending 100 metres on the seaward side of the breakwaters of Crowdy Head boat harbour from the beginning of the breakwaters to their extremities.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of rocklobster and slipper lobster (*Scyllarides* spp.)
- (4) Period: All year.

36 Crowdy Head Boat Harbour--Nets and traps

- (1) Waters: The whole of the waters of Crowdy Head boat harbour and the adjoining South Pacific Ocean up to a line drawn from the northernmost extremity of the southern breakwater to the westernmost extremity of the northern breakwater, that part of the South Pacific Ocean extending 100 metres in a westerly direction from the abovementioned line, and that part of the South Pacific Ocean extending 100 metres on the seaward side of the breakwaters of Crowdy Head boat harbour from the beginning of the breakwaters to their extremities.
- (2) Prohibited fishing method: Any method involving the use of the following:
 - (a) a trap,
 - (b) a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

37 Manning River

- (1) Waters: The whole of the tidal waters of Manning River and its tributaries, from a line drawn across the river at the junction of Cedar Party Creek, including that creek upstream to Abbots Falls near Wingham.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

38 Wallis Lake

- (1) Waters: The whole of the tidal waters within the following boundaries: commencing at the entrance to Wallis Lake at the eastern extremity of the northern breakwater; and bounded by that breakwater and a part of the foreshores of the Village of Tuncurry generally southerly to the southerly prolongation of the western side of Wharf Street; then by a line drawn southwesterly to the northern foreshore at a point 32°10.97'S, 152°29.88'E; then by a line drawn generally southerly to the northern foreshore at a point 32°11.27'S, 152°29.89'E; then by a line drawn generally southeasterly to the southwestern foreshore of Godwin Island at a point 32°11.56'S, 152°29.99'E; then by the northern foreshore of that island northeasterly to the northernmost point; then by a line drawn generally northeasterly to the western prolongation of the southern boundary of section 27, Village of Forster; then by that foreshore generally northerly to the southern breakwater; by that breakwater to its eastern extremity and by a line across the entrance to the point of commencement.
- (2) Prohibited fishing method: Any method involving the use of the following:
 - (a) a hoop or lift net,
 - (b) a hand-hauled prawn net,
 - (c) a push or scissors net (prawns),
 - (d) a crab trap,

(e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

39 Wallis Lake (Forster Keys Canal Estate)--Nets

(1) Waters: The whole of the canal waters of Forster Keys Estate, adjacent to (but not including) Pipers Creek, contained within a line drawn across the entrance to Wyuna Canal, a line drawn from the southwest corner of Lot No 1 Wyuna Place to the northwest corner of Lot No 87 Elouera Crescent and a line from the southeast corner of Lot No 160 Elizabeth Parade to the southwest corner of Lot No 116 Sirius Key.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a hoop or lift net,

(c) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

40 Wallamba River

(1) Waters: The whole of the waters of Wallamba River and its tributaries, upstream to its source from the Pacific Highway bridge at Nabiac.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

41 Hunter River (South Channel)--Shellfish

(1) Waters: The whole of the waters of South Channel, Hunter River, downstream from the northernmost extremity of Hexham Island to a line across the river from the southernmost extremity of Walsh Point to the eastern side of Selwyn Street.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of shellfish.

(4) Period: All year.

42 Hunter River--Nets and traps

(1) Waters: The whole of the waters of Hunter River and its tributaries, from Fitzgerald Bridge at Raymond Terrace upstream to the junction of the Hunter and Paterson Rivers.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net,

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

43 Hunter River--Prawn nets

(1) Waters: The whole of the waters of Hunter River and its tributaries, from a line drawn southwesterly from the boat ramp adjacent to Punt Road, Stockton to the eastern extremity of the State Dockyard (Dyke Point) upstream to its junction with Williams River.

(2) Prohibited fishing method: Any method involving the use of the following:

(a) a hand-hauled prawn net,

(b) a push or scissors net (prawns).

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: June to October (inclusive) in each year.

44 Hunter River (Upper Reaches) and Paterson River--Nets and traps

(1) Waters: The whole of the tidal waters of Hunter and Paterson Rivers and their

tributaries, upstream from a line drawn across Hunter River at the junction of those rivers to the railway bridge crossing at Oakhampton on Hunter River and to Gostwyck Bridge near Martins Creek on Paterson River.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net,
- (c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

45 Hunter River (Lower Reaches)--Nets

(1) Waters: The whole of the waters of Hunter River from its confluence with the South Pacific Ocean, upstream to a line drawn southwesterly from the boat ramp adjacent to Punt Road, Stockton, to the eastern extremity of the State Dockyard (Dyke Point), including Throsby and Carrington Basins.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

46 Williams River (Lower Reaches)--Nets and traps

(1) Waters: The whole of the tidal waters of the lower Williams River and its tributaries, upstream to the Seaham Weir at Seaham.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net,
- (c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

47 Williams River (Upper Reaches)--Nets and traps

(1) Waters: The whole of the waters of Williams River and its tributaries, from James Scott Bridge at Seaham upstream to its source.

(2) Prohibited fishing method: Any method, other than the following:

- (a) a hand held line,
- (b) a dip or scoop net (prawns),
- (c) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

48 Throsby Creek--Shellfish

(1) Waters: The whole of the waters of Throsby Creek and its tributaries, upstream from Cowper Street road bridge.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of the following:

- (a) shellfish,
- (b) crustacea (phylum Crustacea).

(4) Period: All year.

49 Throsby Creek--Nets and traps

(1) Waters: The whole of the waters of Throsby Creek and its tributaries, upstream from Cowper Street road bridge.

(2) Prohibited fishing method: Any method, other than the following:

- (a) a hand held line,
 - (b) a landing net,
 - (c) a bait trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

50 Lake Macquarie--Traps and digging

- (1) Waters: The whole of the waters of Lake Macquarie and its tributaries, from its confluence with the South Pacific Ocean.
- (2) Prohibited fishing method: Any method involving the use of the following:
- (a) a trap, other than a bait trap,
 - (b) a spade or fork.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

51 Lake Macquarie--Prawn nets

- (1) Waters: The whole of the waters of Lake Macquarie, from its confluence with the South Pacific Ocean upwards to a line drawn from the westernmost extremity of Marks Point generally south to the northernmost extremity of Coon Island Nature Reserve.
- (2) Prohibited fishing method: Any method involving the use of the following:
- (a) a hand-hauled prawn net,
 - (b) a push or scissors net (prawns).
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

52 Lake Macquarie (Upper Reaches)

- (1) Waters: The whole of the waters of Mannering Bay and its tributaries (including Wyee Creek), upstream from the causeway across the entrance to Mannering Bay.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

53 Lake Macquarie (Lake Petite)

- (1) Waters: The whole of the waters of Lake Petite, upstream from its confluence with Bardens Bay.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

54 Lake Macquarie (Whiteheads Lagoon)

- (1) Waters: The whole of the waters of Whiteheads Lagoon, upstream from the road bridge near its confluence with Lake Macquarie.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

55 Lake Macquarie (Muddy Lake and Lake Eraring)

- (1) Waters: The whole of the waters of Muddy Lake and Lake Eraring, upstream from a line drawn from the southern extremity of Pipers Point to the northeasternmost point of the north bank of Dora Creek.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

56 Lake Macquarie (Duck Hole Lagoon)

- (1) Waters: The whole of the waters of Duck Hole Lagoon.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

57 Lake Macquarie (Eraring Power Station)

- (1) Waters: The whole of the waters of Eraring power station outlet canal and the waters within 100 metres of the canal extremity.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: 6pm on each day to 6am on the following day in May to August (inclusive) in each year.

58 Lake Macquarie (Vales Point Power Station)

- (1) Waters: The whole of the waters of Vales Point power station outlet canal and the waters within 100 metres of the canal extremity.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: 6pm on each day to 6am on the following day in May to August (inclusive) in each year.

59 Tuggerah Lakes

- (1) Waters: The whole of the waters of that part of the entrance to Tuggerah Lake from the confluence of Tuggerah Lake and the South Pacific Ocean bounded by a line commencing on the high water mark at a point 201 metres southwesterly from the northwestern corner of portion 39 in the parish of Wallarah, then northwesterly to 33°19.410'S, 151°30.293'E (NSW Maritime Navigation Aid Number 096), then northwesterly to 33°19.344'S, 151°30.112'E (NSW Maritime Navigation Aid Number 095), then northerly to 33°19.143'S, 151°29.959'E (NSW Maritime Navigation Aid Number 094), then northerly to 33°18.934'S, 151°29.875'E (NSW Maritime Navigation Aid Number 093), then southwesterly to 33°19.225'S, 151°29.589'E (NSW Maritime Navigation Aid Number 092), then southwesterly to 33°19.636'S, 151°29.134'E (NSW Maritime Navigation Aid Number 091), then southwesterly to 33°20.055'S, 151°28.708'E (NSW Maritime Navigation Aid Number 090), then easterly to 33°20.138'S, 151°29.122'E (NSW Maritime Navigation Aid Number 089), then southeasterly to 33°20.220'S, 151°29.235'E (NSW Maritime Navigation Aid Number 088), then southeasterly to 33°20.364'S, 151°29.300'E (NSW Maritime Navigation Aid Number 087), then southeasterly to a point on the high water mark of the eastern shore of that lake 805 metres southerly from the northern extremity of Picnic Point.

- (2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

60 Lake Munmorah

- (1) Waters: The whole of the waters of Budgewoi Creek and its tributaries, upstream from the traffic road bridge to the pedestrian bridge at the entrance to Lake Munmorah.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net.

- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

61 Budgewoi Lake

- (1) Waters: The whole of the waters of that part of Munmorah Power House outlet canal,

Budgewoi Lake, northeast of a line bearing 140° across the canal from the southwesternmost extremity of the breakwater on the southwestern side of the canal to Ourringo Point.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: 6pm on each day to 6am on the following day in May to August (inclusive) in each year.

62 Wamberal Lagoon

(1) Waters: The whole of the waters of Wamberal Lagoon and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

63 Terrigal Lagoon

(1) Waters: The whole of the waters of Terrigal Lagoon and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

64 Avoca Lake

(1) Waters: The whole of the waters of Avoca Lake and its tributaries (including Bulbararing Lagoon).

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

65 Cockrone Lake

(1) Waters: The whole of the waters of Cockrone Lake and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

66 Brisbane Water (Saratoga Area)--Shellfish

(1) Waters: The whole of the waters of Brisbane Water from the mean high water mark at the Public Wharf, View Parade, Saratoga, then along the Saratoga foreshore to Veteran Hall Wharf, Saratoga, and extending 200 metres offshore.

- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of shellfish.
- (4) Period: All year.

67 Brisbane Water (Ettalong)--Digging

- (1) Waters: The whole of the waters and intertidal zone of Brisbane Water from the mean high water mark to the middle of the estuary and extending from the boat ramp at the southern end of Ettalong Beach (at the end of Kourung Street) to the Maitland Bay Drive road bridge at The Rip.
- (2) Prohibited fishing method: Any method involving the use of a spade or fork.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

68 Brisbane Water (Cockle Creek)--Digging

- (1) Waters: The whole of the waters and intertidal zone of Brisbane Water, upstream to its source, from a line drawn from a point 33°29.405'S, 151°21.355'E generally northwesterly to the nearest point on the opposite shore at Davistown (includes waters of Cockle Creek, Cockle Channel, Empire Bay, Cockle Broadwater, Cockle Bay and Kincumber Creek).
- (2) Prohibited fishing method: Any method involving the use of a spade or fork.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

69 Hawkesbury River (Brisbane Water/Broken Bay)

- (1) Waters: The whole of the waters of that part of Brisbane Water/Broken Bay and its tributaries, north of a line drawn westerly from the western extremity of Little Box Head to the eastern extremity of Green Point.
- (2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:
 - (a) a landing net,
 - (b) a dip or scoop net (prawns),
 - (c) a bait trap,
 - (d) a lobster trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

70 Hawkesbury River (Brisbane Water/Broken Bay Entrance)

- (1) Waters: The whole of the waters of that part of Brisbane Water/Broken Bay north of a line drawn westerly from the western extremity of Little Box Head and the northernmost point of Mount Ettalong.
- (2) Prohibited fishing method: Any method involving the use of a lobster trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

71 Hawkesbury River (Patonga Creek)--Weekend netting

- (1) Waters: The whole of the waters of Patonga Creek and its tributaries, upstream from its confluence with Hawkesbury River, being a line drawn northeasterly from the western foreshore at a point 151°15.91'E, 33°33.13'S to the southernmost extremity of the reserve on the opposite foreshore.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: 12pm Friday to 6pm Sunday in each week.

72 Hawkesbury River (Patonga Creek)--Hand-hauled prawn nets

- (1) Waters: The whole of the waters of Patonga Creek and its tributaries, upstream from its confluence with the Hawkesbury River, being a line drawn northeasterly from the western foreshore at a point 151°15.91'E, 33°33.13'S to the southernmost

extremity of the reserve on the opposite foreshore.

(2) Prohibited fishing method: Any method involving the use of a hand-hauled prawn net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

73 Hawkesbury River (Mooney Mooney Creek)--Weekend netting

(1) Waters: The whole of the waters of Mooney Mooney Creek and its tributaries, upstream to its source from the Pacific Highway bridge.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: 6pm Friday to 6pm Sunday in each week, or 6pm Friday to 6pm the following Monday if Monday is a public holiday.

74 Hawkesbury River (Cowan Creek and Jerusalem Bay)--Nets

(1) Waters: The whole of the waters of Cowan Creek and its tributaries (including Jerusalem Bay), upstream to its source from a line drawn generally north from Cowan Point, to the eastern extremity of the headland on the opposite side of the creek.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

75 Hawkesbury River (Upper Reaches)--Nets

(1) Waters: The whole of the tidal waters of Hawkesbury River and its tributaries, from the road bridge at Windsor upstream to the Yarramundi Bridge crossing near Agnes Banks.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

76 Longneck Lagoon

(1) Waters: The whole of the waters of Longneck Lagoon and its tributaries, east of Cattai Road.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a dip or scoop net (prawns),

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

77 Bungan Head

(1) Waters: The whole of the foreshore from the southern extremity of Newport Beach, generally southeasterly to the northern extremity of Bungan Beach (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

78 Mona Vale Headland

(1) Waters: The whole of the foreshore from the northernmost extremity of the rock platform bordering Bungan Beach, generally south to the southernmost extremity of the rock platform bordering Basin Beach (including that part of the foreshore between the

mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

79 Narrabeen Lake

(1) Waters: The whole of the waters of Narrabeen Lake and its tributaries (including Deep Creek, Middle Creek, South Creek and Mullet Creek and their tributaries).

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

80 Dee Why Lagoon

(1) Waters: The whole of the waters of Dee Why Lagoon and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

81 Dee Why Headland

(1) Waters: The whole of the foreshore from the southern boundary of the recreational reserve bordering Handoub Parade, generally southerly to the northern extremity of Curl Curl Beach (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and Southern Rocklobster (*Jasus edwardsii*).

(4) Period: All year.

82 Curl Curl Lagoon

(1) Waters: The whole of the waters of Curl Curl Lagoon and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

83 Manly Lagoon

(1) Waters: The whole of the waters of Manly Lagoon and its tributaries.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,

(c) a push or scissors net (prawns),

(d) a crab trap,

(e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

84 Shelly Beach Headland

(1) Waters: The whole of the foreshore between the northern end of Shelly Beach Reserve Car Park (at 33°48.016'S, 151°17.933'E) to the northern boundary of Sydney Harbour National Park, as indicated by a sandstone rock wall on the cliff top which is visible from the rock platform (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and Southern Rocklobster (*Jasus edwardsii*).

(4) Period: All year.

85 Sydney Harbour (intertidal protected areas)

(1) Waters: The whole of the foreshores of Sydney Harbour and its tributaries, west (upstream) of a line from the southern extremity of North Head to the northern extremity of South Head, but excluding those waters of North Harbour which are north of a line from Manly Point to the south end of Forty Baskets Beach (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

86 Port Jackson--Shellfish

(1) Waters: The whole of the tidal waters of Port Jackson and its tributaries, upstream from a line drawn from the northern extremity of South Head to the southern extremity of North Head.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of shellfish.

(4) Period: All year.

87 Port Jackson (North Harbour)--Nets and traps

(1) Waters: The whole of the waters of North Harbour, north of a line drawn on a bearing of 115° from the eastern extremity of Forty Baskets Beach, to the southern extremity of Manly Point, northern boundary of North Harbour Aquatic Reserve.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a lobster trap,

(c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

88 Port Jackson (Hunters Bay)--Nets

(1) Waters: The whole of the waters of Hunters Bay, Middle Harbour, enclosed by a line drawn generally southeasterly from Wyargine Point to the western end of Cobblers Beach.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: January to March (inclusive) and October to December (inclusive) in each year.

89 Port Jackson (Middle Harbour)--Nets

- (1) Waters: The whole of waters of Middle Harbour and its tributaries, upstream from the Roseville Bridge (Warringah Road).
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

90 Port Jackson (Darling Harbour and Bays)--Nets

- (1) Waters: The whole of the waters of Darling Harbour, Johnston's Bay, White Bay, Rozelle Bay, and Blackwattle Bay, south of a line drawn from the NSW Maritime tower, to Darling Street ferry wharf.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

91 Lane Cove River--Nets

- (1) Waters: The whole of the waters of that part of Lane Cove River and its tributaries, from the Epping Highway bridge, upstream to a line drawn between two posts on opposite sides of the river at Little Blue Gum Creek.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

92 Lane Cove River (Little Blue Gum Creek to Boatshed)

- (1) Waters: The whole of the waters of Lane Cove River and its tributaries, from a line drawn between two posts on opposite banks of the river at the junction of Little Blue Gum Creek, approximately 50 metres downstream from the weir, upstream to a line drawn from a post at the boatshed to a post on the opposite bank.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

93 Lane Cove River (Boatshed to Fern Valley)

- (1) Waters: The whole of the waters of Lane Cove River from a line drawn from a post at the boatshed to a post on the opposite bank upstream to a line drawn across the river between two posts on opposite sides of the river, at picnic area number 20 (Fern Valley).
- (2) Prohibited fishing method: Any method, other than the following:
 - (a) a landing net (but only if the fish caught are released alive),
 - (b) the use of up to two hand held lines with fly or lure attached from an unpowered vessel (but only if the fish caught are released alive).
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

94 Lane Cove River (Upstream from Fern Valley)

- (1) Waters: The whole of the waters of Lane Cove River, upstream from Fern Valley from a line drawn across the river between two posts on opposite sides of the river.
- (2) Prohibited fishing method: Any method, other than the following:
 - (a) a landing net (but only if the fish caught are released alive),
 - (b) the use of up to two hand held lines with no more than two single hooks or two lures (with up to three hooks attached to a lure) (but only if the fish caught are released alive).

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

95 Parramatta River (Silverwater to Parramatta Weir)--Nets

(1) Waters: The whole of the tidal waters of Parramatta River and its tributaries, from the Silverwater Road bridge upstream to Parramatta Weir (excluding the waters of Duck River).

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

(a) a dip or scoop net (prawns),

(b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

96 Parramatta River (Homebush Bay)

(1) Waters: The whole of the waters of Homebush Bay and its tributaries, upstream (south) to its source from a line drawn between Rhodes Point and Wentworth Point.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

97 Parramatta River (Duck River)

(1) Waters: The whole of the waters of Duck River and its tributaries, upstream to its source from its junction with Parramatta River.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

98 Bondi (Mackenzies Point)

(1) Waters: The whole of the foreshore from the northern extremity of the rock baths on the rock platform of Bondi Bay, generally southerly and southwesterly to the northern extremity of Tamarama Beach (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

99 Clovelly Bay and Gordons Bay

(1) Waters: The whole of the waters of Clovelly Bay and Gordons Bay including waters encompassed by a line commencing at the southeastern extremity of Shark Point, extending southeasterly for 100 metres to a point $33^{\circ}54.950' \text{S}$, $151^{\circ}16.300' \text{E}$, then generally southwesterly to a point $33^{\circ}55.100' \text{S}$, $151^{\circ}15.800' \text{E}$, then 100 metres northwesterly to the easternmost point of the southern headland of Gordons (or Thompsons) Bay then by the mean high water mark to the point of commencement.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of eastern blue groper, blue groper, brown groper and red groper (*Achoerodus viridis*).

(4) Period: All year.

100 Long Bay

(1) Waters: The whole of the foreshore from the easternmost point of Boora Point generally southwesterly to the easternmost point of Tupia Head (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and

invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

101 Botany Bay (Inscription Point)

(1) Waters: The whole of the foreshore from Captain Cook Obelisk at Kurnell generally northeasterly then southeasterly to the defined climbing track at Inscription Point (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of *cunjevoi* (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

102 Botany Bay (Towra Point to Kurnell)--Digging

(1) Waters: The whole of the waters of that part of Botany Bay including Woollooware and Quibray Bays, enclosed within the following boundaries: all waters south of a line drawn northeasterly from the northern extremity of Taren Point, to a point 200 metres offshore (northerly) from the northernmost extremity of Towra Point and then easterly to the Captain Cook Obelisk at Kurnell.

(2) Prohibited fishing method: Any method involving the use of a spade or fork.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

103 Botany Bay (Sydney Airport)

(1) Waters: The whole of the waters of Botany Bay enclosed by a line drawn from a point marked FD on the eastern side of the western or main runway to Sydney Airport to a point marked FD on the western side of the third or parallel runway to Sydney Airport.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

104 Cooks River

(1) Waters: The whole of the tidal waters of Cooks River and its tributaries, from its junction with Botany Bay upstream to Punchbowl road bridge, Belfield.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

105 Botany Bay (Alexandra Canal)

(1) Waters: The whole of the waters of Alexandra Canal, from its source to its junction with the Cooks River.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

106 Botany Bay (Kogarah Bay)

(1) Waters: The whole of the waters of Kogarah Bay and Georges River, north of a line extending from Tom Uglys Point east to St George Motor Boat Club (including the foreshore area, being the area between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Bivalve molluscs (class *Bivalvia*) and whelk spp. (family *Thiaridae*).

(4) Period: All year.

107 Botany Bay (Gwawley Bay)

- (1) Waters: The whole of the waters of Gwawley Bay, upstream to its source from a line drawn from the easternmost extremity of Sandy Point southeasterly to the opposite shore, being all those waters within the area known as Sylvania Waters Subdivision.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

108 Woronora River

- (1) Waters: The whole of the tidal waters of the Woronora River and its tributaries, from Woronora Bridge upstream to the causeway at Pass of Sabugal, Barden Ridge.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

109 Woolooware Bay

- (1) Waters: The whole of the waters of Woolooware Bay within the boundaries of a line drawn from the northern extremity of Taren Point to the port channel marker situated approximately 600 metres north, northwest from the western extremity of Pelican Point, then from that channel marker in a southwesterly direction to Shell Point, then following the foreshore in a northerly direction to the point of commencement.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of shellfish.
- (4) Period: All year.

110 Botany Bay and Georges River

- (1) Waters: The whole of the waters of Botany Bay and the Georges River and their tributaries.
- (2) Prohibited fishing method: Any method except when taken in accordance with the New South Wales Shellfish Program under the *Food Regulation 2010*.
- (3) Species of fish that must not be taken: Oysters.
- (4) Period: All year.

111 Salt Pan Creek

- (1) Waters: The whole of the waters of Salt Pan Creek, upstream from a line drawn commencing at the Henry Lawson Drive road bridge across Salt Pan Creek to the nearest point on the opposite bank.
- (2) Prohibited fishing method: Any method involving the use of a trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

112 Georges River--Traps

- (1) Waters: The whole of the tidal waters of Georges River and its tributaries, upstream from Rabaul Road boat ramp at Georges Hall to Liverpool Weir.
- (2) Prohibited fishing method: Any method involving the use of a trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

113 Port Hacking--Nets and traps

- (1) Waters: The whole of the waters of Port Hacking and its tributaries, upstream from a line drawn southerly from the southernmost extremity of Hungry Point to the northernmost extremity of Cabbage Tree or Pulpit Point.
- (2) Prohibited fishing method: Any method involving the use of the following:
 - (a) a hoop or lift net,
 - (b) a hand-hauled prawn net,
 - (c) a crab trap,
 - (d) a lobster trap,

(e) a push or scissors net (prawns).

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

114 Port Hacking (Cabbage Tree Point)

(1) Waters: The whole of the foreshore from the ferry jetty in Bundeena Bay generally westerly to the east end of Simpson's Bay Beach (including that part of the foreshore between the mean high water mark and a line drawn 10 metres seaward of the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of cunjevoi (*Pyura* spp.) and invertebrates, except abalone, eastern rocklobster (*Jasus verreauxi*) and southern rocklobster (*Jasus edwardsii*).

(4) Period: All year.

115 Port Hacking (Gunnamatta Bay)

(1) Waters: The whole of the waters of that part of Port Hacking being Gunnamatta Bay and its tributaries of that part north of a line extending northeasterly from the southernmost extremity of Burrameer (Burraneer) Point to the southernmost extremity of Hungry Point.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: All species of worms (class Polychaeta), nippers (family Callianassidae) and shellfish.

(4) Period: All year.

116 Port Hacking (Simpson's Bay Beach to Costens Point)

(1) Waters: The whole of the foreshore of Port Hacking from the east end of Simpson's Bay Beach generally west to the westernmost end of Costens Point (including the foreshore extending from the mean high water mark, to 200 metres horizontally seaward from the mean low water mark).

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of shellfish.

(4) Period: All year.

117 Wattamolla Lagoon

(1) Waters: The whole of the waters of Wattamolla Lagoon (Royal National Park).

(2) Prohibited fishing method: Any method involving the use of a net or a trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

118 Bellambi Point

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

(2) Prohibited fishing method: Any method involving the use of a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

119 Port Kembla (Outer Harbour)

(1) Waters: The whole of the waters of the Outer Harbour of Port Kembla within the following boundary: east of a line drawn from the green navigation light on the western end of the northern bank of the inner harbour entrance canal to the red navigation light at the western end of the southern bank of the inner harbour entrance canal, and from the

northernmost extremity of the eastern breakwater, west to the southern extremity of the northern breakwater.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

120 Port Kembla (Inner Harbour)

(1) Waters: The whole of the waters of the Inner Harbour of Port Kembla, formerly known as Tom Thumb's Lagoon, and its tributaries, west of a line drawn from the green navigation light on the western end of the northern bank of the inner harbour entrance canal to the red navigation light at the western end of the southern bank of the inner harbour entrance canal.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

121 Para or Fairy Creek

(1) Waters: The whole of the waters of Para or Fairy Creek and its tributaries, from its confluence with the South Pacific Ocean.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

122 Lake Illawarra

(1) Waters: The waters of Lake Illawarra from a line drawn between the most easterly points of the southern and northern breakwaters at the entrance of the Lake Illawarra upstream to a white post on the foreshore at the western prolongation of Boronia Avenue, Windang at a point $34^{\circ}31.76'S$, $150^{\circ}51.78'E$, then generally northwesterly to a white post at a point $34^{\circ}31.74'S$, $150^{\circ}51.73'E$, then continuing northwesterly to a white post at a point $34^{\circ}31.66'S$, $150^{\circ}51.51'E$, then southwesterly to a white post at a point $34^{\circ}31.72'S$, $150^{\circ}51.42'E$, then to the northwestern shore of Bevans Island at a point $34^{\circ}31.92'S$, $150^{\circ}51.37'E$, then by that shore of that island bearing generally south southwesterly to a white post marked FD at a point $34^{\circ}32.13'S$, $150^{\circ}51.19'E$ at the westernmost extremity of the island, then in a south southwesterly direction to a white post marked FD at a point $34^{\circ}32.39'S$, $150^{\circ}51.07'E$ on the southern shore of Lake Illawarra at the eastern point of the entrance to Foster's Creek; then by the southern foreshore of Lake Illawarra generally northeasterly and southeasterly to the point of commencement.

(2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

123 Lake Illawarra (Mullet Creek)--Nets

(1) Waters: The whole of the waters of Mullet Creek and its tributaries, from its confluence with Lake Illawarra upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

124 Minnamurra River

- (1) Waters: The whole of the waters of Minnamurra River and its tributaries, from its source downstream to the South Pacific Ocean.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:
 - (a) a dip or scoop net (prawns),
 - (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

125 Currumbene Creek (Lady Denman Heritage Complex)

- (1) Waters: The waters in Lady Denman Heritage Complex Fish Enclosure in the Currumbene Creek (Crown Lands reserve number R96376; Shoalhaven City Council reserve number BHU603).
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

126 Shoalhaven River (Tallowa Dam)

- (1) Waters: The whole of the waters of Shoalhaven River, from the Tallowa Dam wall downstream for a distance of 300 metres to a line drawn across the river indicated by two posts on opposite banks of the river.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

127 Crookhaven River Entrance

- (1) Waters: The whole of the waters of Crookhaven River, from its confluence with the South Pacific Ocean upstream to a line drawn from the western extremity of Orient Point, generally northeasterly to the southeastern extremity of Haven Island, then generally easterly to the western extremity of the training wall of Comerong Island.
- (2) Prohibited fishing method: Any method involving the use of a trap, other than a bait trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

128 St Georges Basin including Sussex Haven

- (1) Waters: The whole of the waters of Sussex Haven and its tributaries, from its confluence with the South Pacific Ocean upstream to its confluence with St Georges Basin.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:
 - (a) a dip or scoop net (prawns),
 - (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

129 Swan Lake

- (1) Waters: The whole of the waters of Swan Lake bounded by a line commencing at a post marked FD on the eastern foreshore of Swan Lake at the intersection of the western prolongation of the southern boundary of portion 54 with the high water mark, then by a line bearing due west for 91 metres, then by a northerly line to a point 91 metres due west of a post marked FD on the foreshore at the intersection of the western prolongation of the northern boundary of portion 56, then by a line easterly to that post, and then generally southerly by the high water mark to the point of commencement.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

130 Canal Lagoon and Berrara Creek

- (1) Waters: The whole of the waters of Canal Lagoon and Berrara Creek, from their confluence with the South Pacific Ocean upstream to their source.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

131 Tabourie Lake

- (1) Waters: The whole of the waters of Tabourie Lake and its tributaries, upstream from its confluence with the South Pacific Ocean.
- (2) Prohibited fishing method: Any method involving the use of a hoop or lift net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

132 Willinga Lake

- (1) Waters: The whole of the waters of Willinga Lake (including its entrance) and its tributaries.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:
 - (a) a dip or scoop net (prawns),
 - (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

133 Butler's Creek

- (1) Waters: The whole of the waters of Butler's Creek, from its confluence with the South Pacific Ocean upwards to its source.
- (2) Prohibited fishing method: Any method involving the use of a net, other than the following:
 - (a) a dip or scoop net (prawns),
 - (b) a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

134 Willija (or 'Y') Swamp

- (1) Waters: The whole of the waters of Willija (or 'Y') Swamp at Moruya Heads.
- (2) Prohibited fishing method: Any method involving the use of a net or a trap, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

135 Moruya River (Upper Reaches)

- (1) Waters: The whole of the tidal waters of Moruya River and its tributaries, from Kiora Bridge upstream to the junction with Wamban Creek.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

136 Wagonga Inlet

- (1) Waters: The whole of the waters of Wagonga Inlet and its tributaries, westward of a line drawn northwest across the entrance from the northernmost extremity of Wagonga Head.
- (2) Prohibited fishing method: Any method involving the use of the following:

- (a) a hoop or lift net,
- (b) a hand-hauled prawn net,
- (c) a push or scissors net (prawns),
- (d) a crab trap,
- (e) a lobster trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

137 Wapengo Lake

(1) Waters: The whole of the waters of that part of Wapengo Lake and its tributaries, from a line drawn across the entrance to the lake at its confluence with the South Pacific Ocean upstream to a line drawn from the northeastern foreshore at a point 150°1.07'E, 36°36.24'S to the southeastern foreshore at a point 150°0.76'E, 36°36.19'S.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

138 Bega River (Upper Reaches)

(1) Waters: The whole of the tidal waters of Bega River and its tributaries, upstream from the junction with Jellat Jellat Creek to the junction with Bargo Lagoon Creek and including Jellat Jellat Creek and its tributaries, upstream to the floodgate located approximately 450 metres above Russels Bridge crossing.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

139 Sandy Beach Creek and Bournda Lagoon

(1) Waters: The whole of the waters of Sandy Beach Creek and Bournda Lagoon and their tributaries.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) dip or scoop net (prawns),
- (b) landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

140 Merimbula Lake--Shellfish

(1) Waters: The whole of the waters of Merimbula Lake downstream from the causeway traffic bridge (Authur Kaine Drive) to its confluence with the South Pacific Ocean.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of shellfish.

(4) Period: All year.

141 Merimbula Lake--Nets

(1) Waters: The whole of the waters of Merimbula Lake and its tributaries, from its confluence with the South Pacific Ocean upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a hoop or lift net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

142 Towamba River

(1) Waters: The whole of the tidal waters of Towamba River and its tributaries, upstream from its confluence with the South Pacific Ocean in Twofold Bay to Jack Seiffert Bridge,

Kiah.

(2) Prohibited fishing method: Any method involving the use of a net, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

143 Wonboyn River

(1) Waters: The whole of the tidal waters of Wonboyn River and its tributaries, upstream from its confluence with the South Pacific Ocean in Twofold Bay to the junction with Bull Creek (north and western arms) and to the junction with Watergums Creek.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

144 Nadgee River

(1) Waters: The whole of the waters of Nadgee River, Nadgee Lake, Merrica River and Little Creek and their tributaries, from their confluence with the South Pacific Ocean upstream to their source.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

- (a) a dip or scoop net (prawns),
- (b) a landing net,
- (c) a bait trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

Part 2 – Inland waters

145 All waters--Australian bass and estuary perch

(1) Waters: All waters except the backed up waters of any freshwater impoundments and their tributaries, upstream from where they enter the backed up waters of any freshwater impoundments.

(2) Prohibited fishing method: Any method other than by catch and release fishing (so that any fish caught are immediately returned to the water unharmed).

(3) Species of fish that must not be taken: Australian bass (*Macquaria novemaculeata*) and estuary perch (*Macquaria colonorum*).

(4) Period: June to August (inclusive) in each year.

146 Inland waters--Silver perch

(1) Waters: All waters except the backed up waters of the following impoundments: Ben Chifley Dam, Blowering Dam, Burrendong Dam, Burrinjuck Dam, Chaffey Dam, Copeton Dam, Glenbawn Dam, Glennies Creek Dam, Googong Dam, Hume Weir, Jounama Pondage, Keepit Dam, Lake Albert, Lake Wyangan, Pindari Dam, Split Rock Dam, Windamere Dam, Wyangala Dam and Yass Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Silver perch (*Bidyanus bidyanus*).

(4) Period: All year.

147 Inland waters--Murray cod

(1) Waters: All inland waters.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Murray cod (*Machullochella peelii peelii*).

(4) Period: September to November (inclusive) in each year.

148 Inland waters--Murray crayfish

- (1) Waters: All inland waters.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Murray crayfish (*Euastacus armatus*).
- (4) Period: January to April (inclusive) and September to December (inclusive) in each year.

149 Inland waters--River blackfish

- (1) Waters: All inland waters.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: River blackfish (*Gadopsis marmoratus*).
- (4) Period: All year.

150 Western flowing waters--Freshwater catfish

- (1) Waters: All western flowing waters including the backed up waters of western impoundments, except the backed up waters of the following impoundments: Ben Chifley Dam, Burrendong Dam, Chaffey Dam, Copeton Dam, Keepit Dam, Pindari Dam, Split Rock Dam, Windamere Dam and Wyangala Dam.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Freshwater catfish, eel-tailed catfish (*Tandanus tandanus*).
- (4) Period: All year.

151 Tweed River (Bray Park Weir Upper Reaches)

- (1) Waters: The whole of the non-tidal waters of Tweed River and its tributaries, upstream from the Bray Park Weir wall to its source.
- (2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:
 - (a) a landing net,
 - (b) a shrimp trap.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

152 Doon Doon Creek (Clarrie Hall Dam)

- (1) Waters: That part of Doon Doon Creek and its tributaries, downstream from Clarrie Hall Dam wall to the junction with Tweed River.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: August to October (inclusive) in each year.

153 Rous River (Upper Reaches)

- (1) Waters: The whole of the non-tidal waters of Rous River and its tributaries, from Boat Harbour Bridge upstream to its source.
- (2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

154 Iron Pot Creek (Toonumbar Dam)

- (1) Waters: That part of Iron Pot Creek and its tributaries, 1.225 km downstream from the downstream end of Toonumbar Dam Spillway wall.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: August to October (inclusive) in each year.

155 Dumaresq River (Bonshaw Weir)

- (1) Waters: That part of Dumaresq River and its tributaries, from within 100 metres downstream from the weir face at Bonshaw Weir.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

156 MacIntyre River (Goondiwindi Weir)

(1) Waters: That part of MacIntyre River and its tributaries, from within 150 metres upstream and 150 metres downstream from the weir face at Goondiwindi Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

157 Mehi River (Moree Weir)

(1) Waters: That part of Mehi River and its tributaries, from within 15 metres upstream and 85 metres downstream from the weir face at Moree Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

158 Orara River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Orara River and its tributaries, upstream from Bawden Bridge to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

159 Clarence River (Upper Reaches)

(1) Waters: Clarence River and its tributaries, upstream from the power line approximately 5 km upstream from Copmanhurst to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

160 Mann River

(1) Waters: Mann River and its tributaries, upstream from its junction with Clarence River except the following:

(a) Oban River and its tributaries, upstream from its junction with, but not including, Sara River,

(b) Guy Fawkes River and its tributaries, upstream from its junction with, but not including, Aberfoyle River,

(c) Nymboida River and its tributaries, upstream from its junction with, and including, Wild Cattle Creek.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: August to October (inclusive) in each year.

161 Nambucca River and Warrell Creek (Upper Reaches)--Weekend netting

(1) Waters: The whole of the non-tidal waters of Nambucca River and Warrell Creek and their tributaries, upstream from Lanes Bridge, Bowraville (Nambucca River arm), Boatharbour Bridge (Taylors Arm) and the Pacific Highway road bridge at Cockburns Lane (Warrell Creek arm) to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: 6pm Friday to 6pm Sunday in each week, or to 6pm Monday if Monday is a public holiday and 6am to 6pm on any weekday (other than a Monday) that is a public holiday.

162 Warrell Creek (Upper Reaches)--Nets and traps

(1) Waters: The whole of the non-tidal waters of Warrell Creek and its tributaries,

upstream from the Pacific Highway road bridge at Cockburns Lane (Warrell Creek arm) to its source.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a shrimp trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

163 Deep Creek (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Deep Creek and its tributaries, from Sullivans road bridge, Valla upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

164 Macleay River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Macleay River and its tributaries, from Belgrave Falls, Kempsey upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

165 Serpentine River (L.P. Dutton Trout Hatchery)

(1) Waters: That part of Serpentine River and its tributaries, from the weir above L.P. Dutton Trout Hatchery to 2.4 km downstream from the weir and including all dams and ponds of the Trout Hatchery.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

166 Namoi River (Lake Keepit)

(1) Waters: That part of Namoi River and its tributaries, from within 150 metres downstream from the weir face at Lake Keepit.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

167 Manilla River (Manilla Weir)

(1) Waters: That part of Manilla River and its tributaries, from within 50 metres upstream and 50 metres downstream from the weir face at the upper weir adjacent to Chaffey Park, Manilla.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

168 Manning River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Manning River and its tributaries, from Abbotts Falls near Wingham upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

169 Wallamba River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Wallamba River and its tributaries, from the causeway at Clarksons Crossing, Nabic upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

170 Hunter and Paterson Rivers (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Hunter and Paterson Rivers and their tributaries, on the Hunter River upstream from the railway bridge crossing at Oakhampton to its source and on Paterson River upstream from Gostwyck Bridge near Martins Creek to its source.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a shrimp trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

171 Williams River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Williams River and its tributaries, from Seaham Weir upstream to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

172 Macquarie River (Burrendong Dam)

(1) Waters: That part of Macquarie River within 185 metres upstream from the weir face at Burrendong Dam, 185 metres downstream from the wall of Burrendong Dam outlet regulator and within the spillway channel at Burrendong Dam.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

173 Longneck Lagoon

(1) Waters: The whole of the waters of Longneck Lagoon and its tributaries, east of Cattai Road.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

174 Nepean River--Nets

(1) Waters: The whole of the non-tidal waters of Nepean River and its tributaries, upstream from Yarramundi Bridge crossing near Agnes Banks.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

175 Nepean River (Penrith Weir)

(1) Waters: That part of Nepean River within 115 metres upstream and 26 metres downstream from the weir face at Penrith Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

176 Jenolan River

(1) Waters: The whole of the waters of Jenolan River and its tributaries, from the spawning pool adjacent to the hydro-electric power station near Jenolan Caves upstream

to its source.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

177 Manly Dam

(1) Waters: The whole of the waters of Manly Dam and its tributaries.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

(a) a landing net,

(b) a shrimp trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

178 Lane Cove River (Boatshed to Fern Valley)

(1) Waters: The whole of the waters of Lane Cove River, from a line drawn from a post at the boatshed to a post on the opposite bank upstream to a line drawn across the river between two posts on opposite sides of the river at picnic area number 20 (Fern Valley).

(2) Prohibited fishing method: Any method other than the following:

(a) catch and release fishing from an unpowered vessel using artificial flies or lures (so that any fish caught are immediately returned to the water unharmed),

(b) a landing net (but only if the fish are released alive).

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

179 Lane Cove River (Upstream from Fern Valley)

(1) Waters: The whole of the waters of Lane Cove River, upstream from Fern Valley from a line drawn across the river between two posts on opposite sides of the river to its source.

(2) Prohibited fishing method: Any method other than the following:

(a) catch and release fishing (so that any fish caught are immediately returned to the water unharmed),

(b) a landing net (but only if the fish are released alive).

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

180 Cooks River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Cooks River and its tributaries, upstream from Punchbowl road bridge, Belfield.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

181 Georges River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Georges River and its tributaries, upstream from Liverpool Weir to its source.

(2) Prohibited fishing method: Any method involving the use of a trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

182 Woronora River (Upper Reaches)

(1) Waters: The whole of the non-tidal waters of Woronora River and its tributaries, from the Woronora Bridge upstream from the causeway at Pass of Sabugal, Barden Ridge to its source.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

183 Lachlan River (Wyangala Dam)

(1) Waters: That part of Lachlan River within 400 metres downstream from the weir face at Wyangala Dam to the low level bridge.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

184 Lachlan River (Lake Cargelligo)

(1) Waters: That part of Lachlan River within 50 metres upstream and 50 metres downstream from the weir face at Lake Cargelligo.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

185 Lachlan River (Brewster Weir)

(1) Waters: That part of Lachlan River within 100 metres downstream from the weir face of Brewster Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

186 Lachlan River (Brewster Weir Outlet Regulator)

(1) Waters: That part of Lachlan River within 100 metres downstream from the outer wall of Brewster Weir outlet regulator.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

187 Lachlan River (Lake Brewster--Ballyrogan Channel)

(1) Waters: That part of Ballyrogan Channel within 100 metres downstream from the outer wall of Lake Brewster outlet regulator.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

188 Lachlan River (Willandra Weir)

(1) Waters: That part of Lachlan River within 100 metres downstream from the weir face at Willandra Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

189 Shoalhaven River (Tallowa Dam)

(1) Waters: That part of Shoalhaven River from the Tallowa Dam wall downstream for 300 metres to a line drawn across the river between two posts on opposite banks of the river.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

190 Tumut River (Blowering Dam)

(1) Waters: That part of Tumut River within 250 metres downstream from the Blowering Dam power station at Blowering Dam.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

191 Tumut River (Blowering Dam)--Nets

(1) Waters: The whole of the waters of Blowering Dam, upstream from the face of the

dam to the confluence of running waters.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

192 Tumut River (Blowering Dam)--Murray crayfish

(1) Waters: The whole of the waters of Blowering Dam, upstream from the face of the dam to the confluence of running waters.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Murray crayfish (*Euastacus armatus*).

(4) Period: All year.

193 Tumut River (Jounama Dam)

(1) Waters: That part of Tumut River within 800 metres downstream from the Jounama Dam spillway gates at Jounama Dam.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

194 Murrumbidgee River (Burrinjuck Dam)

(1) Waters: That part of Murrumbidgee River within 640 metres downstream from the weir face in line with the western end of the No 1 power station at Burrinjuck Dam.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

195 Murrumbidgee River (Gogeldrie Weir)

(1) Waters: That part of Murrumbidgee River within 125 metres upstream and 65 metres downstream from the weir face at Gogeldrie Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

196 Murrumbidgee River (Hay Weir)

(1) Waters: That part of Murrumbidgee River from within 74 metres upstream from where the weir wall adjoins the northern bank and 140 metres upstream from where the weir wall adjoins the southern bank and from within 154 metres downstream from the weir face at Hay Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

197 Murrumbidgee River (Maude Weir)

(1) Waters: That part of Murrumbidgee River within 70 metres upstream and 50 metres downstream from the weir face at Maude Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

198 Murrumbidgee River (Berembed Weir)

(1) Waters: That part of Murrumbidgee River within 100 metres upstream and 50 metres downstream from the weir face at Berembed Weir, excluding the waters of the Murrumbidgee Irrigation Area main channel off take.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

199 Murrumbidgee River (Yanco Weir)

(1) Waters: That part of Murrumbidgee River within 63 metres upstream and 80 metres

downstream from the weir face at Yanco Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

200 Murrumbidgee River (Yanco Creek Weir)

(1) Waters: That part of Murrumbidgee River within 73 metres upstream from the weir face at Yanco Creek Weir to the low level crossing located 53 metres downstream from where the weir wall adjoins the northern bank and 93 metres downstream from where the weir face adjoins the southern bank.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

201 Murrumbidgee River (Redbank Weir)

(1) Waters: That part of Murrumbidgee River within 93 metres upstream and 92 metres downstream from the weir face of Redbank Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

202 Murrumbidgee River (Balranald Weir)

(1) Waters: That part of Murrumbidgee River within 94 metres upstream and 63 metres downstream from the weir face of Balranald Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

203 Swampy Plain River (Khancoban Pondage)

(1) Waters: That part of Swampy Plain River within 120 metres downstream from the weir face of Khancoban Pondage.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

204 Murray River (Hume Weir)

(1) Waters: That part of Murray River within 130 metres downstream from the weir face at Hume Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

205 Murray River (Upstream from Hume Weir--Seven Mile Creek to Tintaldra)

(1) Waters: That part of Murray River and its tributaries, from its junction with and including Seven Mile Creek and its tributaries to the Tintaldra road bridge.

(2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

206 Murray River (Horseshoe Lagoon)

(1) Waters: The whole of the waters of Horseshoe Lagoon on the Murray River floodplain at West Albury.

(2) Prohibited fishing method: Any method, other than the following:

(a) catch and release fishing (so that any fish caught are immediately returned to the water unharmed),

(b) a landing net.

(3) Species of fish that must not be taken: Murray cod (*Maccullochella peelii peelii*), golden perch (*Macquaria ambigua*).

(4) Period: All year.

207 Murray River (Yarrowonga Weir)

(1) Waters: That part of Murray River, from within 50 metres upstream from the weir wall at Yarrowonga Weir and from a point on the NSW bank 150 metres downstream from where the weir wall adjoins the NSW bank, in a straight line across the river to a point on the Victorian bank, 130 metres downstream from where the weir wall adjoins the Victorian bank.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

208 Murray River (Yarrowonga Weir to Tocumwal)--Nets and traps

(1) Waters: The whole of the waters of Murray River and its tributaries, from Yarrowonga Weir downstream to the Newell Highway bridge at Tocumwal.

(2) Prohibited fishing method: Any method involving the use of a net or trap, other than the following:

- (a) a hoop net,
- (b) a landing net,
- (c) a shrimp trap.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: December and January to August (inclusive) in each year.

209 Murray River (Yarrowonga Weir to Tocumwal)

(1) Waters: The whole of the waters of Murray River and its tributaries, from the Yarrowonga Weir downstream to Newell Highway bridge at Tocumwal.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: September to November (inclusive) in each year.

210 Edward River (Stevens Weir)

(1) Waters: That part of Edward River from within 80 metres upstream and 70 metres downstream from the weir face at Stevens Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

211 Murray River (Torrumbarry Weir)

(1) Waters: That part of Murray River within 100 metres upstream and 100 metres downstream from the weir face at Torrumbarry Weir.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

212 Murray River (Robinvale--Weir and Lock No 15)

(1) Waters: That part of Murray River at Weir 15 at Robinvale within 50 metres upstream from the centre of the weir wall and from the downstream end of the inner wall of the lock chamber in a straight line across the river to a point on the NSW bank, 65 metres downstream from where the weir wall adjoins the NSW bank.

(2) Prohibited fishing method: Any method.

(3) Species of fish that must not be taken: Any species of fish.

(4) Period: All year.

213 Murray River (Mildura--Weir and Lock No 11)

(1) Waters: That part of Murray River at Weir 11 at Mildura within 50 metres upstream from the centre of the weir wall and from a point on the NSW bank 142 metres downstream from where the weir wall adjoins the NSW bank in a straight line across the river to a point on the Victorian bank, 120 metres downstream from where the weir wall adjoins the Victorian bank.

- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

214 Murray River (Wentworth--Weir and Lock No 10)

- (1) Waters: That part of Murray River at Weir 10 at Wentworth within 50 metres upstream from the centre of the weir wall and from the downstream end of the lock training wall in a straight line across the river to a point on the Victorian bank, 65 metres downstream from where the weir wall adjoins the Victorian bank.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

215 Murray River (Kulnine--Weir and Lock No 9)

- (1) Waters: That part of Murray River at Weir 9 at Kulnine within 50 metres upstream from the centre of the weir wall and from the downstream end of the inner wall of the lock chamber in a straight line across the river to a point on the NSW bank, 150 metres downstream from where the weir wall adjoins the NSW bank.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

216 Murray River (Wangumma--Weir and Lock No 8)

- (1) Waters: That part of Murray River at Weir 8 at Wangumma within 50 metres upstream from the centre of the weir wall and from the downstream end of the inner wall of the lock chamber in a straight line across the river to a point on the Victorian bank, 150 metres downstream from where the weir wall adjoins the Victorian bank.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

217 Frenchman's Creek (Lake Victoria)

- (1) Waters: That part of Frenchman's Creek at Lake Victoria inlet regulator within 100 metres upstream from the centre of the regulator wall and from a point on the northern bank 120 metres downstream from where the centre of the regulator wall adjoins the northern bank of Frenchman's Creek to a point on the southern bank, 100 metres downstream from where the centre of the regulator wall adjoins the southern bank of Frenchman's Creek.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

218 Rufus River (Lake Victoria)

- (1) Waters: That part of Rufus River at Lake Victoria outlet regulator within 100 metres upstream and 100 metres downstream from the centre of the regulator wall.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

219 Murray River (Rufus River--Weir and Lock No 7)

- (1) Waters: That part of Murray River at Weir 7 at Rufus River within 50 metres upstream from the centre of the weir wall and from the downstream end of the inner wall of the lock chamber in a straight line across the river to a point on the NSW bank, 125 metres downstream from where the weir wall adjoins the NSW bank.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

220 Moruya and Deua Rivers (Upper Reaches)

- (1) Waters: The whole of the non-tidal waters of Moruya and Deua Rivers and their tributaries, upstream from the junction with Wamban Creek to its source and including Wamban Creek to its source.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

221 Bega River (Upper Reaches)

- (1) Waters: The whole of the non-tidal waters of Bega River and its tributaries, upstream from the junction with Bargo Lagoon Creek to its source, including Bargo Lagoon and Bargo Lagoon Creek, and the whole of the non-tidal waters of Jellat Jellat Creek and its tributaries, upstream from the floodgate located approximately 450 metres above Russels Bridge crossing to its source.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

222 Brogo River (Brogo Dam)

- (1) Waters: That part of Brogo River and its tributaries, within 300 metres downstream from Brogo Dam outlet regulator.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

223 Towamba River (Upper)

- (1) Waters: The whole of the non-tidal waters of Towamba River and its tributaries, upstream from Jack Seiffert Bridge, Kiah.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

224 Wonboyn River (Upper)

- (1) Waters: The whole of the non-tidal waters of Wonboyn River and its tributaries, upstream from its junction with Watergums Creek and including Watergums Creek and the whole of the non-tidal waters of Bull Creek (north and western arms) upstream from their junctions with Wonboyn River.
- (2) Prohibited fishing method: Any method involving the use of a net, other than a landing net.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

225 Thredbo River (Gaden Trout Hatchery)

- (1) Waters: That part of Thredbo River and its tributaries, from the upstream end of Paddy's Corner Reserve to 2.4 km upstream and including dams and ponds of the Gaden Trout Hatchery.
- (2) Prohibited fishing method: Any method.
- (3) Species of fish that must not be taken: Any species of fish.
- (4) Period: All year.

Schedule 5 Importation of live fish--prohibited species

(Clause 262)

Column 1	Column 2
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Species	Common name
Clariidae family	Snake Catfish
<i>Rutilus rutilus</i>	Roach
<i>Tinca tinca</i>	Tench
Gymnotidae family	Naked Back Knifefish
<i>Parachanna</i> spp.	African Snakehead, Niger Snakehead
Trichomycteridae family	Candiru, Pencil Catfish
<i>Crenicichla</i> spp.	Pike Cichlid
<i>Pseudoplatystoma fasciatum</i>	Tiger Catfish
Malapteruridae family	Electric Catfish
<i>Ictalurus punctatus</i>	Channel Catfish
<i>Himantura</i> spp.	Freshwater Stingray
Gasterosteidae family	Stickleback
Polypteridae family	Bichir
<i>Schilbe</i> spp.	Shoulderspot Catfish
<i>Perca fluviatilis</i>	Redfin, Redfin Perch
<i>Scortum barcoo</i>	Barcoo Grunter
<i>Bidyanus welchi</i>	Welch's Grunter
<i>Hephaestus fuliginosus</i>	Sooty Grunter
<i>Oxyeleotris lineolata</i>	Sleepy Cod
Any hybrid between members of the Terapontidae family	Hybrid Grunter
<i>Salmo salar</i>	Atlantic Salmon
<i>Salvelinus fontinalis</i>	Brook Trout
<i>Salmo trutta</i>	Brown Trout
<i>Oncorhynchus mykiss</i>	Rainbow Trout
<i>Lates calcarifer</i>	Barramundi
<i>Cherax cainii</i>	Marron
<i>Cherax quadricarinatus</i>	Redclaw
<i>Haliotis</i> spp.	Blacklip Abalone, Abalone

Schedule 6 Waters in which spearfishing is prohibited

(Clause 55 (1) (b))

This Schedule lists the waters from which taking fish by use of a spear gun is prohibited under clause 55 (1) (b). Clause 55 (1) (a) also prohibits the taking of fish from any inland waters by use of a spear gun.

Bellinger River

County of Raleigh: The whole of the waters of that part of the Bellinger River within the following boundaries: commencing at a point on the western bank of the north arm of the River due west of the northern extremity of the northern training wall and then bounded by a line easterly to that training wall; then by the northern training wall and the northern breakwater southerly and southeasterly to the eastern extremity of the northern breakwater; then by a line southeasterly to the eastern extremity of the southern breakwater; then by that breakwater and the southern training wall northwesterly to the northwestern extremity of the southern training wall; then by a line northeast to the inner training wall; then by that training wall and the western bank of the north arm southeasterly and northerly to the point of commencement; and the whole of the waters of South Lagoon together with all its creeks, tributaries and inlets.

Boambee Creek

County of Raleigh, Parish of Bonville: The whole of the waters of Boambee Creek, together with all its tributaries extending from the South Pacific Ocean upwards to its source.

Bonville Creek

County of Raleigh, Parish of Bonville: The whole of the waters of Bonville Creek, together with all its tributaries extending from the South Pacific Ocean upwards to its source.

Brisbane Water

County of Northumberland: The whole of the waters of that part of Brisbane Water together with all its tributaries north of a line drawn westerly from the southern extremity of Box or Hawk Head to the eastern extremity of Green Point.

Brunswick River

That part of the South Pacific Ocean within the following boundaries: Commencing at high water mark at a point 1,000 metres north of the northwestern corner of the northern training wall of the Brunswick River, County of Rouse, Parish of Billinudgel; then by that high water mark and the training wall to the easternmost point of the northern training wall; then by a line to the easternmost point of the southern training wall; then by that training wall and high water mark to a point 1,000 metres south of the southwestern corner of the southern training wall; then by a line due east for 400 metres; then by a line generally northwesterly to a point 400 metres due east of the point of commencement and then by a line due west to the point of commencement.

Brunswick River

County of Rouse, Parishes of Brunswick and Billinudgel: The whole of the waters of Brunswick River and its tributaries from the easternmost extremities of the training walls to its source, excluding that part west of the traffic bridge (Pacific Highway) and that part north of the training walls in Marshall Creek and that part south of the foot bridge which crosses Simpsons Creek.

Burrill Lake

County of St Vincent, Parishes of Ulladulla and Woodburn: The whole of the entrance waters to Burrill Lake, including the tributaries extending from a line drawn across the entrance waters from the northernmost point of Thisleton's Point in a northeastern direction bearing 23° , about 291 metres to a point on the northeastern foreshore of the lake, downwards to the South Pacific Ocean.

Camden Haven Inlet

The waters of that part of Camden Haven Inlet, from a line drawn across the entrance to the inlet from the easternmost extremity of the northern training wall to the easternmost extremity of the southern training wall, upstream to the bridge across the Inlet at Laurieton and including the waters of Gogley's Bay and Gogley's Creek, and that part of the waters of Queens Lake Entrance, from their confluence with Camden Haven Inlet upstream to the North Haven road bridge.

Candlagan Creek

County of St Vincent: The whole of the waters of Candlagan Creek and adjacent ocean waters below the traffic bridge, commencing from the southeast pylon of the bridge, then by a line bearing 130° to an established concrete cairn at the entrance of the creek, then by a line bearing 66° to a position marked by a broad arrow painted white on the rocks on the northern side of the entrance, then bounded by the northern shore of Candlagan Creek to the northeastern pylon of the bridge, then along the bridge to the point of commencement.

Clarence River

County of Clarence: The waters of that part of the main Clarence River from a line drawn across

the entrance to that river from the eastern extremity of the Iluka training wall to the eastern extremity of the Yamba training wall, upstream to a line drawn southwesterly from the northwestern extremity of the Goodwood Island training wall to the northwestern extremity of Orogandiman or Freeburn Island; then generally southeasterly by the northern and northeastern foreshores of that island to the northwestern extremity of the middle training wall at the northern end of the old viaduct and then across to the southern end of that viaduct on the southern foreshore of the Clarence River; then by the southern foreshore of the Clarence River (including Yamba Bay) to the commencing point at the eastern extremity of the Yamba training wall; together with the waters of those parts of the Clarence River and the South Pacific Ocean from the Yamba training wall by the coastline to a point 20 metres south of Yamba Point and extending easterly from that coastline for a distance of 400 metres.

Clovelly Bay and Gordons Bay

The whole of the waters of Clovelly Bay and Gordons Bay including waters encompassed by a line commencing at the southeastern extremity of Shark Point, extending southeasterly for 100 metres to a point $33^{\circ}54.950'S$, $151^{\circ}16.300'E$, then generally southwesterly to a point $33^{\circ}55.100'S$, $151^{\circ}15.800'E$, then 100 metres northwesterly to the easternmost point of the southern headland of Gordons (or Thompsons) Bay, then by the mean high water mark to the point of commencement.

Conjola Lake

County of St Vincent: The waters of that part of Conjola Lake and the whole of the waters of Berringer Lake, together with all their tributaries eastwards of a line drawn from the northern extremity of Roberts Point to the western extremity of Station Point, downstream to the South Pacific Ocean.

Crescent Head

County of Macquarie, Parish of Palmerston, Suburban Lands of Crescent Head: The whole of the tidal waters of that part of the South Pacific Ocean extending seawards for a distance of 400 metres from the line of high water, between the prolongation of the northern boundary of portion 325, and the prolongation of the northernmost northwestern boundary of Reserve No 63725 for Public Recreation and Resting Place, notified 13 January 1933.

Cudgen Creek

County of Rouse, Parish of Cudgen: The whole of the waters of that part of Cudgen Creek north of the traffic bridge at Kingscliff.

Cudgera Creek

County of Rouse, Parish of Cudgen: The whole of the waters of Cudgera Creek, together with its tributaries upwards to its source from the South Pacific Ocean.

Evans River

County of Richmond, Parish of Riley at Evans Head: The whole of the tidal waters of the Evans River together with its tributaries, from the Pacific Highway bridge, downstream to its meeting with the South Pacific Ocean, together with the waters of the South Pacific Ocean for a distance of 50 metres from the northern breakwall of the River.

Hastings River

County of Macquarie: The whole of the waters of that part of the Hastings River within the following boundaries: commencing at the eastern extremity of the northern breakwater and bounded by that breakwater and the northern training wall generally westerly and northerly to the P.W.D. Coal Wharf; then by a line southwesterly to a point on the high water mark of that river

at its intersection with the northerly prolongation of the eastern side of Park Street, Port Macquarie; then by that high water mark southeasterly to the confluence of Kooloonbung Creek with the river northeasterly, and the high water mark of the Hastings River generally northeasterly to the southern training wall; then by that training wall, and the southern breakwater generally easterly to the eastern extremity of that breakwater and then by a line northerly to the point of commencement; and the whole of the waters of Kooloonbung Creek, Lake Innes, Cathie Lake and Cathie Creek and their tributaries.

Killick Creek

County of Macquarie, Parish of Palmerston and Beranghi, Suburban Lands of Crescent Head: The whole of the waters of Killick or Crescent Head Creek and its tributaries, upwards from its confluence with the South Pacific Ocean to its source.

Korogoro Creek

County of Macquarie, Parish of Kinchela: The whole of the waters of Korogoro (Hat Head) Creek and Killick or Crescent Head Creek and their tributaries, upwards from their confluence with the South Pacific Ocean to their source.

Lake Illawarra

The waters of Lake Illawarra from a line drawn between the most easterly points of the southern and northern breakwaters at the entrance of the Lake Illawarra upstream to a white post on the foreshore at the western prolongation of Boronia Avenue, Windang at a point $34^{\circ}31.76' S$, $150^{\circ}51.78' E$, then generally northwesterly to a white post at a point $34^{\circ}31.74' S$, $150^{\circ}51.73' E$, then continuing northwesterly to a white post at a point $34^{\circ}31.66' S$, $150^{\circ}51.51' E$, then southwesterly to a white post at a point $34^{\circ}31.72' S$, $150^{\circ}51.42' E$, then to the northwestern shore of Bevans Island at a point $34^{\circ}31.92' S$, $150^{\circ}51.37' E$, then by that shore of that island bearing generally south southwesterly to a white post marked FD at a point $34^{\circ}32.13' S$, $150^{\circ}51.19' E$ at the westernmost extremity of the island, then in a south southwesterly direction to a white post marked FD at a point $34^{\circ}32.39' S$, $150^{\circ}51.07' E$ on the southern shore of Lake Illawarra at the eastern point of the entrance to Foster's Creek, then by the southern foreshore of Lake Illawarra generally northeasterly and southeasterly to the point of commencement.

Lake Macquarie

County of Northumberland: The whole of the waters of that part of the entrance to Lake Macquarie including Black Ned's Bay extending generally easterly to the South Pacific Ocean, from a line across that entrance being the easterly prolongation of the northern side of Rawson Street, Swansea, County Northumberland and the whole of the waters of that part of the South Pacific Ocean west of a line joining the more easterly extremities of the northern and southern breakwaters at the entrance to Lake Macquarie.

Manning River

Counties of Gloucester and Macquarie: The whole of the tidal waters of that part of the Manning River at Harrington within the following boundaries: commencing at the southwestern extremity of the northern training wall and bounded by a line west to the northwestern bank of Manning River, by the line of high water mark generally northerly and easterly to the breakwater; by that breakwater generally easterly to its eastern extremity, by a line southwesterly to the northern extremity of the sandbank forming the southern point of entrance of Manning River (Harrington Inlet), by the line of high water mark of the southeastern bank of the Manning River generally southwesterly to the eastern shore of the mouth of Mangrove Creek; and then by a line generally northeasterly to the point of commencement.

Manning River

County of Macquarie, Parish of Harrington: The whole of the waters of the lagoon north of the northern training wall at Manning River and near the entrance of the river, known as the Harrington Swimming Lagoon.

Minnamurra River

County of Camden, Parishes of Terragong and Kiama: The whole of the waters of Minnamurra River, its tributaries from its source downwards to the South Pacific Ocean.

Mooball Creek

County of Rouse, Parish of Cudgen: The whole of the tidal waters of that part of Mooball Creek from the traffic bridge at Pottsville downstream to its confluence with the waters of the South Pacific Ocean.

Myall River

County of Gloucester, Parish of Fens: The whole of the waters of Myall River and Paddy Marr's Bar between a line drawn from the southern tip of Dredge Island due east to the eastern bank and due west to the western bank of the river and a line drawn due east and west from the southwestern end of the training wall in Paddy Marr's Bar but exclusive of Corrie Creek from its confluence with the Myall River.

Nambucca River

County of Raleigh, Parish of Nambucca: The tidal waters of that part of the Nambucca River and its tributaries (except Warrell or Gurravembi Creek) within the following boundaries: commencing at the eastern extremity of the northern breakwater at the entrance of the Nambucca River, and bounded by a line bearing southwest to the northernmost extremity of the right bank of that river at its entrance, then by that bank generally southwesterly to a point due east of Warrell Point, and by a line to that point, and by that bank southwesterly to a point due east of the southern extremity of Stuart's Island, and by a line due west to the left bank of the river, then by that bank northeasterly and easterly to the northern breakwater, and by that breakwater easterly to the point of commencement.

Narrabeen Lake

County of Cumberland, Parishes of Narrabeen and Manly Cove: The whole of the waters of Narrabeen Lake and its tributaries.

Nelson Bay Boat Harbour

County of Gloucester, Parish of Tomaree: The whole of the waters of Nelson Bay Boat Harbour within the walls and extending a distance of 50 metres from the outer edge of both walls into the waters of Port Stephens commencing at the junction of the western wall and Teramby Street to the junction of the eastern wall and Nelson Bay beach.

Ocean Beaches

The whole of the waters within territorial limits on the whole of the ocean beaches within the State of New South Wales, but exclusive of 20 metres at each extremity of each ocean beach.

Port Hacking

County of Cumberland: The whole of the waters of Port Hacking and its tributaries west of a line drawn from the eastern extremity of Glashier Point to the northern extremity of Port Hacking Point.

Port Jackson

County of Cumberland, Parish of Willoughby: The whole of the waters of North Harbour, Manly Cove, Little Manly Cove and Spring Cove and their tributaries, north of a line drawn between Grotto Point and outer North Head and those waters of Chowder Bay west of a line drawn from the easternmost extremity of Chowder Head, to the foreshore of the southeasternmost extremity of Georges Head on the eastern side of the Army Maritime School.

Red Bank River

Counties of Fitzroy and Clarence: The waters of Red Bank River and Saltwater and Corindi Creeks and their tributaries, downstream from a line drawn from a white post marked FD erected on Jewfish Point, and bearing 344° across the river, to the river's confluence with the South Pacific Ocean.

Richmond River

Counties of Richmond and Rouse: The whole of the waters of the Richmond River and its tributaries upstream from a line drawn between eastern extremities of the northern and southern breakwalls at its confluence with the South Pacific Ocean to the Burns Point ferry crossing.

Sandy Beach Creek

County of Auckland, Parish of Bournda: The whole of the waters of Sandy Beach Creek and Bournda Lagoon and their tributaries.

Shelly Beach Lagoon

The whole of the waters of Shelly Beach Lagoon bounded by the reef that surrounds the lagoon at the southern end of Shelly Beach in Port Macquarie.

South West Rocks Creek

County of Macquarie, Parish of Arakoon: The whole of the waters of South West Rocks Creek (or Back Creek) and the whole of the waters of that part of the Macleay River and that part of the South Pacific Ocean lying generally north and northeasterly of a line drawn across the River in a southeasterly direction from the southernmost extremity of Shark Island to the point of highwater mark on the northern edge of the public boat ramp on the eastern training wall, fronting portion 302, to the easternmost extremities of the northern and southern breakwaters of the Macleay River, and including the waters of the South Pacific Ocean within 100 metres of the northwestern side of the northern breakwater and within 100 metres on the southeastern side of the southern breakwater.

Sussex Haven

County of St Vincent, Parishes of Farnham and Bherewerre: The whole of the waters of that part of Sussex Haven, its creeks and inlets, and that part of St Georges Basin, its creeks and bays, between a line drawn northeasterly from the most easterly southeastern corner of Reserve 81746 for Public Recreation notified 3 July 1959, to the point of junction of the eastern shore of Sussex Haven with the shore of the South Pacific Ocean and a line from the easternmost extremity of Kangaroo Point bearing 144° to a point marked broad arrow over FD on the southern shore of the Basin, situated about 1.6 km easterly from the junction of the southern shore of the Basin with the eastern shore of Sussex Haven.

Tuggerah Lake Entrance

County of Northumberland: The waters of Tuggerah Lake Entrance within the following boundaries: commencing at the northwest corner of lots A and B of Strata Plan No 4000 on Marine Parade; then by a line bearing 90° for a distance of 160 metres; then by a line bearing generally northwesterly to the southeast extremity of Karagi Point; then continuing generally northerly along the mean highwater mark of the eastern shore of Tuggerah Lake to PWD Survey

mark No 215 at Coogee Avenue; then continuing generally southwesterly to the northwesternmost point of Terilbah Island and to PWD Survey Mark No 217 on Picnic Point; then generally easterly and southeasterly along mean highwater mark of the southern shore of Tuggerah Lake to the point where the line bearing 90° from the point of commencement intersects the mean highwater mark.

Tweed River

County of Rouse, Parish of Terranora: The whole of the tidal waters of that part of the Tweed River within the following boundaries: commencing at the easternmost extremity of the northern breakwater at the entrance to Tweed River and bounded by the high water mark of the western training wall, inclusive of northern boatharbour, generally south to its point of commencement, by the high water mark of Greenbank Island as reclaimed to the southern boatharbour, by the high water mark of the boatharbour, by the high water mark generally southwest to Boyd's Bay bridge, by the eastern side of that bridge, by the southwestern bank of Ukerebagh Passage to a point being the intersection of the northeastern prolongation of the northwestern boundary of portion 374 with the high water mark of that bank, and then by a line easterly to the westernmost extremity of Ukerebagh Island, by the northwestern shore of Ukerebagh Island to the northernmost extremity of that island then by a line drawn northeasterly to the end of the eastern training wall by the high water mark of that wall inclusive of the tidal waters of Kerosene Inlet on the eastern side of the eastern training wall and then to the high water mark of the southern breakwater northwesterly and northeasterly to the easternmost extremity of that breakwater and then by a line across the entrance to the Tweed River to the point of commencement.

Wagonga River

County of Dampier, Parishes of Wagonga and Narooma: That part of the waters of Wagonga River, east of a line from the Princess Highway road bridge to a line drawn between the eastern extremities of the northern and southern training walls at the entrance to Wagonga River.

Wallis Lake

County of Gloucester, Parish of Forster, at Wallis Lake: That part of the tidal waters within the following boundaries: commencing at the entrance to Wallis Lake at the eastern extremity of the northern breakwater; and bounded by that breakwater and a part of the foreshores of the Village of Tuncurry generally southerly to the southerly prolongation of the western side of Wharf Street; then by a line drawn southwesterly to the northern foreshore at a point $32^{\circ}10.97^{\circ}$ S, $152^{\circ}29.88^{\circ}$ E; then by a line drawn generally southerly to the northern foreshore at a point $32^{\circ}11.27^{\circ}$ S, $152^{\circ}29.89^{\circ}$ E; then by a line drawn generally southeasterly to the southwestern foreshore of Godwin Island at a point $32^{\circ}11.56^{\circ}$ S, $152^{\circ}29.99^{\circ}$ E; then by the northern foreshore of that island northeasterly to the northernmost point; then by a line drawn generally northeasterly to the western prolongation of the southern boundary of section 27, Village of Forster; then by that foreshore generally northerly to the southern breakwater; by that breakwater to its eastern extremity and by a line across the entrance to the point of commencement.

Wonboyn River

County of Auckland, Parishes of Wonboyn and Narrabarba: The whole of the entrance waters of Wonboyn River downwards to their confluence with the South Pacific Ocean from a line drawn in a southerly direction from the northwesternmost foreshore at a point $37^{\circ}14.57^{\circ}$ S, $149^{\circ}55.91^{\circ}$ E to the westernmost foreshore at a point $37^{\circ}14.69^{\circ}$ S, $149^{\circ}55.88^{\circ}$ E.

Woody Bay

County of Clarence, Parish of Nanegai, Shire of Maclean: Being the area known as Woody Bay and commencing from the broad arrow on a rock and marked FD, north of portion 54 then in a

northerly direction for approximately 300 metres to a spike in the rock, then generally in a westerly direction to Big Knobby Rock, then in a southwesterly direction to a 10 Å— 10 centimetre peg on the foreshore, then along the mean high water mark to the point of commencement.

Schedule 7 Penalty notice offences

(Clause 348)

Column 1	Column 2
Offence	Amount of penalty
	Part 1 Offences under the Act
Section 14 (1)	\$500
Section 14 (2)	\$500
Section 16 (1)	\$500
Section 16 (2)	\$500
Section 16 (3)	\$500
Section 16 (4)	\$500
Section 17 (2)	\$500
Section 17 (2A)	\$500
Section 18 (2)	\$500
Section 18 (2A)	\$500
Section 19 (2)	\$500
Section 19 (3)	\$500
Section 20 (3) (a)	\$2,750
Section 20 (3) (b)	\$5,500
Section 20 (3) (c)	\$2,750
Section 20 (5)	\$2,750
Section 20A (3) (a)	\$500
Section 20A (3) (b)	\$500
Section 22 (2)	\$200
Section 24 (1)	\$500
Section 25 (1)	\$500
Section 34J (1)	\$200
Section 34J (2)	\$75
Section 35 (1)	\$500
Section 39 (2)	\$200
Section 65 (1)	\$200
Section 68 (6C)	\$500
Section 70 (4B)	\$500
Section 87 (4)	\$200
Section 87 (5)	\$200
Section 88 (2)	\$200
Section 102 (1)	\$500
Section 104 (7)	\$500
Section 107 (1)	\$500
Section 108 (7) in relation to a contravention of a condition referred to in clause 138 (1) (b), (c) or (j) of the <i>Fisheries Management (General) Regulation 2010</i>	\$200

Section 108 (7) in any other case	\$500
Section 110 (9)	\$100
Section 112 (4)	\$500
Section 117 (1)	\$500
Section 118 (7)	\$500
Section 119 (3)	\$300
Section 121 (4)	\$300
Section 121 (5)	\$200
Section 122 (4)	\$300
Section 122 (5)	\$200
Section 122 (6)	\$300
Section 122A (3)	\$300
Section 122A (4)	\$200
Section 123 (1)	\$500
Section 123 (2)	\$500
Section 123 (3)	\$500
Section 123A (1)	\$500
Section 127B (2)	\$200
Section 127B (3)	\$500
Section 127C (7)	\$200
Section 127E (4)	\$300
Section 127E (5)	\$200
Section 144 (1)	\$500
Section 152 (3)	\$200
Section 155	\$100
Section 170 (3)	\$200
Section 171 (3)	\$200
Section 179 (1) (a)	\$200
Section 179 (1) (b)	\$200
Section 183 (5)	\$500
Section 184	\$300
Section 185	\$300
Section 186	\$300
Section 190 (2)	\$200
Section 197K (1)	\$500
Section 197K (2)	\$500
Section 200 (1)	\$1,000
Section 201 (1)	\$1,000
Section 204B (2)	\$1,000
Section 205 (2)	\$500
Section 206 (1)	\$1,000
Section 207 (2)	\$200
Section 210 (1)	\$300
Section 211 (1)	\$300
Section 216 (1)	\$300
Section 217 (1)	\$500
Section 217 (2)	\$500
Section 219 (1) (a)	\$1,000
Section 219 (1) (b)	\$1,000
Section 219 (1) (c)	\$1,000
Section 220I (4)	\$100

Section 220ZA in relation to the offence of harming fish or marine vegetation of an endangered species, population or ecological community	\$2,500
Section 220ZA in relation to the offence of harming fish or marine vegetation of a vulnerable species	\$1,000
Section 220ZB (1) in relation to the offence of buying, selling or having in possession fish or marine vegetation of an endangered species	\$2,500
Section 220ZB (1) in relation to the offence of buying, selling or having in possession fish or marine vegetation of a vulnerable species	\$1,000
Section 220ZC (1)	\$5,500
Section 220ZD	\$2,500
Section 220ZGB (1)	\$500
Section 221D (3)	\$500
Section 221IJ	\$2,500
Section 221O (5)	\$5,000
Section 248 (4)	\$200
Section 249 (3)	\$200
Section 251 (2)	\$200
Section 256 (4)	\$500
Section 257 (4)	\$200
Section 258 (2)	\$200
Section 258A (6)	\$500
Section 279A (1)	\$500
	Part 2 Offences under
Clause 22 (1)	\$500
Clause 22 (2)	\$500
Clause 45 (1)	\$100
Clause 46 (1)	\$500
Clause 46 (3)	\$500
Clause 46 (4)	\$100
Clause 47 (1)	\$200
Clause 47 (2)	\$200
Clause 48 (1)	\$300
Clause 49 (1)	\$100
Clause 50	\$300
Clause 51 (1)	\$200
Clause 51 (2)	\$200
Clause 51 (3)	\$300
Clause 52 (1)	\$500
Clause 53 (1)	\$200
Clause 53 (2)	\$200
Clause 54 (1)	\$300
Clause 55 (1)	\$300
Clause 55 (2)	\$500
Clause 56 (1)	\$200
Clause 59 (1)	\$500
Clause 59 (2)	\$300
Clause 59 (3)	\$300
Clause 60	\$200
Clause 61	\$300
Clause 65	\$200

Clause 66 (1)	\$200
Clause 68	\$200
Clause 69 (2)	\$200
Clause 70 (1)	\$500
Clause 70 (2)	\$500
Clause 72 (1)	\$500
Clause 74 (1)	\$500
Clause 76	\$200
Clause 77 (1)	\$100
Clause 90 (1)	\$100
Clause 90 (2)	\$100
Clause 90 (3)	\$100
Clause 90 (4)	\$200
Clause 91 (1)	\$200
Clause 92 (1)	\$300
Clause 92 (2)	\$300
Clause 92 (3)	\$300
Clause 93 (1)	\$200
Clause 93 (2)	\$200
Clause 94 (1)	\$200
Clause 95 (1)	\$300
Clause 95 (3)	\$100
Clause 95 (5)	\$300
Clause 96 (1)	\$300
Clause 96 (2)	\$300
Clause 97 (1)	\$500
Clause 99	\$500
Clause 150 (1)	\$200
Clause 150 (2)	\$200
Clause 151 (2)	\$200
Clause 153 (1)	\$500
Clause 163 (4)	\$200
Clause 164 (6)	\$200
Clause 203 (2)	\$300
Clause 204 (2)	\$200
Clause 205 (3)	\$200
Clause 259	\$500
Clause 265	\$500
Clause 266	\$500
Clause 267 (1)	\$500
	Part 3 Offences under
Clause 38 of the Appendix to the Regulation (except in respect of a contravention of clause 34 (1) of that Appendix)	\$200
	Part 4 Offences under
Clause 54 (1)	\$200
Clause 54 (5)	\$200
Clause 54 (6)	\$200
Clause 55 (4)	\$200
Clause 56 (6)	\$200

	Part 5 Offences under
Clause 8 (1) (a)	\$500
Clause 8 (1) (b)	\$500
Clause 8 (2) (a)	\$500
Clause 8 (2) (b)	\$500
Clause 11 (1) (a)	\$500
Clause 11 (1) (b)	\$500
Clause 11 (2) (a)	\$500
Clause 11 (2) (b)	\$500
Clause 17 (1) (a)	\$500
Clause 17 (1) (b)	\$500
Clause 17 (2) (a)	\$500
Clause 17 (2) (b)	\$500
Clause 21 (1) (a)	\$500
Clause 21 (1) (b)	\$500
Clause 21 (2) (a)	\$500
Clause 21 (2) (b)	\$500
Clause 27 (1) (a)	\$500
Clause 27 (1) (b)	\$500
Clause 27 (2) (a)	\$500
Clause 27 (2) (b)	\$500
	Part 6 Offences under
Clause 55 of the Appendix to the Regulation (except in respect of a contravention of clause 27 (7) or 51 (1) of that Appendix)	\$200

Schedule 8 Fees

Column 1	Column 2
Matter for which fee is payable	Amount
Permit or renewal of permit to use explosives (clause 71 (5))	\$300
Permit or renewal of permit to use electrical devices (clause 73 (5))	\$300
Fishing fee (clause 81):	
(a) for a period of 3 days	\$6
(b) for a period of 1 month	\$12
(c) for a period of 12 months	\$30
(d) for a period of 3 years	\$75
Issue of replacement receipt (clause 84 (2))	\$6.70
Fishing fee exemption certificates:	
(a) one year exemption certificate under clause 87 (1) (a)	\$120
(b) one year exemption certificate under clause 87 (1) (b)	\$2,400
(c) one year exemption certificate under clause 87 (1) (c) (i)	\$120
(d) one year exemption certificate under clause 87 (1) (c) (ii)	\$120 plus \$30 for the fifth and each additional passenger to be exempted

(e) one year exemption certificate under clause 87 (1) (c) (iii)	\$300
Application for amendment of exemption certificate (clause 88 (3) (a))	\$12
Marine park permit (clause 98)	\$68
Application for approval by Director-General of transfer of endorsement or share (clause 114 (5))	\$268
Special endorsement to take fish in share management fishery (clause 119)	\$134
Lodgment of appeal to Share Appeal Panel (clause 122 (1) (c))	\$275
Application for registration of transaction under clause 123 (1) (a)	\$268
Application for registration of transaction under clause 123 (1) (b)	\$469
Inspection of entry in the Share Register conducted with assistance of officer of the Department (clause 124 (a) (i))	\$14
Inspection of registered document retained by Director- General (clause 124 (b))	\$68
Application for issue of Class 1 commercial fishing licence (clause 127 (2))	\$535
Application for issue of Class 2 commercial fishing licence (clause 127 (2))	\$134
Application for renewal of Class 1 commercial fishing licence (clause 130 (3))	\$268
Application for renewal of Class 2 commercial fishing licence (clause 130 (3))	\$134
Contribution by owner of southern fish trawl fishing business the other components of which include shares in a share management fishery (clause 132 (2) (a))	\$356
Contribution by owner of any other southern fish trawl fishing business (clause 132 (2) (b))	\$559
Contribution by participant in sea urchin and turban shell restricted fishery (clause 133 (2))	\$1,342
Application for issue of fishing boat licence under clause 135 (2) (a)	\$187
Application for issue of fishing boat licence under clause 135 (2) (b)	\$187 plus \$28 for each metre or part of metre by which the boat exceeds 3 metres
Application for renewal of fishing boat licence under clause 139 (3) (a)	\$52
Application for renewal of fishing boat licence under clause 139 (3) (b)	\$52 plus \$28 for each metre or part of metre by which the boat exceeds 3 metres
Application for approval of transfer of right to fishing boat licence (clause 143 (3))	\$335
Application for registration of crew members (clause 147)	\$134
Application for approval of transfer of quota (clause 164 (2) (c))	\$201

Class A endorsement in inland restricted fishery (clause 186 (1))	\$2,680
Class B endorsement in inland restricted fishery (clause 186 (1))	\$335
Class D endorsement in inland restricted fishery (clause 186 (1))	\$335
Approval of transfer of endorsement (clause 190 (1))	\$3,348
Application for registration as Class A Registered Fish Receiver (clause 209 (2))	\$1,004
Application for registration as Class B Registered Fish Receiver (clause 209 (2))	\$3,272 for one or two premises at which the fish receiver receives fish and \$1,635 for each additional premises
Issue or renewal of charter fishing boat licence (clause 226 (1))	\$502
Authorised activity specified on charter fishing boat licence (clause 226 (1))	\$101
Application for approval of transfer of right to transferable licence (clause 229 (2))	\$335
Application for approval of boat replacement (clause 231 (1) (b))	\$335
Additional licence fee for application for renewal of charter fishing boat licence (clause 233 (5))	\$134
Application for a permit under Part 7 of the Act (clause 258 (2) (a))	\$150
Minor assessment (clause 258 (4) (a))	\$150
Moderate assessment (clause 258 (4) (b))	\$350
Major assessment (clause 258 (4) (c))	\$1,250
Complex assessment (clause 258 (4) (d))	\$3,250
Additional assessment (clause 258 (8))	\$62

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Fisheries Management (General) Regulation 2010 (475)*. LW 27.8.2010. Date of commencement, 1.9.2010, cl 2. This Regulation has been amended by cl 357 (2) of this Regulation.

Table of amendments

Cl 357	Rep 2010 (475), cl 357 (2).
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