



New South Wales

Fisheries Management Legislation Amendment (Fishing Gear) Regulation 2008

under the

Fisheries Management Act 1994

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The principal object of this Regulation is to transfer certain fishing gear provisions from the *Fisheries Management (General) Regulation 2002* into the individual share management plans, so that the share management plan for each fishery contains the provisions relating to the type of fishing gear that may be lawfully used and the conditions of its use that are relevant to that fishery.

This Regulation amends the following regulations:

- (a) *Fisheries Management (General) Regulation 2002*,
- (b) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,
- (c) *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*,
- (d) *Fisheries Management (Lobster Share Management Plan) Regulation 2000*,
- (e) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,
- (f) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,
- (g) *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*,
- (h) *Fisheries Management (Supporting Plan) Regulation 2006*.

The principal amendments include the following:

- (a) provision for the lawful use of square mesh codends for certain commercial prawn-catching gear, including the prawn net (hauling), the prawn net (set pocket) and the seine net (prawns) in the estuary general fishery and the otter trawl net (prawns) in the estuary prawn trawl fishery and the ocean trawl fishery,

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- (b) provision for the lawful use of various commercial nets in certain waters, where use is currently authorised only by permit, including provision for the use of the pilchard, anchovy and bait net (hauling) in parts of the Hawkesbury River, the prawn net (set pocket) in Lake Innes, the seine net (prawns) in Smiths Lake, and the seine net (prawns) by clover leafing in Wallis Lake,
- (c) modifications to the specifications and lawful conditions of use of certain nets and traps in various fisheries,
- (d) provision for the use and possession of knives, fish spikes and similar implements by commercial fishers on boats in fisheries,
- (e) provision for certain fishing closures under section 8 of the *Fisheries Management Act 1994 (the Act)* to prevail over share management plans,
- (f) prescribing certain offences under the Act and the *Fisheries Management (General) Regulation 2002* as penalty notice offences and prescribing the penalties payable for those offences when dealt with by way of penalty notice,
- (g) increasing the penalties currently payable for certain penalty notice offences,
- (h) other minor and miscellaneous amendments.

Until 1 January 2009, or such later date as may be determined by the Minister and advised to commercial fishers, it will continue to be lawful to use a net or trap in accordance with the requirements that were in force immediately before the commencement of this Regulation.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 13, 15 (1), 20 (2), 23, 24 (1), 40, 68 (6A), 112 (2), 116, 205B, 276 (6), and 289 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment (Fishing Gear) Regulation 2008*.

2 Commencement

- (1) This Regulation commences on the day it is published in the Gazette, except as provided by subclause (2).
- (2) Schedule 1 [12] and [23] commence on 1 January 2009.

3 Amendment of Fisheries Management legislation

The Regulations specified in Schedules 1–8 are amended as set out in those Schedules.

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Schedule 1 Amendment of Fisheries Management (General) Regulation 2002

**Schedule 1 Amendment of Fisheries Management
(General) Regulation 2002**

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

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

[2] Clause 20A Use of certain fishing gear prohibited in vicinity of critical habitat of grey nurse shark

Omit the clause.

[3] Part 3, Division 3

Insert after the heading:

Note. Under section 24 of the Act it is an offence for a person to use a net or trap for taking any fish unless its use by the person for taking those fish is declared by the regulations to be a lawful use of the net or trap.

[4] Clauses 25–28

Omit clauses 25–45. Insert instead:

25 Definitions

In this Division:

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.

26 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 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

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Column 1	Column 2
Net	Share management fishery
Push or scissors net	Estuary general
Seine net (prawns)	Estuary general
Spanner crab net	Ocean trap and line
Trumpeter whiting net (hauling)	Estuary general

Note. Some of these nets may also be used in restricted fisheries, as indicated in subsequent clauses, and by recreational fishers, as indicated in Division 4. Different requirements (including different net specifications) apply when the nets are used in different fisheries and by recreational fishers.

27 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 rock lobsters) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
 - (a) the net is used only by the method of bottom trawling,
 - (b) no rope, string, wire, cord, netting or other material is fixed to the codend of the net, or to any meshes within 25 meshes of the codend, except as permitted by subclause (2),
 - (c) mesh of net is constructed of single twine mesh with a diameter of not more than 6 mm, except as permitted by subclause (3),
 - (d) any rubber discs or rollers (also known as bobbin gear) that are fitted to the net do not exceed 100 mm in diameter,
 - (e) 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.

Table Otter trawl net (fish)

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

28 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 rock

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lobsters) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the 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)

- 1 (a) *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.
- (b) *Description of net*—Mesh not less than 83 mm throughout.

[5] Clause 46 Application of Division

Omit “The nets”.

Insert instead “Subject to anything to the contrary in this Division, the nets”.

[6] Clause 47 Spanner crab net

Omit clause 47 (1). Insert instead:

- (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 set out in relation to those waters in that Table and the following conditions are complied with:
- (a) not more than one spanner crab net is used by the person at any one time,
- (b) 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.
- (1A) This clause does not apply to or in respect of a commercial fisher taking spanner crabs for sale or a member of the crew of such a commercial fisher.

[7] Clause 53 Landing net

Omit clause 53 (1). Insert instead:

- (1) It is lawful 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 set out in relation to those waters 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.
- (1A) 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.

Note. See the *Fisheries Management (Supporting Plan) Regulation 2006* in relation to the use of landing nets in share management fisheries.

[8] Clause 53, Table

Omit “having mesh not less than 25 mm” from item 1 (b).

Insert instead “or other soft material”.

[9] Part 3, Division 4A

Insert after Division 4:

Division 4A Other lawful nets

53A Beach safety meshing net

- (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 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 meshing net must comply with the following specifications:
 - (a) **Floatline**
150 metres of not less than 8 mm diameter, synthetic rope with a breaking strain of not less than 900 kg.
 - (b) **Leadline**
150 metres of not less than 8 mm diameter, synthetic rope with a breaking strain of not less than 900 kg.

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(c) Floats

Gill net floats used must be of not less than 10 cm diameter and not less than 5 cm thickness, or a float of equivalent buoyancy approved by the Director-General and spaced at not more than 5 metre centres.

(d) Netting twine

The twine must be continuous synthetic filament with a breaking strain of not less than 60 kg.

(e) Mesh size

The mesh size must be not less than 50 cm nor more than 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) Mesh depth

The number of meshes for each mesh size must be as follows:

- (i) 60 cm mesh—not less than 12 meshes deep,
 - (ii) 55 cm mesh—not less than 13 meshes deep,
 - (iii) 50 cm mesh—not less than 14 meshes deep,
- so that the height is approximately 6 metres when set.

- (4) Nets must be tagged at the surface with a minimum of 25 cm bubbles and clearly marked “Beach Safety Meshing Net”.

[10] Clauses 54, 55 (2), (3) and Table and 56 (2)

Omit the provisions.

[11] Clause 58A Sorting of prawns caught in certain nets

Omit the clause.

[12] Clause 58B Prohibition on use of certain nets in vicinity of seagrass

Omit the clause.

[13] Clause 59

Omit the clause. Insert instead:

59 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 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
Fish trap	Estuary general Ocean trap and line
Commercial lobster trap	Lobster

[14] Clause 61 Crab trap

Omit “displays “FL” followed by the commercial fishing licence number of the commercial fisher” from clause 61 (1) (a) (iv).

Insert instead “displays the registration number of the commercial fishing licence of the fisher”.

[15] Clause 66

Omit the clause. Insert instead:

66 Set lines and 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 hooks or 3 gangs of hooks attached or with more than 3 treble hooks attached to a lure, or

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

- (a) a lure is fixed to each hook, and
- (b) the line, when being used for the purpose of taking fish, is not left unattended and is used only by the method of jigging.

- (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 2 hooks or 3 treble hooks attached to a lure.

Maximum penalty: 100 penalty units.

- (4) 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.

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

- (5) In this clause:

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

hand held line means a rod and line or handline.

Note 1. 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.

Note 2. Under section 4 (1) of the Act, to “take” fish includes to attempt to do so.

[16] Clause 68 Drift lines

Omit clause 68 (1), (2) and the definition of ***gang of hooks*** in clause 68 (5).

[17] Clause 69 Identification of set fishing gear

Omit clause 69 (2) (a) (i), (ii) and (iii). Insert instead:

- (i) the registration number of the commercial fishing licence of the fisher, or
- (ii) the letters “LFB” followed by the number indicated on the boat licence as the number of the licence, or

[18] Clause 79A Certain implements prohibited

Omit the clause.

[19] Clauses 79C and 79D

Insert after clause 79B:

79C 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), the device described in subclause (3) must be used in the manner set out in subclause (4).
- (3) The device (which must be verified in such manner as the Director-General may determine) must comply 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) The 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,

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- (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, the device described in subclause (3) must be used in the manner set out in subclause (4) 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, when determined in the manner and by the use of the measuring device, described in this clause.

Table Measuring length and mesh size of nets

- | | |
|---|---|
| 1 | (a) <i>Nets</i> —Hand-hauled prawn net, push or scissors net. |
| | (b) <i>Weight attached</i> —1,585 grams. |
| 2 | (a) <i>Nets</i> —Otter trawl net (fish)—southern fish trawl fishery, danish seine trawl net (fish)—southern fish trawl fishery. |
| | (b) <i>Weight attached</i> —2,945 grams. |

79D 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.

[20] Part 5, Division 4 Measurement of fishing gear

Omit the Division.

[21] Clause 1330 Approval of transfers by Director-General

Omit “endorsement or share” from clause 1330 (2) (d).

Insert instead “endorsement, share or fishing business, or in respect of the fishing business to which the endorsement or share is to be transferred,”.

[22] Clauses 199–201

Insert after clause 198:

199 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

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200 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.

201 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 most eastern extremity of Red Point south to the most eastern 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.

[23] **Clause 339A**

Omit the clause. Insert instead:

339A Activities harmful to marine vegetation (section 205B of the Act)

For the purposes of section 205B of the Act, 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), is a prescribed activity.

Note. 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.

[24] **Part 11A, Division 1, heading**

Omit “on”. Insert instead “in or near”.

[25] **Clause 340B Restrictions on certain fishing**

Omit clause 340B (1) and (2).

[26] **Clause 340B (3)**

Omit “or attempt to take” wherever occurring.

[27] **Clause 340B (3) (c)**

Omit “in any circumstances”.

[28] **Clause 340B (3) (c1)**

Insert after clause 340B (3) (c):

(c1) take fish by means of a set line, or

[29] **Clause 340B, note**

Insert at the end of the clause:

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

[30] **Clause 340CA**

Insert after clause 340C:

340CA Use of certain fishing gear prohibited in vicinity of critical habitat of grey nurse shark

(1) A person must not, in the vicinity of critical habitat of the grey nurse shark, take fish by means of a wire trace line or set line

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from a vessel that is anchored, moored or otherwise held stationary.

Maximum penalty: 100 penalty units.

(2) In this clause:

vicinity of critical habitat of the grey nurse shark means the areas identified as ***buffer zones*** in the maps in Schedule 1A showing the areas of critical habitat of the grey nurse shark.

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

[31] Clause 414 Evidence in relation to fishing authorities

Omit the clause.

[32] Clause 434

Insert after clause 433:

434 Phasing-in of changes to fishing gear requirements made by Fisheries Management Legislation Amendment (Fishing Gear) Regulation 2008

Until 1 January 2009, or such later date as may be determined by the Minister and advised to commercial fishers, it continues to be lawful to use a net or a trap if it is used in accordance with the requirements of this Regulation, and the relevant management plan (if any) for the fishery in which the fishing gear is used, as in force immediately before the date the *Fisheries Management Legislation Amendment (Fishing Gear) Regulation 2008* was published in the Gazette.

[33] Schedule 5 Penalty notice offences

Insert in appropriate order in Part 1:

Section 68 (6C) in relation to a contravention of a condition referred to in clause 15 or 16 of the <i>Ocean Hauling Share Management Plan</i> (as set out in the <i>Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006</i>)	\$200
Section 68 (6C) in any other case	\$500
Section 70 (4B)	\$500
Section 112 (4)	\$500
Section 122A (3)	\$300

Section 122A (4)	\$200
Section 127E (4)	\$300
Section 127E (5)	\$200
Section 127EB	\$300

[34] Schedule 5, Part 1

Omit "\$200" wherever occurring from Column 2 in the matter relating to sections 104 (7) and 118 (7).

Insert instead "\$500".

[35] Schedule 5, Part 1

Omit "\$300" from Column 2 in the matter relating to section 107 (1).

Insert instead "\$500".

[36] Schedule 5, Part 1

Omit the matter relating to section 108 (7). Insert instead:

Section 108 (7) in relation to a contravention of a condition referred to in clause 153 (1) (b), (c) or (j) of the *Fisheries Management (General) Regulation 2002* \$200

Section 108 (7) in any other case \$500

[37] Schedule 5, Part 1

Omit the matter relating to sections 121 and 122. Insert instead:

Section 121 (4) \$300

Section 121 (5) \$200

Section 122 (4) \$300

Section 122 (5) \$200

Section 122 (6) \$300

[38] Schedule 5, Part 2

Omit the matter relating to clauses 20A, 66, 68 (1) (a)–(d), (2) and 79A.

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[39] Schedule 5, Part 2

Insert in appropriate order:

Clause 66 (1)	\$500
Clause 66 (3)	\$500
Clause 133DA	\$200
Clause 280E (2)	\$300
Clause 280F (2)	\$200
Clause 280F (5)	\$200
Clause 340CA	\$500

[40] Schedule 5, Part 2

Omit "\$200" from Column 2 in the matter relating to clause 133B.

Insert instead "\$500".

[41] Schedule 5, Part 4

Omit the matter relating to Julian Rocks and Fly Point–Halifax Park.

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(Clause 3)

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

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.

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

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

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

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

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

[2] Appendix, clause 4 Regions of fishery

Insert after clause 4 (2) (before the Table):

- (3) A reference to an estuary in the Table includes a reference to all creeks, rivers, lakes, lagoons and tributaries flowing into or from that estuary.

[3] Appendix, clause 4, Table

Omit “Lake Innes” and “Lake Cathie” from Column 3 (in the matter relating to North Coast—Region 3).

Insert instead “Lake Cathie (Lake Innes)”.

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[4] Appendix, clause 4, Table

Omit “Myall Lakes”, “Myall River” and “Lake Boolambayte” from Column 3 (in the matter relating to Central—Region 4).

Insert instead “Myall Lakes (Myall River)”.

[5] Appendix, clause 4, Table

Omit “Port Stephens” and “Karuah River” from Column 3 of the Table (in the matter relating to Central—Region 4).

Insert instead “Port Stephens (Karuah River)”.

[6] Appendix, clause 4, Table

Omit “Pittwater” from Column 3 of the Table (in the matter relating to Metropolitan—Region 5).

[7] Appendix, clause 4, Table

Omit “Nerrindilah Creek” from Column 3 (in the matter relating to Upper South Coast—Region 6).

Insert instead “Nerrindillah Creek”.

[8] Appendix, clause 4, Table

Omit “Batemans Bay” from Column 3 (in the matter relating to Lower South Coast—Region 7).

Insert instead “Clyde River (Batemans Bay)”.

[9] Appendix, clause 4, Table

Omit “Candlagan Creek”, “Meringo River”, “Kianga Lake” and “Nangudga Lake” from Column 3 (in the matter relating to Lower South Coast—Region 7).

[10] Appendix, clause 6 Types of endorsement

Insert “, rod and line, set line or drift line” after “using a handline” in clause 6 (2).

[11] Appendix, clause 6 (6) (a)

Insert “, and a try net (prawns) (but only to facilitate the use of the prawn net (hauling))” after “prawn net (hauling)”.

[12] Appendix, clause 6 (6) (d)

Insert “, and a try net (prawns) (but only to facilitate the use of the seine net (prawns))” after “seine net (prawns)”.

[13] Appendix, clause 13 Boat capacity restrictions

Omit “Subclause (1) does not apply in respect of an original boat” from clause 13 (2).

Insert instead “The maximum boat length specified in Column 1 of the Table to this clause does not apply in respect of a boat”.

[14] Appendix, clause 13 (3)

Omit the subclause. Insert instead:

- (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.

[15] Appendix, clause 14 Taking fish with the assistance of other persons

Insert “in the region concerned” after “assist the endorsement holder” in clause 14 (1).

[16] Appendix, clause 14A

Insert after clause 14:

14A Sorting of prawns caught in certain nets

- (1) For the purposes of section 68 (6A) of the Act, it is a condition of an endorsement that the following steps are taken immediately after using a relevant net to take fish in the fishery:
 - (a) any prawns caught in the net are graded immediately after the net is retrieved,
 - (b) the unwanted portion of the catch is returned to the water, alive, as soon as practicable (and in any case before the cooking of the retained portion of the catch).
- (2) In this clause, a *relevant net* means any of the following nets:
 - (a) dip or scoop net (prawns),
 - (b) hand-hauled prawn net,
 - (c) prawn net (hauling),
 - (d) prawn net (hauling)—Manning River,
 - (e) prawn net (hauling)—Wallis Lake,
 - (f) prawn net (set pocket),
 - (g) prawn running net,
 - (h) push or scissors net (prawns),

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- (i) seine net (prawns),
- (j) seine net (prawns)—clover leafing.

[17] Appendix, Part 7

Re-number Part 7 as Part 8, and clauses 17 and 18 as clauses 36 and 37, respectively.

Insert before Part 8 (as so re-numbered):

Part 7 Fishing gear

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

17 Hauling net (general purpose)

- (1) It is lawful for the holder of a category one hauling endorsement to use a hauling net for taking a permitted species of fish in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
 - (a) the net is used only by the method of hauling,
 - (b) the net has a bunt,
 - (c) the bunt of the net is in the centre of the net,
 - (d) the net has 2 wings of equal length,
 - (e) except as provided by paragraph (f), the length of each hauling line attached to the net does not exceed the total length of the net to which it is attached,
 - (f) the length of each hauling line attached to the net does not exceed:
 - (i) 725 metres in length in the waters of that part of Wallaga Lake extending upwards from the bridge and embankment on the Narooma–Bermagui Road, the Broadwater of the Clarence River, that part of Lake Cathie (Lake Innes) known as Lake Innes, Smiths Lake, those parts of Myall Lakes (Myall River) known as Myall Lake and the Broadwater of Myall Lakes and Lake Illawarra, or
 - (ii) 1,000 metres in length in the waters of Tuggerah Lakes and Wallis Lake (excluding Wollomba, Wallingat, Cooloongolok and Wang Wauk Rivers),

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- (g) in the waters of any coastal lake or lagoon, the net is not landed by any method other than against a stake or back net (the total length of which does not exceed 50 metres with a mesh throughout of not less than 25 mm),
 - (h) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,
 - (i) any fish contained in any part of the net are immediately removed on completion of the haul, or on removal of that part of the net from the water, whichever occurs first,
 - (j) the net is not used for taking garfish,
 - (k) the net is operated with the assistance of at least one other commercial fisher who holds a category one hauling endorsement or a handline and hauling crew endorsement for the region concerned,
 - (l) in the case of a net of 500 metres or less in length used in the waters specified in item 1 or 2 of the Table to this clause under the authority of a category one hauling endorsement:
 - (i) the net is hauled no more than once between midnight on one day and midnight on the immediately following day, and
 - (ii) no more than one net of 500 metres or less in length is used by the holder of the endorsement during that period.
- (2) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one hauling endorsement in the operation of a hauling net in accordance with this clause.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a hauling net (general purpose) or a hauling net (general purpose)—estuary general fishery.

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Table Hauling net (general purpose)

- 1 (a) *Waters*—Tuggerah Lakes; Wallis Lake (excluding Wollomba, Wallingat, Cooalongok and Wang Wauk Rivers).
- (b) *Description of net*—Total length not exceeding 500 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 57 mm; mesh of wings not less than 80 mm.
- 2 (a) *Waters*—That part of Wallaga Lake extending upwards from the bridge and embankment on the Narooma–Bermagui Road; that part of Clarence River known as the Broadwater of the Clarence River; that part of Lake Cathie (Lake Innes) known as Lake Innes; Smiths Lake; those parts of Myall Lakes known as Myall Lake and the Broadwater of Myall Lakes; Lake Illawarra.
- (b) *Description of net*—Total length not exceeding 500 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 57 mm; mesh of wings not less than 80 mm.
- 3 (a) *Waters*—Those parts of the Tweed River known as Terranora Broadwater and Cobaki Broadwater; Clarence River; Lake Wollumboola; Coila Lake; Murrah Lake; Wapengo Lake; Curalo Lake.
- (b) *Description of net*—Total length not exceeding 450 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh of not less than 57 mm; mesh of wings not less than 80 mm.

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- 4 (a) *Waters*—All other waters specified in the Table to clause 4.
- (b) *Description of net*—Total length not exceeding 375 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 57 mm; mesh of wings not less than 80 mm.

18 Trumpeter whiting net (hauling)

- (1) It is lawful for the holder of a category one hauling endorsement to use a hauling net for taking trumpeter whiting in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only as a sunk net,
 - (b) the net is used only by the method of hauling, that is, by casting and shooting the net and picking up and landing the whole of the net, including both hauling lines, without delay or interruption, or in the following manner:
 - (i) the net and hauling lines attached to both ends of the net must be completely cast or shot from a boat,
 - (ii) the net and hauling lines may be towed to the point of landing if the distance of the tow does not exceed the difference between the length of the hauling lines and 225 metres,
 - (c) any fish contained in a part of the net are immediately removed from the net on completion of the haul, or on removal of that part of the net from the water, whichever occurs first.
- (2) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one hauling endorsement in the operation of a hauling net in accordance with this clause.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a trumpeter whiting net (hauling).

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Table Trumpeter whiting net (hauling)

- 1 (a) *Waters*—That part of Port Stephens (Karuah River) east of a line drawn (along the eastern and southern side of the Pindimar sanctuary zone and the eastern side of the Soldiers Point habitat protection zone of Port Stephens—Great Lakes Marine Park) from the mean high water mark nearest to 32°41.252'S, 152°04.970'E, due south to the starboard navigation marker No 129 at or about 32°41.421'S, 152°04.970'E, then due south to 32°41.682'S, 152°04.970'E, then due west to 32°41.682'S, 152°04.327'E, then due south to the mean high water mark at Kangaroo Point nearest to 32°42.423'S, 152°04.327'E, and west of a line drawn from the south eastern extremity of Orungall Point south east to the starboard navigation marker No 062 at or about 32°41.143'S, 152°07.203'E, then (along the western edge of the Corrie Island Sanctuary Zone and the Dutchman's beach habitat protection zone of Port Stephens—Great Lakes Marine Park), generally south to the starboard navigation marker No 064 at or about 32°41.736'S, 152°07.374'E, then generally south south east to starboard navigation marker No 015 at or about 32°42.273'S, 152°07.556'E, then south south east to the mean high water mark on the western side of Redpatch Point at or about 32°43.207'S, 152°07.786'E.
- (b) *Description of net*—Total length not exceeding 275 metres; mesh of wings not less than 50 mm nor more than 65 mm, having a depth of not more than 50 meshes, length of bunt not exceeding 50 metres of mesh not less than 30 mm nor more than 40 mm; length of each hauling line not less than 100 metres nor more than 225 metres.

19 Garfish net (bullringing)

- (1) It is lawful for the holder of a category one or category two hauling endorsement to use a net for taking garfish in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only between 1 February and 30 November in any year,
 - (b) the net is used only by the method of bullringing (that is, casting the net in a circle, then retrieving the net to the boat, both of which are to be completed as a continuous operation),
 - (c) the length of any hauling line attached to the net does not exceed 25 metres.

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- (2) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one or category two hauling endorsement in the operation of a hauling net in accordance with this clause.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a garfish net (bullringing).

Table Garfish net (bullringing)

- 1 (a) *Waters*—Clarence River.
 (b) *Description of net*—Total length not exceeding 375 metres; mesh throughout not less than 28 mm nor more than 45 mm.
- 2 (a) *Waters*—Tuggerah Lakes.
 (b) *Description of net*—Total length not exceeding 550 metres; mesh throughout not less than 28 mm nor more than 36 mm.
- 3 (a) *Waters*—All other waters specified in the Table to clause 4.
 (b) *Description of net*—Total length not exceeding 275 metres; mesh throughout not less than 28 mm nor more than 36 mm.

20 Garfish net (hauling)

- (1) It is lawful for the holder of a category one or category two hauling endorsement to use a hauling net for taking garfish in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only by the method of hauling,
 (b) the net is deployed from, and hauled to, a beach.
- (2) It is also lawful to use a hauling net for taking any other permitted species of fish (other than a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking garfish.
- (3) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one or category two hauling endorsement in the operation of a hauling net in accordance with this clause.
- (4) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a garfish net (hauling) or as a garfish net (hauling)—estuary general fishery.

Table Garfish net (hauling)

- 1 (a) *Waters*—That part of the Hawkesbury River known as Broken Bay from its confluence with the South Pacific Ocean upstream to a line drawn from Little Box Head to Green Point, a line from the most easterly extremity of Middle Head to the most northerly extremity of West Head and a line northeasterly from Soldiers Point to Sand Point; that part of Port Stephens east of a line northerly from Corlett Point to Orungall Point (excluding those parts which include Wobbegong Bay, Wobbegong Creek, Pindimar Bay, Corrie Creek, Paddy Marr's Bay and Myall River and its tributaries), generally north and northeast of a line from Orungall Point to a point being the south-western corner of Oyster Farm No 83–361, and a line from the last mentioned point to Myall Point.
- (b) *Description of net*—Mesh of not less than 28 mm nor more than 36 mm; total length not exceeding 300 metres.

21 Prawn net (hauling)

- (1) It is lawful for the holder of a prawning endorsement to use a hauling net for taking prawns in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only by the method of hauling,
 - (b) the net is not set or staked at any time,
 - (c) the net is landed on the tray of a boat or in sufficient depth of water to enable prohibited size class of fish that are taken in the net to escape,
 - (d) there is no seine net (prawns) on the boat from which the net is used,
 - (e) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclauses (2) and (3).
- (2) A draw or closing string and a secondary string may be attached to the net in accordance with one of the following methods:
- (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a

draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,

- (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) A chain or weight may be attached to the last row of the meshes of the codend for the purpose of preventing tangling of the net while it is being used.
 - (4) It is also lawful to use a try net in the waters specified in the Table to this clause to facilitate the taking of prawns by the means of a prawn net (hauling) if the try net complies with the following description:

The net is attached to a frame not exceeding 0.6 metre in width and 0.5 metre in height, with a total length from the centre of the frame to the extremity of the net not exceeding 2 metres; mesh not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped.
 - (5) It is also lawful to use a hauling net to take other permitted species of fish (other than a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking prawns.
 - (6) For the purposes of this Plan or any other instrument under the Act, a net described:
 - (a) in subclause (1) or in the Table to this clause may be referred to as a prawn net (hauling), and
 - (b) in subclause (4) may be referred to as a try net (prawns).

Table Prawn net (hauling)

- 1 (a) *Waters*—Tuggerah Lakes.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 140 metres.
- 2 (a) *Waters*—Lake Illawarra.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 220 metres.
- 3 (a) *Waters*—Shoalhaven River.
- (b) *Description of net*—Total length not exceeding 90 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 220 metres.

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- 4 (a) *Waters*—Myall Lakes (Myall River) and Smiths Lake.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 130 metres.
- 5 (a) *Waters*—That part of Wallis Lake included within the following boundaries: commencing at a post marked “FD” situated at the high water mark of Pipers Bay (the post being located by a line bearing 186 degrees from an electricity pole numbered 14808, situated at the eastern end of Pipers Bay Drive, Forster), then bounded by a line bearing 217 degrees to a second post marked “FD” situated at the high water mark on the southern side of Big Island, then to a third post marked “FD” situated at the high water mark of Wallis Island, bearing 245 degrees from the second post, then southerly, westerly and northerly along the high water mark of Wallis Island to a jetty located on the western side of Wallis Island, then westerly along the length of the jetty to its end, then to a fourth post marked “FD”, situated at the high water mark on the foreshore of Coomba Park, bearing 246 degrees and 30 minutes from the end of the jetty, then generally southerly, easterly and northerly along the high water mark of Wallis Lake to the point of commencement.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 140 metres.
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- 6 (a) *Waters*—Coila Lake and Wallaga Lake.
- (b) *Description of net*—Total length not exceeding 75 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 130 metres.
- 7 (a) *Waters*—Tweed River.
- (b) *Description of net*—Total length not exceeding 40 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 220 metres.
- 8 (a) *Waters*—All other waters specified in the Table to clause 4 (except the waters of the Manning River and Wallis Lake).
- (b) *Description of net*—Total length not exceeding 40 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of the net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres; mesh of codend of net (or that part of the net capable of being used as a codend) not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped; length of each hauling line not exceeding 130 metres.

22 Prawn net (hauling): Manning River

- (1) It is lawful for the holder of a prawning endorsement to use a hauling net for taking prawns in the Manning River upstream

from Ghinni Ghinni Creek and Berady Creek if the net (including hauling lines) complies with the description set out in subclause (2) and the conditions set out in this clause are complied with.

- (2) The net must comply with the following description:
- (a) the total length of the net must not exceed 40 metres,
 - (b) the mesh of the body of the net (or that part of the net not capable of being used as a codend) must not be less than 30 mm nor more than 36 mm,
 - (c) the codend of the net, or that part of the net capable of being used as a codend, must have a length of not less than 2 metres and a circumference of not less than 1 metre nor more than 1.6 metres,
 - (d) the mesh of the codend of the net, or that part of the net capable of being used as a codend, must be not less than 27 mm nor more than 32 mm, and be constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped,
 - (e) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclauses (3) and (4),
 - (f) the body of the net must have no attachments except spreader poles and hauling lines,
 - (g) the hauling line run on the first leg to the net must not be longer than 220 metres,
 - (h) the hauling line running from the net to the motor boat used to assist in shooting the net must not be longer than 90 metres, and not be shorter than 60 metres,
 - (i) a marker buoy with a diameter of not less than 100 mm must be fixed to the hauling line at intervals of 55 metres.
- (3) A draw or closing string and a secondary string may be attached to the net in accordance with one of the following methods:
- (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,

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- (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (4) A chain or weight may be attached to the last row of the meshes of the codend for the purpose of preventing tangling of the net while it is being used.
- (5) The net must be used only by the method of hauling, and must not be set or staked at any time.
- (6) The net must be shot and hauled as follows:
 - (a) one end of the hauling line run on the first leg (first rope shot) to the net must be attached to a stationary licensed fishing boat that:
 - (i) does not have a motor on or in it, and
 - (ii) does not contain any rope other than the mooring line, the anchor line and a maximum of 220 metres of hauling line, and
 - (iii) is secured by an anchor (with the length of the anchor line not exceeding 50 metres) in such a position that both the boat and the anchor are at least 10 metres from the water's edge (regardless of the tide) during the entire hauling operation,
 - (b) the line must then be cast (or laid out) from a motor boat, and the net then shot,
 - (c) the second hauling line must then be cast (or laid out) from the motor boat as the boat moves in a circular path so as to return to a landing-up point near the shore end of the first hauling line,
 - (d) the second hauling line must be attached to a point on the motor boat by the line's extremity only (that is, one end must be attached to the net, and the other end secured to the boat to prevent loss of the line overboard),

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- (e) the second hauling line must not be towed until all of it has been shot away free of tangles, knots or anything else which would effectively shorten it,
 - (f) once the shooting of the first hauling line of the net has commenced, the two hauling lines of the net must not be shortened or manipulated in any way so as to alter the shape of the haul (other than as a necessary part of the process of landing the net),
 - (g) once any part of the net other than the hauling line has been shot or cast, the shooting and hauling operation is to be continued without interruption or delay until the hauling lines have been removed from the water and the net landed in such depth of water, or onto the tray of the boat in such a way, as to enable any prohibited size class of fish in the net to escape.
- (7) The crew operating the net must consist only of persons who hold a prawning endorsement for the region concerned.
 - (8) The net must be operated in accordance with the determination (if any) by the fisheries officer for the time being charged with the supervision of the waters in which the net is being used as to the number of holders of prawning endorsements that may constitute the crew operating the net.
 - (9) The entire hauling operation must take place at least 10 metres from the water's edge (regardless of the tide).
 - (10) The hauling lines must not be towed by more than one boat at any stage in the hauling operation.
 - (11) A crew that uses a net must not operate more than one mechanically powered boat in the Manning River.
 - (12) A crew that uses a net must not operate a mechanically powered boat within 50 metres of another endorsement holder who is taking prawns from the Manning River, except as provided by subclause (13).
 - (13) A crew may operate a mechanically powered boat within 50 metres of another crew that is taking prawns from the Dawson River for the purpose of passing the other crew. The crew passing must pass the other crew as quickly as possible and must not assist the other crew.
 - (14) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a prawn net (hauling) or a prawn net (hauling)—Manning River.

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23 Prawn net (hauling): Wallis Lake

- (1) It is lawful for the holder of a prawning endorsement to use a hauling net for taking prawns in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
 - (a) the net is used only by the method of hauling,
 - (b) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclauses (2) and (3).
- (2) A draw or closing string and a secondary string may be attached in accordance with one of the following methods:
 - (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,
 - (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) A chain or weight may be attached to the last row of the meshes of the codend for the purpose of preventing tangling of the net while it is being used.
- (4) The body of the net must have no attachments except spreader poles and hauling lines.
- (5) The net must be shot and hauled as follows:
 - (a) the end of the hauling line first shot (or laid out) must be attached to a stationary boat that is secured by an anchor or post during the entire haul operation,

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- (b) the line must then be shot (or laid out) from a motor boat, and the net then shot,
 - (c) the second hauling line must then be shot (or laid out) from the motor boat as the boat moves in a circular path so as to return to the stationary boat from where the first hauling line was shot,
 - (d) the second hauling line must be attached to a point on the motor boat by the line's extremity only (that is, one end must be attached to the net, and the other end secured to the boat to prevent loss of the line overboard),
 - (e) the second hauling line must not be towed until all of it has been shot away free of tangles, knots or anything else that would effectively shorten it,
 - (f) once the shooting and hauling of the net have commenced, the operation must continue until the hauling lines have been removed from the water and the net landed in such depth of water, or onto the tray of the boat in such a way, as to enable any prohibited size class of fish taken in the net to escape,
 - (g) once any prohibited size class of fish have been allowed to escape, the net must be fully removed from the water.
- (6) There must be no motor in or on the boat from which the net is operated, and the boat must not contain any rope other than the mooring line and a maximum of 200 metres of hauling rope.
 - (7) The crew operating the net must consist only of persons who hold a prawning endorsement for the region concerned.
 - (8) The net must be operated in accordance with the determination (if any) by the fisheries officer for the time being charged with the supervision of the waters in which the net is being used as to the number of holders of prawning endorsements that may constitute the crew operating the net.
 - (9) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a prawn net (hauling) or a prawn net (hauling)—Wallis Lake.

Table Prawn net (hauling): Wallis Lake

- 1 (a) *Waters*—Those parts of Wallis Lake known as Coolongolook and Wallingat Rivers upstream from a line across the river from a post marked FD8 due north of the eastern extremity of Junction Point, then due south to Junction Point, then generally south by the western foreshore of the Wallingat River to a post marked FD9, then extending across the Wallingat River on a bearing of 87 degrees to a jetty situated on the north-western foreshore of Lot 1, DP 589944.
- (b) *Description of net*—Total length not exceeding 40 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference not less than 1 metre nor more than 1.6 metres; mesh throughout not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on a bar so that the meshes are square shaped; hauling line run on the first leg to the net must not be longer than 200 metres; a marker buoy must be fixed to the hauling line every 50 metres along the line; the hauling line running from the net to the motor boat used to assist in shooting the net must not be longer than 50 metres.
- 2 (a) *Waters*—That part of Wallis Lake known as the Wallamba River from a line drawn from the northern foreshore of the entrance of Muddy Creek to the eastern extremity of Hardy's Point upstream to the Pacific Highway Road Bridge at Nabic.
- (b) *Description of net*—Total length not exceeding 40 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; codend of net (or that part of the net capable of being used as a codend) not less than 2 metres in length with a circumference not less than 1 metre nor more than 1.6 metres; mesh throughout not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on a bar so that the meshes are square shaped; hauling line run on the first leg to the net must not be longer than 200 metres; a marker buoy must be fixed to the hauling line every 50 metres along the line; the hauling line running from the net to the motor boat used to assist in shooting the net must not be longer than 50 metres.

24 Prawn net (set pocket)

- (1) It is lawful for the holder of a prawning endorsement to use a prawn net for taking prawns in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions (in addition to those in subclause (3), if applicable) are complied with:
 - (a) the net is used only by the method of setting,
 - (b) hauling lines are not attached to the net,
 - (c) the net must not be left unattended during the period it is set,
 - (d) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclause (2).
- (2) A draw or closing string may be attached to the net in accordance with one of the following methods:
 - (a) **method 1:** (applicable if either a square shaped mesh codend or a diamond shaped mesh codend is used): a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,
 - (b) **method 2:** (applicable only if a square shaped mesh codend is used): a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) If the net is used in the waters of the Clarence River, the following additional conditions must be complied with:
 - (a) the net must not be used in conjunction with a moored boat with the engine running unless the boat is licensed,

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- (b) the net must not be used except during the following periods:
 - (i) on weekends during the dark (that is, the period commencing 3 days after a full moon and ending 3 days after the next new moon),
 - (ii) from sunset to sunrise on weekdays between 1 August in any year and 31 May in the next year,
 - (iii) from sunrise to sunset on weekdays between 1 December in any year and 31 May in the next year,
 - (c) except in the area known as the South Arm Rocks:
 - (i) the inside peg of the net must not be set further than 5 metres from low water mark, and
 - (ii) all pegs used in connection with the net must be painted white and show at least 1 metre above high water mark,
 - (d) the net must be kept clear of the water when it is not in use.
- (4) For the purposes of this clause, a ***square shaped mesh codend*** is a codend that complies with the following description:
- (a) the mesh of the codend is not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter and hung on the bar so that the meshes are square shaped,
 - (b) the codend of the net is not less than 2 metres in length with a circumference of not less than 1 metre nor more than 1.6 metres.
- (5) For the purposes of this clause, a ***diamond shaped mesh codend*** is a codend that complies with the following description:
- (a) the mesh of the codend is not less than 32 mm nor more than 40 mm, constructed of single twine material not more than 2.5 mm in diameter and hung so that the meshes are diamond shaped,
 - (b) the codend of the net does not consist of a greater amount of net in circumference than that part of the net immediately forward of the codend when stretched transversely.
- (6) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a prawn net (set pocket).

Table Prawn net (set pocket)

- 1 (a) *Waters*—That part of the Myall Lakes (Myall River) from the junction of the Myall River with the Broadwater of the Myall Lakes downstream to the road bridge between Tea Gardens and Hawks Nest.
- (b) *Description of net*—Total length not exceeding 20 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 2 (a) *Waters*—Those parts of Wallis Lake included within the following boundaries:
- (i) the whole of that part of Wollomba Channel in Wallis Lake within the following boundaries: commencing at the line of high water mark at the southern point of the entrance to Wollomba River, and bounded then by a straight line southerly to the northern shore of First Island at the southeastern foreshore corner of Oyster Farm No 77-3, by the northern shore of that island easterly to its extremity, and by a straight line southeasterly to the high water mark of the northern shore of Cockatoo Island (being a point about 180 metres southwesterly from the southeastern foreshore corner of Oyster Farm No 78-44), by the northern shore of that island generally easterly to the eastern foreshore corner of Oyster Farm No 74-138, then by a straight line northeasterly to the northern shore of Grassy Island at the most northerly southeastern foreshore boundary of Oyster Lease No 59-361, by the northern shore of that island easterly to its most eastern point, by a straight line north-northwesterly to the eastern extremity of Long Island, by the southern shore of that island generally westerly to its western extremity, by a straight line southwesterly to the eastern extremity of Sandy Island (such point being the most easterly foreshore corner of Oyster Farm No 74-24), by the southern shore of that island generally westerly to its most western point, and then by a straight line westerly to the point of commencement,

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- (ii) the whole of that part of Bulmer's Channel in Wallis Lake within the following boundaries: commencing at the northeastern corner of Oyster Lease No 77-270 at the western end of Godwin Island, and bounded then by a straight line drawn west-northwesterly to the northeastern corner of Oyster Farm No 72-11 on Cockatoo Island, by the southern shore of that island generally westerly to its most western point, by a line southeasterly to the most eastern point of Northern Twin Island, by a line south-southwesterly to the most eastern foreshore corner of Oyster Farm No 76-112, by the southeastern shore of that island generally southwesterly to the most eastern foreshore corner of Oyster Farm No 68-31, by a straight line south-southwesterly to the high water mark of Wallis Island at the westerly prolongation of the northern boundary of Portion 206, Parish of Forster, by the high water mark of that island generally northeasterly and southeasterly to the southeastern foreshore corner of Oyster Farm No 71-360, section 1, and then by a line northeasterly to the point of commencement,
- (iii) the whole of that part of Stockyard Channel in Wallis Lake within the following boundaries: commencing at the northeastern corner of Oyster Lease No 77-270 at the western end of Godwin Island, and bounded then by a straight line drawn southwesterly to the southeastern foreshore corner of Oyster Farm No 71-360, section 1, on Wallis Island, by the high water mark of that island generally southeasterly and southerly to the easterly prolongation of the southern boundary of Portion 221, Parish of Forster, by a straight line easterly to the most southerly corner of Oyster Farm No 73-253, by a straight line northeasterly to the southeastern foreshore corner of Oyster Farm No 73-216 on the southern end of Hadley Island, by the high water mark of that island generally northwesterly and northeasterly to its northern extremity, by a line northerly to the northeastern foreshore corner of Oyster Farm No 70-245 on the southern shore of Godwin Island, by the high water

mark of that island generally westerly, northwesterly, southwesterly and northerly to the northeastern corner of Oyster Farm No 67–203, by a straight line westerly to the most western northeastern foreshore corner of Oyster Lease No 81–43, and again by the high water mark of Godwin Island generally southerly, westerly, northerly, southwesterly and northwesterly to the point of commencement.

- (b) *Description of net*—Total length not exceeding 20 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 3 (a) *Waters*—Those parts of Camden Haven River included within the following boundaries:
- (i) the whole of that part of the Camden Haven River known as Queens Lake Entrance within the following boundaries: commencing at the northeastern corner of Oyster Farm No 81–179, and bounded then by a line northerly to the western bank of Queens Lake Entrance, by the western bank generally northwesterly to the western foreshore corner of Oyster Farm No 83–95, by a line southwesterly to the eastern foreshore corner of Oyster Farm No 67–6, by the foreshore generally southwesterly to the eastern foreshore corner of Oyster Farm No 70–198, by a line drawn northeasterly through the most westerly point of an island at the western entrance to Queens Lake Entrance, to the northern bank of Queens Lake Entrance, then easterly and southerly, following the eastern bank of Queens Lake Entrance generally southeasterly to a point east of the northeastern corner of Oyster Farm No 81–179, and then by a line to the point of commencement,

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- (ii) the whole of that part of the Camden Haven River known as Watson Taylor Lake within the following boundaries: commencing at the northern point of Benson Inlet, then north along the eastern shore of Watson Taylor Lake to the northwestern corner of Portion 150, Parish of Camden Haven, County of Macquarie, then westerly to the northeast corner of Portion 70, Parish of Camden Haven, County of Macquarie, then southwest along the shore of Camden Haven Inlet and Moore's Island to the southwest tip of Moore's Island, then southwest to the northern corner of Grassy Island to the island's most southerly point, and then to the point of commencement.
 - (b) *Description of net*—Total length not exceeding 20 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 4 (a) *Waters*—That part of Tuggerah Lakes from its confluence with the South Pacific Ocean upstream to a line drawn from the boat ramp on Marine Parade north to the southernmost corner of the carpark adjacent to the Karagi Point reserve.
- (b) *Description of net*—Total length not exceeding 5 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 5 (a) *Waters*—That part of Lake Illawarra from its confluence with the South Pacific Ocean upstream to a line drawn from the boat ramp adjacent to Reddall Parade opposite Ocean Street north to the western extremity of the northern breakwater (that is, training wall).
- (b) *Description of net*—Total length not exceeding 5 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.

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- 6 (a) *Waters*—That part of Lake Cathie (Lake Innes) known as Cathie Creek from a line drawn from the southern bank of Cowarra Creek across Cathie Creek to the eastern foreshore upstream to a line drawn across Lake Innes 200 metres north from the confluence of Cathie Creek and Lake Innes (also known as “the Drain”).
- (b) *Description of net*—Total length not exceeding 10 metres; maximum distance from a point on the cork line or head line that is in the centre of the bunt to the draw or closing string: 10 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 7 (a) *Waters*—That part of Lake Cathie (Lake Innes) known as Lake Innes generally north and west of a line drawn across Lake Innes 200 metres from the confluence of Cathie Creek and Lake Innes.
- (b) *Description of net*—Total length not exceeding 70 metres; length of each wing not exceeding 30 metres; wings of net to be set at such an angle that the distance between the ends of the net (that is, end hangings) measured in a straight line does not exceed 50 metres; maximum distance from a point on the cork line or head line that is in the centre of the bunt to the draw or closing string: 10 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 8 (a) *Waters*—That part of the Clarence River known as the whole of the main arm of the Clarence River seawards of the Ulmarra Ferry Crossing.
- (b) *Description of net*—Total length not exceeding 20 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.

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- 9 (a) *Waters*—That part of Tuggerah Lakes known as the inlet cooling water canal to Munmorah Power Station (Tuggerah Lakes).
- (b) *Description of net*—Total length not exceeding 20 metres nor less than 18 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend.
- 10 (a) *Waters*—Smiths Lake.
- (b) *Description of net*—Total length not exceeding 63 metres; maximum distance from a point on cork line or head line that is in the centre of the bunt to the draw or closing string: 9 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 45 mm and constructed of single twine material; codend of the net (or that part of the net capable of being used as a codend) is either a square shaped mesh codend or a diamond shaped mesh codend; wings of net to be set at such an angle that the distance between the ends of the net (that is, end hangings) measured in a straight line does not exceed 45 metres.

25 Prawn running net

- (1) It is lawful for the holder of a prawning endorsement to use a running net for taking prawns in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) if the net is not staked, the net is used only by the method of casting or shooting the net and picking up and landing the whole of the net into a boat in the manner known as “running the net” within 1 hour of the commencement of the casting or shooting,
- (b) in the case of a net that is being used for taking prawns in the waters of Lake Illawarra:
- (i) the net must be operated by at least 2 commercial fishers who hold prawning endorsements for the region concerned, and
- (ii) the net must not be operated by, or with the assistance of, any commercial fisher who is also operating, or assisting in the operation of, any other such net, and

- (iii) the net must not be staked (that is, the net must be used only by the method referred to in paragraph (a)),
 - (c) in the case of a staked net:
 - (i) the net is not set earlier than 1 hour before sunset, and
 - (ii) the net is not set within 10 metres of the high water mark, and
 - (iii) no stakes are left in the water in the period between sunrise and 1 hour before sunset.
- (2) It is also lawful to use a running net to take other permitted species of fish (other than a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking prawns.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a prawn running net.

Table Prawn running net

- 1 (a) *Waters*—Wallaga Lake, Cuttagee Lake, Middle Lake (Bega), Lake Wollumboola, Swan Lake, Coila Lake, Corunna Lake, Tilba Tilba Lake and Lake Brou.
- (b) *Description of net*—Total length not exceeding 75 metres; mesh throughout not less than 25 mm nor more than 36 mm.
- 2 (a) *Waters*—Tuggerah Lakes and Lake Illawarra.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh throughout not less than 25 mm nor more than 36 mm.

26 Seine net (prawns)

- (1) It is lawful for the holder of a prawning endorsement to use a seine net for taking prawns in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
 - (a) the net is cast or shot in the following manner:
 - (i) a hauling line (to the end of which is attached a float or basket with a marker buoy affixed) is cast or shot from a boat,

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- (ii) that hauling line, the net and a second hauling line is then cast or shot from the boat as it moves in a circular direction resulting in the boat returning to the marker buoy,
 - (b) the net is hauled back on to a boat in such a way that both hauling lines are hauled to the same spot on the boat so as to avoid any trawling action,
 - (c) the hauling in of the net, once commenced, is to continue uninterrupted until all portions of the net, including the hauling lines, have been removed from the water,
 - (d) there is no prawn net (hauling) on the boat from which the net is used,
 - (e) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclauses (2) and (3).
- (2) A draw or closing string and a secondary string may be attached to the net in accordance with one of the following methods:
- (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,
 - (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
 - (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) A chain or weight may be attached to the last row of the meshes of the codend for the purpose of preventing tangling of the net while it is being used.

- (4) It is also lawful to use a try net in the waters specified in the Table to this clause to facilitate the taking of prawns by the means of a seine net (prawns) if the try net complies with the following description:

The net is attached to a frame not exceeding 0.6 metre in width and 0.5 metre in height, with a total length from the centre of the frame to the extremity of the net not exceeding 2 metres; mesh not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped.

- (5) For the purposes of this Plan or any other instrument under the Act, a net described:
- (a) in subclause (1) or in the Table to this clause may be referred to as a seine net (prawns), and
 - (b) in subclause (4) may be referred to as a try net (prawns).

Table Seine net (prawns)

- 1 (a) *Waters*—Lake Illawarra.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 220 metres.

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- 2 (a) *Waters*—Tuggerah Lakes.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres.
- 3 (a) *Waters*—Those parts of Camden Haven River known as Queens Lake and Watson Taylor Lake.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres.
- 4 (a) *Waters*—That part of Wallis Lake covering an area south and east of the following boundaries: commencing at the southeastern corner of Portion 71, Parish of Forster, then by a line southwesterly to the most southeastern point of Wallis Island, then along the western foreshore of Wallis Island to a point directly east of the most easterly point of Regatta Island, then west to that point (Fisheries Division BM 18), then by the eastern foreshore of Regatta Island to the most northeasterly point of that island, then north to the most easterly point of Bandicoot Island (Fisheries Division BM 23), then west along Bandicoot Island to the most northwestern point on that island, then north by a line

drawn to the northern bank of Wallis Lake (Fisheries Division BM 24), then west along the northern bank of Wallis Lake to the entrance of the Coolongolook River, then west along the northern foreshore of the Coolongolook River to a point marked by a white post due north of the eastern extremity of Junction Point, then due south from that post to the eastern extremity of Junction Point, then extending across the Wallingat River on a bearing of 175 degrees to the northern foreshore corner of the jetty situated on the northwestern foreshore of Portion 66, Parish of Wallingat (and excluding all other waters of the Wallingat River).

- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres.
- 5 (a) *Waters*—That part of Smiths Lake west of a line drawn from Bull Island to the westernmost point of Sandbar Beach Caravan Park and continued to the entrance of the Lagoon in Symes Bay.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres.

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- 6 (a) *Waters*—The whole of the Macleay River extending from the Jerseyville Bridge upstream to the Kempsey Railway Bridge.
- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres.

27 Seine net (prawns): clover leafing

- (1) It is lawful for the holder of a prawning endorsement to use a seine net for taking prawns in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table, the net is used in the manner described in subclause (4) and the following conditions are complied with:
- (a) there is no prawn net (hauling) on the boat from which the net is used,
- (b) the net is used only between sunset and sunrise,
- (c) there is no string, rope, wire, cord, netting or other material fixed to the codend, except as permitted by subclauses (2) and (3).
- (2) A draw or closing string and a secondary string may be attached to the net in accordance with one of the following methods:
- (a) **method 1:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend within 3 bars of the last row of bars of the codend; the frill or panel is no greater than 15 meshes deep and a draw or closing string is inserted directly in the codend, or by means of a secondary string, within 3 bars of the end of the codend,
- (b) **method 2:** a frill or panel of diamond shaped mesh (not less than 30 mm nor more than 40 mm), used to facilitate the insertion of a draw or closing string, is attached to the codend; the frill or panel does not consist of a greater

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- number of meshes in circumference than the number of bars in the circumference of the codend; and a draw or closing string is inserted directly in the frill, or by means of a secondary string, within 3 meshes of the point where the frill or panel is attached to the codend,
- (c) **method 3:** a draw or closing string is inserted directly into the codend, or by means of a secondary string, without a frill or panel of diamond shaped mesh.
- (3) A chain or weight may be attached to the last row of the meshes of the codend for the purpose of preventing tangling of the net while it is being used.
- (4) The net must be used in the following manner:
- (a) a hauling line is cast or shot from a boat,
 - (b) that hauling line, the net and a second hauling line are then cast or shot from the boat as it moves in a circular direction resulting in the boat returning to the marker buoy,
 - (c) both hauling lines are attached to the boat at one point (so as to avoid any trawling action) and the boat is then moved only so far as to bring the end of both wings together,
 - (d) one hauling line is cast from the boat while the other hauling line remains attached to the boat and the net is re-spread,
 - (e) the attached hauling line is cast from the boat and the boat then returns to the first hauling line where it is re-attached to the boat,
 - (f) the boat returns to the second hauling line that is then attached to the boat so that both hauling lines are attached,
 - (g) the steps outlined in paragraphs (c)–(f) may then be repeated on a continuous basis,
 - (h) when use of the net is completed, or is interrupted:
 - (i) the net must be hauled back on to the boat in such a way that both hauling lines are hauled to the same spot on the boat so as to avoid any trawling action, and
 - (ii) all portions of the net, including the hauling lines, must be removed from the water.
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- (5) It is also lawful to use a try net in the waters specified in the Table to this clause to facilitate the taking of prawns by the means of a seine net (prawns) if the try net complies with the following description:

The net is attached to a frame not exceeding 0.6 metre in width and 0.5 metre in height, with a total length from the centre of the frame to the extremity of the net not exceeding 2 metres; mesh not less than 27 mm nor more than 32 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter, and hung on the bar so that the meshes are square shaped.

- (6) For the purposes of this Plan or any other instrument under the Act, a net described:
- (a) in subclause (1) or in the Table to this clause may be referred to as a seine net (prawns) or a seine net (prawns)—clover leafing, and
 - (b) in subclause (5) may be referred to as a try net (prawns).

Table Seine net (prawns): clover leafing

- 1 (a) *Waters*—Those parts of Wallis Lake north of a line drawn from the eastern extremity of Brushy Point to the western extremity of Booti Booti Point, and south of a line drawn from the southern bank of the entrance to Freshwater Creek located on the western shore of Wallis Lake (near 32°16.838'S 152°27.361'E) north east to the south eastern extremity of Yahoo Island (near 32°14.857'S 152°30.122'E), then along the mean high water mark on the eastern shore of Yahoo Island to the north eastern extremity of Yahoo Island (near 32°14.392'S 152°30.067'E), then north east to the southern bank of the entrance to Dunns Creek located on the eastern shore of Wallis Lake near Piper's Bay (near 32°13.532'S 152°31.915'E).

- (b) *Description of net*—Total length not exceeding 140 metres; mesh of the body of the net (or that part of the net not capable of being used as a codend) not less than 30 mm nor more than 36 mm; mesh of codend of net (or portion of net capable of being used as a codend) not less than 27 mm nor more than 32 mm, hung on the bar (square shaped), made of knotless polyamide or polyethylene mesh with a twine diameter not more than 2.5 mm; length of codend (or portion of net capable of being used as a codend) not less than 2 metres and circumference not less than 1 metre nor more than 1.6 metres; length of each hauling line not exceeding 140 metres; float with a single white light attached to the end of each hauling line.

28 Meshing net

- (1) It is lawful for the holder of a meshing endorsement to use a meshing net for taking permitted species of fish 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 conditions set out in this clause are complied with.
- (2) The net must be used:
 - (a) by the method of splashing (that is, shooting the net, immediately splashing and retrieving it as a continuous operation) at any time, or
 - (b) as a set net, but only:
 - (i) from 1 February to 30 November in any year, and
 - (ii) between sunset and sunrise, and
 - (iii) for no more than 3 hours at a time.
- (3) The 3 hour time limit referred to in subclause (2) (b) (iii) (the **3-hour limit**) does not apply:
 - (a) from 1 June to 31 August in any year in the waters of regions 1, 2 and 3, and
 - (b) from 1 June to 30 September in any year in the waters of regions 4, 5, 6 and 7.
- (4) If used as a set net, the net must not be set until on or after sunset and it must be retrieved, or be in the process of being retrieved, by the relevant deadline. If more than one net has been set by an endorsement holder, all nets must have been retrieved by the relevant deadline. Alternatively, all nets, but one, must have been retrieved by the relevant deadline and the last one must be in the process of being retrieved.

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- (5) For the purpose of subclause (4), the *relevant deadline* is sunrise or, if the 3-hour limit applies, the end of the 3-hour limit (whichever occurs first).
- (6) During any period in which the 3-hour limit does not apply, no more than 3 meshing nets may be set by the endorsement holder at any one time in excess of 3 hours and the combined total length of all nets set in excess of 3 hours must not exceed the maximum total length for an individual net, as set out in the Table to this clause.
- (7) If the net is set by an endorsement holder in excess of 3 hours and in combination with, or in the same waters as, a flathead net being used by the endorsement holder, the combined total length of the nets must not exceed 1,450 metres.
- (8) Both ends of a set net must be marked on the surface of the water by a white buoy displaying, in clearly visible figures and letters that are not less than 50 mm in height, the registration number of the commercial fishing licence of the fisher who set the net, followed by the letter "M". Both buoys are to have a diameter above the water of not less than 300 mm (except in the Clarence River and Hawkesbury River where one of the two buoys may have a diameter above the water of not less than 150 mm) and a weight (of not less than 50 grams) attached to the rope connecting the buoy and the net. The weight is to be suspended not less than 1.5 metres under the buoy.
- (9) If the net is used in any part of the Clarence River an alternative method of splashing (that is, shooting the net in a ring or semi-circle, remaining in attendance of the net while it is set and commencing retrieval of the net within 45 minutes of the net being shot) may be used instead of the method described in subclause (2) (a). To avoid doubt, subclauses (2) (b) and (3)–(8) do not apply when the net is being used by that alternative method of splashing.
- (10) The nets may be joined (despite Part 5B of the Supporting Plan) when used in the Clarence River, but only if no more than 2 nets are joined and the combined length of the nets when joined does not exceed the maximum total length specified in the Table to this clause.
- (11) If lawfully joined, meshing nets used in the Clarence River must be operated from no fewer than 2 boats, by no fewer than 2 commercial fishers who hold meshing endorsements for the region concerned, and only by the methods of splashing permitted by this clause.

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

Table Meshing net

- | | |
|---|---|
| 1 | <p>(a) <i>Waters</i>—Those parts of the Clarence River known as Lake Wooloweyah and the Broadwater.</p> <p>(b) <i>Description of net</i>—Total length not exceeding 1,450 metres; mesh throughout not less than 95 mm when the net is used as a set net in excess of 3 hours and 80 mm in any other case.</p> |
| 2 | <p>(a) <i>Waters</i>—All other waters specified in the Table to clause 4.</p> <p>(b) <i>Description of net</i>—Total length not exceeding 1,450 metres when two nets are joined and 725 metres in any other case; mesh throughout not less than 95 mm when the net is used as a set net in excess of 3 hours and 80 mm in any other case.</p> |

29 Flathead net

- (1) It is lawful for the holder of a meshing endorsement to use a flathead net for taking permitted species of fish in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) in the case of a net being used in Lake Illawarra—the net is used only to take flathead and blue swimmer crab,
 - (b) in the case of a net being used in Tuggerah Lakes, Wallis Lake or Smiths Lake—the net is not used to take sand whiting or bream,
 - (c) the net is used only by the method of meshing,
 - (d) the net is not used in Lake Illawarra for any period from 1 September in any year to 31 May in the following year or for a period exceeding 6 hours between sunrise and sunset from 1 June to 31 August in any year,
 - (e) the net is not used in Tuggerah Lakes, Wallis Lake or Smiths Lake for any period from 1 December in any year to 28 February in the following year or between sunrise and sunset during any other period,
 - (f) the net is not used in such a manner as causes:
 - (i) the lead line to be raised from the bed of the estuary, or

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- (ii) the corks, floats, cork line or float line to be raised above the lead line for a distance greater than 0.8 metre, or
 - (iii) the corks, floats, cork line or float line not to be completely submerged,
 - (g) if the net is set after sunset:
 - (i) it must be retrieved, or be in the process of being retrieved, by sunrise, and
 - (ii) if more than one net has been set by an endorsement holder, all nets must have been retrieved by sunrise or all nets, but one, must have been retrieved by sunrise and the last one must be in the process of being retrieved,
 - (h) if the net is used after sunset by an endorsement holder in combination with, or in the same waters as, a meshing net being used as a set net by the person in excess of 3 hours, the combined total length of the nets must not exceed 1,450 metres,
 - (i) both ends of a set net must be marked on the surface of the water by a white buoy displaying, in clearly visible figures and letters that are not less than 50 mm in height, the registration number of the commercial fishing licence of the fisher who set the net, followed by the letter "F". Both buoys are to have a diameter above the water of not less than 300 mm and a weight (of not less than 50 grams) attached to the rope connecting the buoy and the net. The weight is to be suspended not less than 1.5 metres under the buoy,
 - (j) no more than 2 nets may be used by an endorsement holder at any one time and, if more than one net is used at any one time, the combined total length of the nets must not exceed twice the total length permitted for one net when used in those waters (as set out in the Table to this clause).
- (2) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a flathead net.

Table Flathead net

- 1 (a) *Waters*—Tuggerah Lakes, Lake Illawarra, and those parts of Wallis Lake included within the following boundaries: the whole of the waters of that part of Wallis Lake south of lines drawn from Fisheries Division Mark 21 to the westernmost southwestern foreshore corner of Oyster Farm No 56.144, from the foreshore or western end of the airport wharf on the northeastern corner of Wallis Island to Fisheries Division Mark 4 and from Fisheries Division Mark 4 to the eastern entrance to Tony’s Creek on Hadley Island.
- (b) *Description of net*—Total length not exceeding 725 metres; depth of net not exceeding 16 meshes; mesh throughout not less than 80 mm; any cork or float forming part of the net must not exceed 61 mm in length or 36 mm in width and must not be nearer than 3.5 metres to any other cork or float when measured along the cork line of the net.
- 2 (a) *Waters*—Smiths Lake.
- (b) *Description of net*—Total length not exceeding 375 metres; depth of net not exceeding 16 meshes; mesh throughout not less than 80 mm; any cork or float forming part of the net must not exceed 61 mm in length or 36 mm in width and must not be nearer than 3.5 metres to any other cork or float when measured along the cork line of the net.

30 Bait net

- (1) It is lawful for the holder of a category one hauling endorsement or a category two hauling endorsement to use a bait net for taking any permitted species of fish (other than prawns or any prohibited size class of fish) in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the net is used only between sunrise and sunset on any day.
- (2) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one or category two hauling endorsement in the operation of a bait net in accordance with this clause.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a bait net.

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Table Bait net

- 1 (a) *Waters*—That part of the Macleay River within a line drawn from its confluence with the South Pacific Ocean upwards to the Jerseyville Road Bridge, excluding Spencer's Creek and Delaney's Creek.
- (b) *Description of net*—Total length of net not exceeding 25 metres; mesh throughout not less than 13 mm nor more than 25 mm; length of each hauling line not exceeding 20 metres.

31 Pilchard, anchovy and bait net (hauling)

- (1) It is lawful for the holder of a category one hauling endorsement to use a hauling net for taking pilchards, anchovies and whitebait spp. in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only by the method of hauling,
- (b) the net is not used on weekends or public holidays.
- (2) It is lawful for the holder of a handline and hauling crew endorsement to assist the holder of a category one hauling endorsement in the operation of a hauling net in accordance with this clause.
- (3) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a pilchard, anchovy and bait net (hauling) or a pilchard, anchovy and bait net (hauling)—estuary general fishery.
- (4) In this clause:
- public holiday** means a day that is observed as a public holiday throughout New South Wales.
- weekend** means the period between midnight on a Friday and midnight on the immediately following Sunday.

Table Pilchard, anchovy and bait net (hauling)

- 1 (a) *Waters*—That part of the Hawkesbury River from its confluence with the South Pacific Ocean upstream to a line drawn from Little Box Head to Green Point and a line drawn between Juno Point and Challenger Head.
- (b) *Description of net*—Total length (excluding hauling lines) not exceeding 200 metres; total length of hauling lines not exceeding 250 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net, mesh throughout not less than 11 mm.

32 Fish trap

- (1) It is lawful for the holder of a trapping endorsement to use a trap for taking fish (other than rock lobsters) in the waters specified in the Table to this clause if the trap complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the fish trap is not used unless its position is indicated by a buoy that:
- (i) is moored so as to be positioned above the trap, and
 - (ii) has a diameter above the water of not less than 150 mm, and
 - (iii) has a weight of not less than 500 gm suspended not less than 5 metres under the float so that no rope is floating on the surface of the water, and
 - (iv) displays, in clearly visible figures and letters that are not less than 50 mm in height and that are of a colour which contrasts with that of the buoy, the registration number of the commercial fishing licence of the fisher who set the trap, followed by the letter “F”,
- (b) the trap is not used in such a manner as to impede the free passage of fish on either or any side of the trap or in such a manner that any 2 traps are closer than 5 metres apart,
- (c) the trap is not used unless it is secured or weighted so that the trap rests on the bed of the estuary,
- (d) the endorsement holder does not use the trap in contravention of any conditions of the endorsement.
- (2) For the purposes of this Plan or any other instrument under the Act, a trap referred to in this clause may be referred to as a fish trap or a fish trap (estuary general fishery).

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Table Fish trap

- 1 (a) *Waters*—That part of Wallis Lake included within the following boundaries: commencing at a post marked “FD” situated at the high water mark of Pipers Bay (located by a line bearing 186 degrees from an electricity pole numbered 14808 situated at the eastern end of Pipers Bay Drive, Forster) then bounded by a line bearing 217 degrees to a second post marked “FD” situated at the high water mark on the southern side of Big Island, then to a third post marked “FD” situated at the high water mark of Wallis Island, bearing 245 degrees from the second post, then southerly, westerly and northerly along the high water mark of Wallis Island to a jetty located on the western side of Wallis Island, then westerly along the length of the jetty to its end, then to a fourth post marked “FD”, situated at the high water mark on the foreshore of Coomba Park, bearing 246 degrees and 30 minutes from the end of the jetty, then generally southerly, easterly and northerly by the high water mark of Wallis Lake to the point of commencement.
- (b) *Description of trap*—Not exceeding 2 metres in length, 1.5 metres in width and 1 metre in depth; consisting of mesh having a measurement from one plain wire to the opposite plain wire of not less than 50 mm; having an entrance funnel or funnels other than in the top; having at least 1 panel in a side or the top of not less than 30 cm long by 30 cm wide consisting of galvanised wire.
- 2 (a) *Waters*—That part of Port Stephens (Karuah River) known as Port Stephens Broadwater commencing at Nelson Head then along the high water mark to Mud Point then by a line drawn south west intersecting the northern extremity of Bull Island to the high water mark at Lemon Tree Passage then along the high water mark to Tanilba Point then by a line drawn in a north-westerly direction to Cockleshell Point then along the high water mark to Carcair Point then by a line drawn to the easternmost point of Wurrung Island then to Tahlee Point then along the high water mark to Baromee Point then by a line drawn in an easterly direction to Fame Point then by a line drawn in an easterly direction to Oringall Point then in an easterly direction to the southernmost point of Corrie Island then in an easterly direction to Barnes Rocks then by a line drawn in a south-easterly direction to the point of commencement.

- (b) *Description of trap*—Not exceeding 2 metres in length, 1.5 metres in width and 1 metre in depth; consisting of mesh having a measurement from one plain wire to the opposite plain wire of not less than 50 mm; having an entrance funnel or funnels other than in the top; having at least 1 panel in a side or the top of not less than 30 cm long by 30 cm wide consisting of galvanised wire.
- 3 (a) *Waters*—All other waters specified in the Table to clause 4.
- (b) *Description of trap*—Not exceeding 2 metres in length, 1.5 metres in width and 1 metre in depth; consisting of mesh having a measurement from one plain wire to the opposite plain wire of not less than 50 mm; having an entrance funnel or funnels other than in the top; having at least 1 panel in a side or the top of not less than 30 cm long by 30 cm wide consisting of galvanised wire.

33 Use of set lines

- (1) The holder of a handline and hauling crew endorsement must not for the purpose of taking fish in the fishery:
- (a) use more than 10 set lines, or
 - (b) use any set line with more than 6 hooks attached.
- Note.** Under section 4 (1) of the Act, to “take” fish includes to attempt to do so.
- (2) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

34 Use of drift lines

- (1) The holder of a handline and hauling crew endorsement must not, for the purpose of taking fish in the fishery, use a drift line to which is attached:
- (a) more than 1 hook unless each hook is part of a gang of hooks, or
 - (b) more than 1 gang of hooks, or
 - (c) a gang of hooks that comprises more than 5 hooks, or
 - (d) another drift line.
- (2) The holder of a handline and hauling crew endorsement must not, for the purpose of taking fish in the fishery, use more than 30 drift lines at any one time.
- (3) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

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Schedule 2

Amendment of Fisheries Management (Estuary General Share Management Plan) Regulation 2006

(4) In this clause:

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

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

35 Use of fish spikes and other implements

- (1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use a knife, fish spike, club or similar implement to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch.
- (2) Subclause (1) does not apply to the use of a knife to kill or process any fish taken in the catch that are to be retained.
- (3) An endorsement holder must not, while on board a boat being used to take fish in the fishery, be in possession of a fish spike, club or similar implement that could be used to pierce, impale, beat or otherwise injure any fish or other organism.
- (4) Subclause (3) does not apply to the possession of a knife.
- (5) It is a defence to a prosecution of an offence constituted by contravening subclause (3) if the person charged proves that the implement concerned was in his or her possession for a purpose that is not unlawful.
- (6) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

Schedule 3 Amendment of Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006

(Clause 3)

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

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.

[2] Appendix, clause 12, Table

Omit "CLUPAIDAE" from the column relating to by-product species (in the matter relating to the Hawkesbury River).

Insert instead "CLUPEIDAE".

[3] Appendix, Part 6A

Insert after Part 6:

Part 6A Fishing gear

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

17A Otter trawl net (prawns)

- (1) It is lawful for an endorsement holder to use an otter trawl net for taking target species for the waters concerned as set out in clause 11 if the net complies with the description set out in relation to those waters in the Table to this clause and the following conditions are complied with:
 - (a) the net is used only by the method of trawling,
 - (b) not more than 2 nets are used at any one time in the Hawkesbury River downstream from a line drawn between Juno Point and Eleanor Bluff, or in the Clarence River,
 - (c) not more than 1 net is used at any one time in the Hunter River or in the Hawkesbury River upstream from a line drawn between Juno Point and Eleanor Bluff,

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

Point to Eleanor Bluff then onto Challenger Head, and upstream of a line drawn from Middle Head to West Head, if the following conditions are complied with:

- (a) the V-bridle is secured to the otter boards and sweeps (or spreader pole) in such a way that the distance between the point of attachment to the otter boards and sweeps (or spreader pole) does not exceed 2 metres,
 - (b) the distance between the point of attachment to the otter boards and the first hanging of the net (including sweeps and V-bridle) does not exceed 7 metres.
- (5) It is also lawful to use an otter trawl net to take any by-product species in the waters in which the fish are taken, while the net is being lawfully used to take target species for the waters concerned.
- (6) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as an otter trawl net (prawns) or an otter trawl net (prawns)—estuary prawn trawl fishery.

Table Otter trawl net (prawns)

- 1 (a) *Waters*—Clarence River, Hunter River and Hawkesbury River.
- (b) *Description of net*—Total length of net (length of head line between the first and last hanging) not exceeding 11 metres; total length of either net (when towed as twin gear in Clarence River) not exceeding 7.5 metres; mesh of the body of the net (or that portion of net not capable of being used as a codend) not less than 40 mm nor more than 60 mm; mesh of codend of the net (or portion of net capable of being used as codend) not less than 27 mm nor more than 40 mm, constructed of single twine knotless polyamide or polyethylene material not more than 2.5 mm in diameter and hung on the bar so that the meshes are square shaped; length of square mesh codend not less than 1 metre nor more than 3 metres and circumference not exceeding 3.2 metres; except where use of V-bridle is permitted, sweeps secured to head line and otter board so that the distance between the point of attachment to the otter boards and the first hanging of the net does not exceed 5 metres or the distance from the trawl gallows to the stern of the boat (whichever is the greater).

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Schedule 3

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17B Sorting of prawns caught in certain nets

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

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

[4] Appendix, clause 18 Boat capacity restrictions

Omit “Subclause (1) does not apply in respect of an original boat” from clause 18 (2).

Insert instead “The maximum boat length specified in Column 1 of the Table to this clause does not apply in respect of a boat”.

[5] Appendix, clause 18 (3)

Omit the subclause. Insert instead:

- (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.

[6] Appendix, clause 21A

Insert after clause 21:

21A Use of fish spikes and other implements

- (1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use a knife, fish spike, club or similar implement to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch.
- (2) Subclause (1) does not apply to the use of a knife to kill or process any fish taken in the catch that are to be retained.
- (3) An endorsement holder must not, while on board a boat being used to take fish in the fishery, be in possession of a fish spike, club or similar implement that could be used to pierce, impale, beat or otherwise injure any fish or other organism.
- (4) Subclause (3) does not apply to the possession of a knife.

- (5) It is a defence to a prosecution of an offence constituted by contravening subclause (3) if the person charged proves that the implement concerned was in his or her possession for a purpose that is not unlawful.
- (6) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

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Schedule 4

Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

**Schedule 4 Amendment of Fisheries Management
(Lobster Share Management Plan)
Regulation 2000**

(Clause 3)

Appendix, clause 46

Insert after clause 45:

46 Use of fish spikes and other implements

- (1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use a knife, fish spike, club or similar implement to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch.
- (2) Subclause (1) does not apply to the use of a knife to kill or process any fish taken in the catch that are to be retained.
- (3) An endorsement holder must not, while on board a boat being used to take fish in the fishery, be in possession of a fish spike, club or similar implement that could be used to pierce, impale, beat or otherwise injure any fish or other organism.
- (4) Subclause (3) does not apply to the possession of a knife.
- (5) It is a defence to a prosecution of an offence constituted by contravening subclause (3) if the person charged proves that the implement concerned was in his or her possession for a purpose that is not unlawful.
- (6) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

Schedule 5 Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

(Clause 3)

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

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

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

[2] Appendix, clause 9, Table

Omit “Hauling net (general purpose)” from the column relating to the type of net.

Insert instead “Hauling net (general purpose)—ocean hauling fishery”.

[3] Appendix, clause 9, Table

Omit “Garfish net (hauling)” from the column relating to the type of net.

Insert instead “Garfish net (hauling)—ocean hauling fishery”.

[4] Appendix, clause 9, Table

Omit “Pilchard, anchovy and bait net (hauling)” from the column relating to the type of net.

Insert instead “Pilchard, anchovy and bait net (hauling)—ocean hauling fishery”.

[5] Appendix, Part 6A

Insert after Part 6:

Part 6A Fishing gear

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

13A Hauling net (general purpose)

- (1) It is lawful for the holder of a hauling net (general purpose) endorsement to use a hauling net for taking fish in the waters

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Schedule 5

Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:

- (a) the net is used only by the method of hauling,
 - (b) the net has a bunt,
 - (c) the bunt of the net:
 - (i) is in the centre of the net and the net has 2 wings of equal length, or
 - (ii) is located between the end of the net first cast or shot and the centre of the net,
 - (d) the length of each hauling line attached to the net does not exceed the total length of the net to which it is attached,
 - (e) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,
 - (f) any fish contained in any part of the net are immediately removed on completion of the haul, or on removal of that part of the net from the water, whichever occurs first,
 - (g) the net is not used for taking garfish,
 - (h) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a hauling net (general purpose) endorsement or general ocean hauling endorsement for the region concerned),
 - (i) the net is deployed from, and hauled to, a beach.
- (2) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a hauling net (general purpose) endorsement in the operation of a hauling net in accordance with this clause.
- (3) This clause is subject to clause 9.
- Note.** Clause 9 lists the target and conditional target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.
- (4) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a hauling net (general purpose) or a hauling net (general purpose)—ocean hauling fishery.

Table Hauling net (general purpose)

- 1 (a) *Waters*—Ocean waters within 3 nautical miles of the natural coast line, including the waters of Coffs Harbour.
- (b) *Description of net*—
- (i) from 1 March to 31 July in each year—Total length not exceeding 400 metres; length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm nor more than 65 mm; mesh of wings not less than 65 mm nor more than 86 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net,
- (ii) during any other period—Length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm; mesh of wings not less than 80 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.
- 2 (a) *Waters*—Jervis Bay.
- (b) *Description of net*—
- (i) from 1 March to 31 July in each year—Total length not exceeding 400 metres; length of bunt not exceeding one-third of the total length of net; mesh of bunt not less than 50 mm nor more than 65 mm; mesh of wings not less than 65 mm nor more than 86 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net,
- (ii) during any other period—Total length not exceeding 400 metres; length of bunt not exceeding 90 metres or one-quarter of the total length of the net (whichever is the lesser) made up as follows: centre piece not exceeding 50 metres nor less than 25 metres in length, of mesh not less than 30 mm nor more than 57 mm; remainder of bunt not exceeding 50 metres in length, of mesh not less than 57 mm; mesh of wings not less than 80 mm; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net.

13B Garfish net (hauling)

- (1) It is lawful for the holder of a garfish net (hauling) endorsement to use a hauling net for taking a target species of fish for that net in the waters specified in the Table to this clause if the net

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

- (a) the net is used only by the method of hauling,
 - (b) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,
 - (c) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved,
 - (d) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a garfish net (hauling) endorsement or general ocean hauling endorsement for the region concerned).
- (2) It is also lawful for the holder of a garfish net (hauling) endorsement to use a hauling net for taking any other fish (other than a prohibited size class of fish) that are taken by the net when it is lawfully being used for taking a target species for that net.
- (3) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a garfish net (hauling) endorsement in the operation of a hauling net in accordance with this clause.
- (4) This clause is subject to clause 9.
- Note.** Under clause 9, the target species for this type of net is sea garfish. At least 80% of the catch taken in each haul must be comprised of that species.
- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a garfish net (hauling) or as a garfish net (hauling)—ocean hauling fishery.

Table Garfish net (hauling)

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

- 2 (a) *Waters*—Jervis Bay.
- (b) *Description of net*—Total length not exceeding 300 metres; no rings or other devices attached to net (including on lead line) that facilitate the pursing of the net; mesh of not less than 28 mm nor more than 36 mm.

13C Pilchard, anchovy and bait net (hauling)

- (1) It is lawful for the holder of a pilchard, anchovy and bait net (hauling) endorsement to use a hauling net for taking a target species of fish for that net in the waters specified in the Table to this clause if the net (including hauling lines) complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
 - (a) the net is used only by the method of hauling,
 - (b) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed,
 - (c) if the hauling of the net is conducted from a boat, no more than one boat is used, and the boat remains stationary while the net is being retrieved,
 - (d) the net is operated with the assistance of at least one other commercial fisher (who is the holder of a pilchard, anchovy and bait net (hauling) endorsement or general ocean hauling endorsement for the region concerned).
- (2) It is also lawful for the holder of a pilchard, anchovy and bait net (hauling) endorsement to use a hauling net for taking any other fish (other than prawns, sea garfish or a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking a target species for that net.
- (3) It is lawful for the holder of a general ocean hauling endorsement to assist the holder of a pilchard, anchovy and bait net (hauling) endorsement in the operation of a hauling net in accordance with this clause.
- (4) This clause is subject to clause 9.

Note. Clause 9 lists the target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.
- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a pilchard, anchovy and bait net (hauling) or a pilchard, anchovy and bait net (hauling)—ocean hauling fishery.

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Schedule 5

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Table Pilchard, anchovy and bait net (hauling)

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

13D Purse seine net

- (1) It is lawful for the holder of a purse seine net endorsement to use a purse seine net for taking a target species of fish for the net (as referred to in clause 9) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is cast or shot from, and retrieved to, a boat,
- (b) the hauling of the net once commenced (that is, when any part of the net other than the hauling line has been shot or cast) is continued without any interruption or delay until completed, and is conducted from a single boat.
- (2) It is also lawful for the holder of a purse seine net endorsement to use a purse seine net for taking any other fish (other than prawns, sea garfish, tuna or a prohibited size class of fish) that are taken by the net when it is being lawfully used for taking a target species of fish for that net.
- (3) For the purposes of this clause, silver trevally is not considered to be a prohibited size class of fish (and accordingly, may lawfully be taken using a purse seine net).
- (4) This clause is subject to clause 9.
- Note.** Clause 9 lists the target species for this type of net. At least 80% of the catch taken in each haul must be comprised of those species.
- (5) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a purse seine net.

Table Purse seine net

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

[6] Appendix, clause 18 Boat capacity restrictions

Omit “Subclause (1) does not apply in respect of an original boat” from clause 18 (2).

Insert instead “The maximum boat length specified in Column 2 of the Table to this clause does not apply in respect of a boat”.

[7] Appendix, clause 18 (3)

Omit the subclause. Insert instead:

- (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.

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Schedule 6

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

Schedule 6 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

(Clause 3)

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

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

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

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

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

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

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

[2] Appendix, clause 5 Types of endorsement

Omit “use a line” wherever occurring from clause 5 (2) and (4).

Insert instead “use a handline, rod (or pole) and line, set line or drift line”.

[3] Appendix, clause 5 (8)

Omit “using a line”. Insert instead “using a set line”.

[4] Appendix, Part 4A

Insert after Part 4:

Part 4A Fishing gear

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

7A Fish trap

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

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

Table Fish trap

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

7B Spanner crab net

- (1) It is lawful for the holder of a spanner crab northern zone endorsement or a spanner crab southern zone endorsement to use a net for taking spanner crabs in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) in the case of a single commercial fisher, not more than 20 spanner crab nets are used at any one time,
- (b) in the case of a crew comprising a commercial fisher and 1 or more commercial fishers or crew members, not more than 30 spanner crab nets are used at any one time.
- (2) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a spanner crab net or a commercial spanner crab net.

Table Spanner crab net

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

7C Types of hooks to be used on set lines

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

- (2) In this clause:

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

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

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

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

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

Note. However, see clause 7E.
- (4) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

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(5) In this clause:

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

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

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

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

(1) This clause applies to the following fishing activities:

- (a) the taking of fish by means of a set line in ocean waters more than 3 nautical miles from the natural coast line, and
- (b) the taking of school and gummy shark by means of a set line in ocean waters south of a line drawn due east from the northern point of the entrance to the Moruya River, if all hooks attached to the set line or lines being used are no smaller than 9/0.

(2) The holder of a line fishing endorsement must not, for the purpose of taking fish in the fishery, use a set line or lines if the total of all hooks on all set lines being used by the endorsement holder at any one time, for the purposes of a fishing activity to which this clause applies, exceeds either of the following limits:

- (a) a limit of 1,200 hooks per endorsement (the **endorsement limit**),
- (b) a limit of 1,200 hooks per fishing business (the **fishing business limit**).

(3) The endorsement limit applies in respect of each line fishing endorsement, so that the maximum number of hooks that may be used on set lines at any one time, pursuant to that endorsement, in waters to which the endorsement applies is 1,200.

(4) The fishing business limit applies to all line fishing endorsements that are components of the same fishing business, so that the maximum number of hooks that may be used on set lines at any one time pursuant to endorsements that are components of that fishing business is 1,200 hooks.

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

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

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

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

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

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

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

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

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

- (8) In this clause, *line fishing endorsement* means a line fishing western zone endorsement, a line fishing eastern zone endorsement or a school and gummy shark endorsement.

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

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7F Use of drift lines

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

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

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

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

7G Use of fish spikes and other implements

- (1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use any of the following to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch:
 - (a) a knife, fish spike or similar implement,
 - (b) a club or similar implement.
- (2) Subclause (1) does not apply to the use of a knife, fish spike or similar implement to kill or process any fish taken in any catch that are to be retained.
- (3) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

[5] Appendix, clause 10 Boat capacity restrictions

Omit “Subclause (1) does not apply in respect of an original boat” from clause 10 (2).

Insert instead “The maximum boat length specified in Column 1 of the Table to this clause does not apply in respect of a boat”.

[6] Appendix, clause 10 (3)

Omit the subclause. Insert instead:

- (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.

[7] Appendix, clause 12 Taking fish with the assistance of others

Omit “4 persons”. Insert instead “3 persons”.

[8] Appendix, Part 5A

Insert after Part 5:

Part 5A Restrictions applying in or near critical habitat of grey nurse shark**12A Application of Part**

- (1) This Part applies:
 - (a) in respect of the critical habitat of the grey nurse shark that is located at Julian Rock—on and from 1 May up to and including 31 October in each year, and
 - (b) in respect of the critical habitat of the grey nurse shark that is located at Montague Island—on and from 1 November in each year up to and including 30 April in the following year, and
 - (c) in respect of all other critical habitat of the grey nurse shark—at all times.
- (2) In this Part:

critical habitat of the grey nurse shark means the areas declared by a notification under section 220T of the Act to be critical habitat of the grey nurse shark and identified as such in the maps in Schedule 1A to the *Fisheries Management (General) Regulation 2002*.

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

Note 1. The buffer zones are, generally, the areas within 800 metres of the critical habitat. However, the buffer zones do not all extend 800 metres in all directions—see, for example, the map relating to Little Broughton Island.

Note 2. See also Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* for general restrictions on activities in or in the vicinity of the critical habitat of the grey nurse shark.

12B Restrictions applying in critical habitat of grey nurse shark

- (1) For the purposes of section 20 (2) of the Act, the class of commercial fishing that consists of the taking of fish in the critical habitat of the grey nurse shark by means of a prohibited method is prohibited.
- (2) For the purposes of this clause, each of the following methods of taking fish is a *prohibited method*:
 - (a) the use of more than 4 hand held lines,
 - (b) the use of any hand held line with more than 3 hooks or 3 gangs of hooks attached or with more than 3 treble hooks attached to a lure,
 - (c) the use of any hand held line with a gang of hooks that comprises more than 5 hooks attached,
 - (d) if on a vessel that is anchored, moored or otherwise held stationary, the use of a line:
 - (i) to which bait is attached (whether dead or alive), or
 - (ii) to which a fly (other than an artificial fly) or a lure (other than an artificial lure) is attached, or
 - (iii) with wire trace line,
 - (e) if on land, the use of a line with wire trace line,
 - (f) in any circumstances, the use of a line that has weights totalling more than 500 grams attached to it,
 - (g) the use of a drift line or a set line,
 - (h) the use of a net, other than a landing net used in accordance with requirements imposed under the Act.
- (3) Subclause (2) (b) does not prevent a person from using not more than 1 hand held line with not more than 6 hooks attached if:
 - (a) a lure is fixed to each hook, and

- (b) the line, when being used for the purpose of taking fish, is not left unattended and is used only by the method of jigging.
- (4) A commercial fisher cannot be prosecuted for both an offence against section 20 of the Act and an offence against a provision of Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* in respect of the same act or omission.
- (5) In this clause:
 - gang of hooks** means a group of hooks, each of which is attached to, and in direct contact with, at least 1 other of those hooks.
 - hand held line** means a rod and line or handline.

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

- (1) For the purposes of section 20 (2) of the Act, the class of commercial fishing that consists of the taking of fish in the vicinity of the critical habitat of the grey nurse shark by means of a prohibited method is prohibited.
- (2) For the purposes of this clause, each of the following methods of taking fish is a **prohibited method**:
 - (a) the use of more than 4 hand held lines,
 - (b) the use of any hand held line with more than 3 hooks or 3 gangs of hooks attached or with more than 3 treble hooks attached to a lure,
 - (c) the use of any hand held line with a gang of hooks that comprises more than 5 hooks attached,
 - (d) the use of a set line or a drift line,
 - (e) if on a vessel that is anchored, moored or otherwise held stationary, the use of a line with wire trace line.
- (3) Subclause (2) (b) does not prevent a person from using not more than 1 hand held line with not more than 6 hooks attached if:
 - (a) a lure is fixed to each hook, and
 - (b) the line, when being used for the purpose of taking fish, is not left unattended and is used only by the method of jigging.
- (4) A commercial fisher cannot be prosecuted for both an offence against section 20 of the Act and an offence against a provision of Division 1 of Part 11A of the *Fisheries Management (General) Regulation 2002* in respect of the same act or omission.

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(5) In this clause:

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

hand held line means a rod and line or handline.

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(Clause 3)

[1] Appendix, clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

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.

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

[2] Appendix, clause 5 Types of endorsement

Insert “, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns)” after “inshore waters” in clause 5 (2).

[3] Appendix, clause 5 (4) and (6)

Insert “, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns)” after “depth contour” wherever occurring.

[4] Appendix, Part 4A

Insert after Part 4:

Part 4A Fishing gear

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

7A Otter trawl net (prawns)

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

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

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

- (b) the chafing piece is hung along the codend and is not attached in any manner to the codend other than at the top, and
 - (c) the mesh of the chafing piece is not less than 80 mm.
- (4) The codend of the net (or part of the net capable of being used as a codend) must be:
 - (a) an all waters codend, or
 - (b) a deepwater prawn trawl codend (which is permitted only if the net is being used by the holder of a deepwater prawn endorsement taking fish pursuant to that endorsement), or
 - (c) a school prawn codend (which is permitted only if the net is being used in waters designated as “school prawn grounds” by notice of the Director-General published in the Gazette).
- (5) For the purposes of this clause, an *all waters codend* is a codend that complies with the following description:
 - (a) the mesh of the codend of the net (or part of the net capable of being used as a codend) is not less than 35 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material not more than 3 mm in diameter and hung on the bar so that the meshes are square shaped,
 - (b) the length of the codend is not less than 1 metre nor more than 3 metres with a circumference of not more than 2.5 metres.
- (6) For the purposes of this clause, a *deepwater prawn trawl codend* is a codend (or part of the net capable of being used as a codend) that has a mesh that is not less than 40 mm nor more than 50 mm and that does not exceed the number of meshes in circumference of that part of the net immediately forward of the codend (or part of the net capable of being used as a codend).
- (7) For the purposes of this clause, a *school prawn codend* is a codend that complies with the following description:
 - (a) the mesh of the codend of the net (or the part of the net capable of being used as a codend) is not less than 29 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material not more than 3 mm in diameter and hung on the bar so that the meshes are square shaped,

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- (b) the length of the codend is not less than 1 metre nor more than 3 metres with a circumference of not more than 2.5 metres.
- (8) It is also lawful to use a try net in the waters specified in the Table to this clause to facilitate the taking of prawns by the means of an otter trawl net (prawns) if the try net complies with the following description:
 - The net is a single net with a maximum total length of 4 metres; mesh of body of the net (or that part of the net not capable of being used as a codend) is not less than 40 mm nor more than 75 mm; mesh of the codend of the net (or that part of the net capable of being used as a codend) is not less than 35 mm nor more than 45 mm, constructed of single twine knotless polyamide or polyethylene material not more than 3 mm in diameter, and hung on the bar so that the meshes are square shaped; two otter boards each of which has an area no greater than 0.5 square metre.
- (9) It is also lawful to use an otter trawl net to take other fish that are taken by the net when it is being lawfully used for taking prawns, except the following fish:
 - (a) rock lobster, abalone or yellowtail kingfish,
 - (b) a prohibited size class of fish (other than crustaceans), when the net is being used in waters south of a line drawn due east of the lighthouse at Smoky Cape.
- (10) For the purposes of this Plan or any other instrument under the Act, a net described:
 - (a) in subclause (1) or in the Table to this clause may be referred to as an otter trawl net (prawns) or an otter trawl net (prawns)—ocean trawl fishery, and
 - (b) in subclause (8) may be referred to as a try net (prawns).

Table Otter trawl net (prawns)

- 1 (a) *Waters*—Ocean waters that fall within the description of the fishery.

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

7B Otter trawl net (fish)

- (1) It is lawful for the holder of a fish northern zone endorsement to use an otter trawl net for taking fish (other than prawns, abalone and rock lobsters) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the following conditions are complied with:
- (a) the net is used only by the method of bottom trawling,
 - (b) no rope, string, wire, cord, netting or other material is fixed to the codend of the net, or to any meshes within 25 meshes of the codend, except as permitted by subclause (2),
 - (c) mesh of net is constructed of single twine mesh with a diameter of not more than 6 mm, except as permitted by subclause (3),
 - (d) any rubber discs or rollers (also known as bobbin gear) that are fitted to the net do not exceed 100 mm in diameter,
 - (e) rubber discs or rollers (also known as bobbin gear) are not fitted to the net while the net is being used in waters north of a line drawn due east from the Sugarloaf Point Lighthouse at Seal Rocks,

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- (f) mesh of the codend of the net (or the part of the net capable of being used as a codend) does not exceed 100 meshes in circumference (except as permitted by subclause (3)) and, in any case, does not exceed the number of meshes in circumference of that part of the net immediately forward of the codend (or part of the net capable of being used as a codend),
 - (g) the net is fitted with a bycatch reduction device of a kind approved by the Director-General and that device is fitted in accordance with any specifications approved by the Director-General and published in the Gazette.
- (2) An otter trawl net may have attached to it any of the following:
- (a) a frill of netting material (skirt), if it is attached to the net not more than 5 meshes from the last row of meshes of the codend,
 - (b) a draw or closing string that may be inserted either directly into the end of the codend or by means of a secondary string draw,
 - (c) a single length of rope, for the purpose of splitting the catch and lifting the codend, but only if the rope is not fitted in any manner so as to reduce the effective mesh size of the meshes to less than required by this clause (and, in particular, the rope must not be connected so as to form a loop around the net (or codend) that has a circumference less than that part of the net when stretched transversely).
- (3) The mesh of the codend of the net (or the part of the net capable of being used as a codend) may be between 100 meshes but not more than 200 meshes in circumference, and may be constructed of double twine mesh with a maximum twine diameter of 5 mm, while the net is being used in waters designated as 'trawl whiting grounds' as approved by the Director-General and published in the Gazette.
- (4) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as an otter trawl net (fish) or an otter trawl net (fish)—ocean trawl fishery.

Table Otter trawl net (fish)

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

7C Danish seine trawl net (fish)

- (1) It is lawful for the holder of a fish northern zone endorsement to use a danish seine trawl net for taking fish (other than prawns, abalone and rock lobster) in the waters specified in the Table to this clause if the net complies with the description set out in relation to those waters in that Table and the net is used only by the method of danish seining.
- (2) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a danish seine trawl net (fish) or a danish seine trawl net (fish)—ocean trawl fishery.

Table Danish seine trawl net (fish)

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

[5] Appendix, clause 9 Boat capacity restrictions

Omit “Subclause (1) does not apply in respect of an original boat” from clause 9 (2).

Insert instead “The maximum boat length specified in Column 1 of the Table to this clause does not apply in respect of a boat”.

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[6] Appendix, clause 9 (3)

Omit the subclause. Insert instead:

- (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.

[7] Appendix, clauses 10A and 10B

Insert after clause 10:

10A Sorting of prawns caught in certain nets

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

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

10B Use of fish spikes and other implements

- (1) An endorsement holder must not, while on board a boat being used to take fish in the fishery, use any of the following to pierce, impale, beat or otherwise injure any fish or other organism taken in any catch:
 - (a) a knife, fish spike or similar implement,
 - (b) a club or similar implement.
- (2) Subclause (1) does not apply to the use of a knife, fish spike or similar implement to kill or process any fish taken in any catch that are to be retained.
- (3) It is a condition of an endorsement that the endorsement holder does not contravene this clause.

[8] Appendix, Schedule 2 Waters closed to ocean trawling

Omit “, otter trawl net (fish) and danish seine trawl net (fish)” from Column 2 in the matter relating to Port Kembla (Red Point to Windang Island).

[9] Appendix, Schedule 2

Omit the matter with the heading “**Twofold Bay**” and “**Merimbula Bay**” from Columns 1, 2 and 3.

[10] Appendix, Schedule 2

Insert at the end of Schedule 2 in Columns 1, 2 and 3, respectively:

Deep waters

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

All waters immediately above any part of the seabed that is comprised of hard rock or reef (not including gravel).	Otter trawl net (prawns), otter trawl net (fish) and danish seine trawl net (fish).	All year.
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(Clause 3)

[1] Appendix, clause 2 Definitions

Insert after clause 2 (2):

- (2A) In this Plan, a reference to a share management plan is a reference to a management plan for a share management fishery.

[2] Appendix, Parts 5A and 5B

Insert after Part 5:

Part 5A Fishing gear

Note. The individual share management plans contain additional provisions relating to the types of fishing gear that may be lawfully used in the fishery (and the conditions of use).

11A Landing net

- (1) It is lawful for an endorsement holder in a fishery 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 set out in relation to those waters in that Table and the net is used only as an ancillary aid to any fishing method that it is lawful for the endorsement holder to use to take fish in the waters of the fishery concerned.
- (2) For the purposes of this Plan or any other instrument under the Act, a net described in this clause may be referred to as a landing net.

Table Landing net

- 1 (a) *Waters*—Any waters.
- (b) *Description of net*—Net consisting of a hoop or ring not exceeding 0.6 metre in its greatest diameter and which is attached to netting or other soft material.

Part 5B General provisions relating to lawful use of fishing gear

Note. Section 24 of the Act makes it an offence for a person to use a net or trap for taking any fish unless its use by the person for taking those fish is declared by the regulations to be a lawful use of the net or trap. This Part sets out general restrictions on the use of fishing gear in share management fisheries.

11B Application of this Part

This Part applies in respect of the use of fishing gear in any share management fishery unless the management plan for the relevant share management fishery expressly authorises a departure from the provisions of this Part.

11C Relaying of hauling lines prohibited

- (1) It is unlawful for a person, in the hauling of any net in any waters:
 - (a) to relay the hauling lines, or either of them, from the point at which the casting of the net was commenced and finished, or
 - (b) to adopt any means for extending the depth or length of a haul so as to embrace in the haul any area not included in the haul when the net and both hauling lines were first cast.
- (2) Subclause (1) applies whether or not the net is cast from the shore, a sand bar, a boat or from any device or thing or from any place.

11D Joining of nets

- (1) It is unlawful for a person to use in any waters 2 or more nets joined together for the purpose of taking fish.
- (2) It is also 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 the management plan for the relevant fishery.

11E Illegally reducing mesh size of nets

- (1) 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

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(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 the share management plan for a fishery as lawful.

- (2) This clause does not prevent the attachment of a chafing piece to the codend of an otter trawl net (prawns) in accordance with the share management plan for a fishery in which it may lawfully be used.

11F Monofilament and certain multi-strand nets prohibited

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.

11G Method of dragging or drawing nets

It is unlawful for any 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.

11H 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 a management plan for a fishery as being lawful (other than a net specified in the Table to this clause) the device described in subclause (3) must be used in the manner set out in subclause (4).
- (3) The device (which must be verified in such manner as the Director-General may determine) must comply 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.

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- (4) The 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, the device described in subclause (3) must be used in the manner set out in subclause (4) 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 the management plan for a fishery is taken to be the mesh size, when determined in the manner and by the use of the measuring device, described in this clause.

Table Measuring length and mesh size of nets

- 1 (a) *Nets*—Hauling net (general purpose)—estuary general fishery, hauling net (general purpose)—ocean hauling fishery, otter trawl net (prawns)—estuary prawn trawl fishery, otter trawl net (prawns)—ocean trawl fishery,

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prawn net (hauling), prawn net (set pocket), garfish net (hauling)—estuary general fishery, garfish net (hauling)—ocean hauling fishery, prawn running net, seine net (prawns), hand-hauled prawn net, push or scissors net, try net (prawns).

(b) *Weight attached*—1,585 grams.

2 (a) *Nets*—Otter trawl net (fish)—ocean trawl fishery, danish seine trawl net (fish)—ocean trawl fishery.

(b) *Weight attached*—2,945 grams.

11I 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] Appendix, clause 22 New fishing closures

Omit “prohibitions”. Insert instead “provisions”.

[4] Appendix, Schedule 2, Table

Omit “**Prohibitions**” from the heading of Column 1.

Insert instead “**Provisions**”.

[5] Appendix, Schedule 2, Table

Insert in Columns 1 and 2, respectively:

Provisions that prohibit or restrict the use of particular nets on or in the vicinity of seagrasses	Estuary General Estuary Prawn Trawl Ocean Hauling
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Provisions that prohibit or restrict the use of trawl nets on or in the vicinity of reefs	Ocean Trawl
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Provisions that prohibit or restrict the use of fish traps on or in the vicinity of waters populated by juvenile snapper	Ocean Trap and Line
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Provisions that prohibit or restrict the use of particular nets or traps, or other fishing gear, to take fish or a specified class of fish because of a flood event, fish kills or a pollution event	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trap and Line Ocean Trawl
Provisions that prohibit or restrict the use of certain nets or traps, or other fishing gear, to take fish or a specified class of fish because of high levels of bycatch or incidental catch of small prawn	Estuary General Estuary Prawn Trawl Ocean Trawl
Provisions that prohibit or restrict the use of certain nets or traps, or other fishing gear, to take fish or a specified class of fish to prevent the spread of marine pest species (flora and piscifauna) and marine diseases	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line
Provisions that prohibit or restrict the use of certain nets or traps, or other fishing gear, to take fish or a specified class of fish in specified waters for marketing purposes or to ensure the continued viability of any part of the fishery	Estuary General Estuary Prawn Trawl Ocean Hauling Ocean Trawl Ocean Trap and Line